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, April 14, 2026
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 Real Property Negotiators pursuant to Government Code section 54956.8 regarding price and terms of payment for potential purchase of conserved water available under Amador Water Agency's Amador Water System entitlement. East Bay Municipal Utility District Negotiators: Clifford C. Chan, General Manager; Jon Salmon, Assistant General Counsel; Alice E. Towey, Director of Water & Natural Resources; and Bradley M. Ledesma, Engineering Manager. Negotiating parties: East Bay Municipal Utility District and Amador Water Agency.

(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

PRESENTATIONS:

- Highlights from American Water Works Association California-Nevada Section Water Conference of the West

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:

- Planning
- Legislative/Human Resources
- Finance/Administration

CONSENT CALENDAR: (Single motion and vote approving 5 recommendations.)

1. Approve the Special and Regular Meeting Minutes of March 24, 2026.

2. File correspondence with the Board.

3. Authorize an agreement beginning on or after April 14, 2026 with Kleen Solution Environmental for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed $2,493,576 for hauling and disposal of wastewater treatment residuals from the Main Wastewater Treatment Plant.

4. Authorize the purchase of software licensing and support for District firewall hardware beginning on or after April 14, 2026 from NuSpective, Inc., for three years for a total amount not to exceed $259,000. This purchase will be made under State of California contracts available for use by local governments.

5. Authorize the Office of General Counsel to continue the employment of the law firm of Complex Appellate Litigation Group LLP, for services of special counsel related to providing representation in the appeal of the *Pierce, et al. v. East Bay Municipal Utility District, et al*., matter.

DETERMINATION AND DISCUSSION:

6. Adopt a resolution to appoint Peter Vorster as a Standby Officer in Ward No. 3 for the East Bay Municipal Utility District Board of Directors as outlined in the Directors' Emergency Succession Plan. (Resolution)

7. Legislative Update.
   - Receive Legislative Report No. 02-26 and consider a position on the following bills: AB 1891 (Connolly) Forestry: Beneficial Fire Capacity Program; AB 2045 (Connolly) Habitat Restoration and Enhancement Act; AB 2157 (Connolly) Workforce development: Displaced Oil and Gas Worker Pilot Program: extension and assessment; AB 2180 (Ward) Local government: Proposition 218 Omnibus Implementation Act: proportional cost of service; SB 1393 (McGuire) Commercial fishing: steelhead trout: Dungeness crab; SB 1440, SB 1441, and SB 1442 (Committee on Local Government) Validations.
   - Update on Legislative Issues of Interest to EBMUD

8. Adopt a resolution to approve the equity adjustment increases for two classifications represented by the American Federation of State, County and Municipal Employees, Local 444: Hydroelectric Power Plant Operator II (5.0%) and Hydroelectric Power Plant Mechanic (2.5%). (Resolution)

9. Authorize actions related to the second year General Salary Increase. (Resolution)

   9.1. Approve implementation of the second year general salary increase of 2.2% in accordance with the 2025-2028 Memoranda of Understanding between the District and the American Federation of State, County and Municipal Employees Locals 2019 and 444, International Union of Operating Engineers Local 39, and International Federation of Professional and Technical Engineers Local 21.

   9.2. Authorize a 2.2% general salary increase for Senior Management Team Members, Managers, Confidential employees and other Non-Represented employees in accordance with Board Resolution No. 35459-25. For purposes of Section 54953(c)(3) of the Brown Act, Senior Management Team Members referenced herein include: General Manager, General Counsel, Secretary of the District, Director of Engineering and Construction, Director of Finance, Director of Operations and Maintenance, Director of Wastewater, Director of Water and Natural Resources, Director of Customer and Community Services, Director of Human Resources, Special Assistant III (Office of Diversity, Equity, and Culture), Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs).

10. Authorize an amendment to the Agreement for Employment of General Manager Clifford C. Chan, to extend the term of the Agreement to July 22, 2028, and include a provision to provide the General Manager with a term-life insurance benefit effective April 14, 2026. (Resolution)

11. General Manager's Report
    - Water Supply Update – Current water supply conditions and water production; precipitation to date; reservoir storage; and forecasted supply conditions for the remainder of water year 2026
    - Peralta Cohort Graduation
    - Monthly Report – March 2026

DIRECTOR COMMENTS:

12. Other Items for Future Consideration.

13. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 28, 2026.

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 2026\04142026_regular agenda.docx

BOARD CALENDAR

Meeting dates, times, and locations are subject to change

Date	Meeting	Time/Location	Topics
Tuesday, April 14	**Planning Committee**	9:00 a.m. Boardroom	• San Joaquin County Groundwater Banking Project Updates • 2025 Mokelumne Fishery Update • Water Quality Program Annual Update – 2025 • Owner Advisor Services for Main Wastewater Treatment Plant Dewatering Improvements Project • Annual Watershed and Recreation Report – 2025
	Legislative/Human Resources Committee	10:30 a.m. Boardroom	• Legislative Update
	Board of Directors	11:00 a.m. Boardroom	• Closed Session
		1:15 p.m. Boardroom	• Regular Business Meeting
Tuesday, April 28	**Finance/Administration Committee**	TBD Boardroom	
	Sustainability Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom	• Closed Session
		1:15 p.m. Boardroom	• Regular Business Meeting
Tuesday, May 12	**Planning Committee**	TBD Boardroom	
	Legislative/Human Resources Committee	TBD Boardroom	
	Board of Directors	11:00 a.m. Boardroom	• Closed Session
		1:15 p.m. Boardroom	• Regular Business Meeting

2026 Board Committee Members

Finance/Administration	Oddie {Chair}, Katz, Lewis
Legislative/Human Resources	Smith {Chair}, Chan, Oddie
Planning	Lewis {Chair}, Gómez, Young
Sustainability	Young {Chair}, Katz, Smith

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: April 9, 2026

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager CCC

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

SUBJECT: Finance/Administration Committee Minutes – March 24, 2026

Chair Jim Oddie called to order the Finance/Administration Committee meeting at 9:01 a.m. in the Administration Building Boardroom. Director Valerie D. Lewis was present at roll call. Director Andy Katz was absent. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Finance Sophia D. Skoda, Treasury Manager Robert L. Hannay, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Presentations/Documentation. 1) Presentation entitled "Water System Revenue Bonds, Series 2026, Wastewater System Revenue Bonds, Series 2026," dated March 24, 2026; and 2) Presentation entitled "March 10, 2026 Board Retreat Follow-up" dated March 24, 2026.

Monthly Investment Transactions Report. Treasury Manager Robert L. Hannay reviewed the February 2026 report and highlighted factors that decreased the portfolio from $617.3 million to $595.4 million. The portfolio yield is currently 3.9 percent. This item will be submitted to the Board for consideration at its meeting in the afternoon. The Committee raised no questions. It was moved by Director Lewis, seconded by Chair Oddie, and carried (2-0) by voice vote to accept the report. Director Katz was absent.

EBMUD Series 2026 Water System Revenue Bonds; EBMUD Series 2026 Wastewater System Revenue Bonds. Treasury Manager Robert L. Hannay provided the presentation. The proposed issuance of Water System and Wastewater System Revenue Bonds in an amount not to exceed $800 million would fund the District's capital improvement projects and refund callable Build America Bonds (BABs) for de-risking. The financing plan is structured under two series. The proposed Water and Wastewater 2026A Bonds will be issued as "Green Bonds" based on the Board approved Guidance for Issuing Green Bonds, to provide approximately $355 million for Water System and $40 million for Wastewater System "new money" Capital Improvement Program (CIP) funding. The proposed Water and Wastewater 2026B Bonds will be issued to refund up to $400 million in outstanding Water System and up to $150 million in outstanding Wastewater System 2010B BABs. The original final maturity date for the Water and Wastewater BABs is June 1, 2040. The proposed issuance is consistent with the Board adopted budget for Fiscal Years 2026 and 2027 and the approved financing plan for Fiscal Year 2026. Mr. Hannay noted that the District's BABs include an extraordinary optional redemption feature that can be used if federal law changes or subsidy payments are reduced. Refunding the District's BABs would reduce risk from potential federal subsidy reductions. To use this option, the District's proposed resolutions make a determination that an "extraordinary event" has occurred. Refunding the BABs would proceed only if it achieves at least cost-neutral savings, with projected net present value

savings exceeding the District threshold, subject to market conditions at pricing. The Board will be asked to consider authorizing and approving issuance of the Water and Wastewater Systems' bonds at its meeting in the afternoon. Mr. Hannay addressed Committee questions regarding the impact of the proposed issuance on long-term debt management and repayment strategies, current and projected interest rates, and refinancing the BABs. It was moved by Chair Oddie, seconded by Director Lewis, and carried (2-0) by voice vote to support the staff recommendation. Director Katz was absent.

March 10, 2026 Board Retreat Follow-Up. Secretary of the District Rischa S. Cole provided the presentation. On March 10, the Board held a half-day retreat, facilitated by Equity Through Action to discuss and participate in interactive exercises on communication styles, generative thinking, collaboration, and leadership principles. As part of the retreat, the Board developed a list of Board norms and asked staff to draft the norms or agreements (listed below) for consideration by the Finance/Administration Committee, and inclusion in the Board Governance Manual.

- Ensure every voice is heard before decisions are made.
- Focus on issues, not individuals.
- Provide constructive feedback, even when there is disagreement.
- Be succinct and focused when contributing to the discussion.
- Commit to truth and accuracy in discussions.
- Listen with trust and respect to the expertise staff bring.
- Direct concerns to the General Manager, not staff.
- No surprises – raise concerns openly and constructively.
- No personal attacks.

The Committee discussed the draft agreements; the status of existing governance provisions; the enforceability of the Governance Manual; whether certain provisions should be formalized as policy for greater accountability; and requiring prospective candidates to agree to comply with the Governance Manual as a condition of eligibility to run for the Board. The Committee asked staff to update the agreement regarding listening with trust and respect to state, "Listen with trust and respect to everyone" and to incorporate the agreements into a section of the Governance Manual to align with existing provisions. Staff will incorporate the Committee's feedback into a draft of the Governance Manual, which will also include additional housekeeping edits and updates requested by the Board. The Finance/Administration Committee will review the draft Governance Manual at its April 28, 2026 meeting, and the Board will consider adopting the final Governance Manual at its Regular meeting on May 12, 2026. The Committee asked staff to provide the draft Governance Manual in advance of the normal schedule for the April 28 Finance/Administration Committee meeting materials. General Manager Clifford C. Chan confirmed staff will schedule a discussion for the Board to consider converting portions of the Governance Manual into policies for a future meeting. It was moved by Chair Oddie, seconded by Director Lewis, and carried (2-0) by voice vote to accept the report with the recommended revisions. Director Katz was absent.

Adjournment. Chair Oddie adjourned the meeting at 9:24 a.m.

CCC/RSC

Draft Prepared By
RC
Secretary of the District

MINUTES

Tuesday, March 24, 2026

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

Special Meeting

President Luz Gómez called to order the Special Meeting of the Board of Directors at 9:31 a.m. in the Administration Building Boardroom. The Board met in workshop session to receive a presentation on updates to the Customer Assistance Program (CAP). President Gómez announced that Director April Chan had notified the General Manager and the Secretary of the District of the need to participate in the meeting from a remote location for just cause due to an illness pursuant to Government Code section 54953.8.3(c)(2). Director Chan was advised of the need to keep the audio open and camera on at all times while appearing remotely. Director Chan confirmed that no one over the age of 18 was present in the room.

ROLL CALL

Directors April Chan (remote), Andy Katz, Valerie D. Lewis, Jim Oddie, Joey D. Smith, Marguerite Young and President Luz Gómez were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Customer and Community Services Andrew L. Lee, Customer Support Program Administrator Sherilyn Tran, and Secretary of the District Rischa S. Cole.

Public Comment. Addressing the Board was Stephanie Sewell, Vice-President of Development, Bay Area Rescue Mission, who expressed appreciation and thanked the District for its support through CAP, described the services offered by the agency, and shared the success story of an agency participant.

Presentations/Documentation. 1) Presentation entitled "Customer Assistance Program Workshop," dated March 24, 2026.

DISCUSSION

General Manager Clifford C. Chan introduced the workshop. Staff is seeking Board guidance regarding long-term CAP funding and potential program adjustments, as well as strategies for addressing customer accounts that remain in arrears and are actively living with a flow restrictor.

Director of Customer and Community Services Andrew L. Lee reviewed the workshop agenda, noting staff provided the most recent CAP update in 2023. In 2027, CAP will celebrate its 40th anniversary.

Customer Support Program Administrator Sherilyn Tran highlighted CAP history, eligibility guidelines, and benefits. CAP was established in 1987 and funded through non-rate revenue. Since 2019, CAP enrollment has increased approximately 66 percent and as of 2025, is providing total annual assistance of approximately $4.6 million to 13,200 households. The program provides a 50 percent discount on water service and flow charges and a 35 percent discount on wastewater service and flow charges. The average annual EBMUD CAP credit is approximately $350 per household. Ms. Tran compared CAP eligibility and benefits with assistance programs at other Bay Area water agencies and highlighted the CAP benefit provided to eligible customers by the cities of Berkeley, Emeryville, and Oakland between 2021 and 2025 (35 percent discount on the cities' sewer collection charges). The District's Water Lifeline Program, funded by employees through the annual employee giving campaign, and administered by a local community organization, provides additional financial support for CAP customers.

Next, she provided an update on key initiatives established in 2023 to enhance customer support program strategies; expand community partnerships; provide leak repair and replacement assistance; enhance enrollment; and enhance outreach strategies for customers in arrears. CAP was redesigned to provide more comprehensive support. Staff collaborated with local partners and shared information to help increase program participation and visibility. The application process was streamlined to reduce turnaround time from approximately 30 days to one to three business days. A leak repair and replacement assistance pilot was launched in January 2024 and found that CAP customers are water efficient and aware of conservation resources. The District implemented an arrearage management plan following the distribution of COVID-19 relief funds, obtained legislative authority to increase payment plans beyond 12 months, and is working with the University of California to study post-pandemic payment trends to enhance affordability efforts. Ms. Tran discussed projected CAP enrollment and revenue growth. Based on current trends, CAP demand is projected to exceed available non-rate revenue between Fiscal Years 2027 and 2029 without program modifications. If all eligible households were enrolled (~33,000), program costs could reach approximately $11.6 million annually. Current non-rate revenue used to support CAP credits include real estate leases and a marketing agreement with Service Line Warranties of America (SLWA). She outlined potential additional non-rate revenue sources, including expanding the SLWA marketing agreement, a voluntary round-up donation program, increased community partnerships, and philanthropic or foundation-based funding. The SLWA program was implemented in November 2025 and has generated approximately $600,000 in revenue. Funding levels from round-up donations and leveraging community partnerships are uncertain. A community foundation could be viable but would require extensive expertise and resources to develop. While expanding the SLWA marketing agreement would provide more immediate funding, the District would need to evaluate how to proceed based on ongoing customer feedback versus the financial benefit for CAP. Ms. Tran reiterated that additional non-rate revenue is needed to avoid potential impacts to CAP enrollment and reviewed CAP restructuring options and funding levels which include maintaining the same level of benefits; providing benefits based on income; reducing CAP benefits for all customers; or providing a fixed benefit amount.

- Director Oddie left the meeting at 10:35 a.m. and returned at 10:36 a.m.
- Director Young left the meeting at 10:42 a.m. and returned at 10:42 a.m.

Next, Mr. Lee reviewed two new collection paths implemented in August 2024 to manage owner-occupied and tenant-occupied single-family residential (SFR) account arrearage; the overall SFR arrearage trend; and reconciliation of abandoned accounts. Since August 2024, delinquent debt greater

than 100 days decreased from $22.9 million to $8 million. Approximately 95 percent of customers pay within 60 days; however, arrearage reductions have begun to level off, and a small number of customers remain unresponsive despite extensive outreach efforts. For owner-occupied accounts, delinquent balances are transferred to the property tax roll through liens, allowing continued water service. For tenant-occupied accounts, the District utilizes outreach, payment plans, and flow restrictors in lieu of service shutoffs. While most customers are responding to the flow restrictor, 546 accounts were transferred to live account collection which has yielded limited results. He discussed the limited circumstances when shutoffs have to be used and the number of accounts that have been shutoff to date. To ensure customers can maintain access to water, the District has conducted extensive outreach, offered custom payment plan options, enhanced CAP outreach, and installed flow restrictors as a last resort. He reported 439 customers are living with a flow restrictor and remain unresponsive to outreach. The District has exhausted all measures and further action is needed to address these accounts. Staff is seeking Board guidance on implementing shutoffs for any accounts that remain unresponsive to the third-party live collection process 14 days after final outreach.

There was considerable Board discussion regarding the long-term sustainability of CAP; drivers for current and projected enrollment growth; funding strategies and other non-rate revenue options; pursuing legislation to adjust the federal poverty level; applying CAP benefits to fixed service charges; implementing an option on customer bills to opt-in to a voluntary assistance charge; communications about the SLWA marketing agreement; restructuring CAP benefits; program eligibility criteria and requirements; arrearage management strategies; continued reliance on flow restrictors; eligibility requirements at other agencies; addressing customers who remain unresponsive after repeated outreach; equity impacts; tracking customers with abandoned accounts; and efforts to reach eligible, but unenrolled households. There was Board consensus about maintaining the current CAP benefit structure, exploring other non-rate revenue options, and moving forward with shutoffs for accounts that remain unresponsive to outreach.

The Board requested the following:

- Information on drivers contributing to the increase in CAP participation (e.g., demographic changes, economic conditions). Use the findings to inform targeted outreach strategies and to refine projections for future CAP growth
- Additional information regarding assistance program eligibility criteria and benefits provided by other agencies including southern California agencies
- Consider amendments to the MUD Act to change CAP eligibility criteria and consider options for CAP eligibility for seniors and larger households
- Work with Board members to identify areas where customers have the greatest need for CAP and conduct targeted outreach in those communities
- Information on the cost and benefit of a round-up donation program, including information on other agencies that use a similar program
- Provide an update on the results of shutoffs for accounts that remain unresponsive to outreach, include information on shutoffs in the General Manager's Monthly Report, and continue efforts to prevent shutoffs
- Continue to refine arrearage management strategies, particularly for customers who remain unresponsive following extensive outreach efforts
- Implement safety plans for staff performing shutoffs

- Protocols for addressing shutoffs for highly vulnerable households that may result in health or safety impacts
- Develop language regarding shutoffs that encourages customers to contact the District in order to avoid service disconnection
- Consider working with SupplyBank.org and other programs to include CAP enrollment in their processes
- Explore the following options for increasing non-rate revenue for CAP: partnering with foundations, a property tax measure, hydropower sales, opt-in and opt-out programs, tipping (disposal) fees, and expanding the SLWA marketing agreement (along with improved customer communications)
- Consider CAP benefit options, including tiered, reduced, or fixed-charge only
- Confirm identification requirements for CAP enrollment

ADJOURNMENT

President Gómez adjourned the Special Meeting at 11:18 a.m.

SUBMITTED BY:

_____
Rischa S. Cole, Secretary of the District

APPROVED: April 14, 2026

_____
Luz Gómez, President of the Board

Draft Prepared By
RC
Secretary of the District

MINUTES

Tuesday, March 24, 2026
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California

Regular Closed Session Meeting

President Luz Gómez called to order the Regular Closed Session Meeting of the Board of Directors at 11:21 a.m. in the Administration Building Boardroom. President Gómez announced that Director April Chan notified the General Manager and the Secretary of the District of the need to participate in the meeting from a remote location for just cause due to an illness pursuant to Government Code section 54953.8.3(c)(2). Director Chan was advised of the need to keep the audio open and camera on at all times while appearing remotely. Director Chan confirmed that no one over the age of 18 was present in the room.

ROLL CALL

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

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

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Luz Gómez called to order the Regular Business Meeting of the Board of Directors at 1:19 p.m. in the Administration Building Boardroom. President Gómez announced that Director April Chan notified the General Manager and the Secretary of the District of the need to participate in the meeting from a remote location for just cause due to an illness pursuant to Government Code section 54953.8.3(c)(2). Director Chan was advised of the need to keep the audio open and camera on at all times while appearing remotely. Director Chan confirmed that no one over the age of 18 was present in the room.

ROLL CALL

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

PRESENTATION

EBMUD Art Committee Artist Exhibit – Sudie Wentling's "Returning to Architecture and Light"

Vice President Lewis announced the District's Art Committee was established in 1993 and hosts six to seven exhibitions per year, featuring works by local emerging to mid-career artists. EBMUD showcases works by artists in the 2nd floor art gallery. She introduced Sudie Wentling to highlight the current exhibit Returning to Architecture and Light which is on display through April 30. Sudie Wentling provided an overview about the inspiration for this body of work which was inspired by her career in architecture and the drive to capture by photography how we experience and inhabit the spaces that surround us. An artist reception will be held on Friday, March 27 in the 2nd floor lobby starting at 5pm.

PUBLIC COMMENT

- Addressing the Board was Mary Boblet who expressed concern about a proposed two-year pilot program to allow mountain bikes on a 2.4-mile segment of the Mokelumne Coast Crest Trail in the South Camanche area on EBMUD land and requested the Board look into this. Manager of Natural Resources Michelle Workman provided background and said staff is working on the communication plan regarding the pilot. The Board requested an update to the Planning Committee on this item.

COMMITTEE REPORTS

- Filed with the Board were the Minutes for the March 10, 2026 Planning Committee Meeting.

- President Gómez announced the Board participated in the Customer Assistance Program (CAP) workshop earlier today where staff reviewed CAP activities, updates on key initiatives, highlights and accomplishments, strategies to meet growing customer demand for financial assistance; and an update on the Arrearage Management Plan for single family residential accounts.

- Director Lewis reported the Planning Committee met on March 10 and received updates on the Wet Weather Consent Decree Implementation; Regulatory Compliance Semi-Annual Report – July 1, 2025 through December 31, 2025; and Proposed Changes to Board Meeting Frequency.

- Director Young reported the Planning and Sustainability Committees convened for a Special Meeting on March 23 to tour the Pinole Creek Tomato Stand Fish Passage Project.

– Director Oddie reported the Finance/Administration Committee met this morning and received updates on the February 2026 Monthly Investment Transaction Reports; EBMUD Series 2026 Water System and Wastewater System Bonds; and Follow up from the March 10 Board Retreat.

CONSENT CALENDAR

- Motion by Director Oddie, seconded by Director Smith to approve Items 1-7 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Chan, Katz, Lewis, Oddie, Smith, Young, and Gómez); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 047-26** – Approved the Regular and Special Meeting Minutes of March 10, 2026.

2. The following correspondence was filed with the Board: **1)** Presentation entitled, "Water System Revenue Bonds, Series 2026; Wastewater System Revenue Bonds, Series 2026," dated March 24, 2026; 2**)** Presentation entitled, "Water Supply Update," dated March 24, 2026; and **3)** Speakers' Bureau and Outreach Record CY26, dated March 24, 2026.

3. **Motion No. 048-26** – Authorized an agreement beginning on or after March 24, 2026 with Branco Construction, Inc. in an amount not to exceed $815,704 for materials and labor for water tank replacement services.

4. **Motion No. 049-26** – Authorized the General Manager or his designee to enter into reimbursement agreements beginning on or after March 24, 2026 with local public agencies, in an aggregate amount not to exceed $4,000,000 for five years for gate valve pot upgrades performed in conjunction with local agency paving projects.

5. **Motion No. 050-26** – Approved the assignment of the agreement originally authorized under Board Motion No. 159-25 from Subtronic Corporation to Ground Penetrating Radar Systems, LLC for inflow and infiltration investigations of the regional wastewater collection system.

6.1. – 6.2. **Motion No. 051-26** – Authorized amendments to the agreements originally authorized under Board Motion No.121-22 with ALB, Inc.; American Asphalt Repair & Resurfacing Co., Inc.; Carone & Company, Inc.; 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 $25,400,000 and extend the agreements' term to March 24, 2027 for paving and other related services; and authorized 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 24, 2026, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

7. **Motion No. 052-26** – Approved the February 2026 Monthly Investment Transactions Report.

DETERMINATION AND DISCUSSION

8. **Appoint the Senior Public Information Representative.**

General Manager Clifford C. Chan announced Tracie D. Morales as the candidate for appointment to the position of Senior Public Information Representative and highlighted Ms. Morales' background, education and experience.

- Motion by Director Young, seconded by Director Oddie to approve Item 8 carried (7-0) by the following roll call vote: AYES (Chan, Katz, Lewis, Oddie, Smith, Young, and Gómez); NOES (None); ABSTAIN (None); ABSENT (None).

Ms. Morales thanked the Board for the opportunity and acknowledged the General Manager and The Public Affairs team for their support.

Resolution No. 35478-26 – Appointing Tracie D. Morales As Senior Public Information Representative (*effective April 6, 2026*).

9. **Appoint an Ad Hoc Committee to coordinate the renaming of the Administration Building Boardroom in honor of former Director William "Bill" Patterson.**

General Manager Clifford C. Chan stated staff has planned an event to acknowledge renaming the Boardroom in honor of former Director Patterson during the May 12 Regular Board meeting and has requested the Board appoint an Ad Hoc committee to provide input on planning the event. President Gómez called for volunteers. Directors Lewis, Oddie, and Smith agreed to serve.

- Motion by Director Young, seconded by Director Chan to appoint Directors Valerie D. Lewis, Jim Oddie and Joey D. Smith to serve on the Ad Hoc Committee carried (7-0) by the following roll call vote: AYES (Chan, Katz, Lewis, Oddie, Smith, Young, and Gómez); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 053-26 – Appointed an Ad Hoc Committee consisting of Directors Valerie D. Lewis, Jim Oddie and Joey D. Smith to coordinate the renaming of the Administration Building Boardroom in honor of former Director William "Bill" Patterson.

10.1. – 10.2. **EBMUD Series 2026 Water System Revenue Bonds; EBMUD Series 2026 Wastewater System Revenue Bonds.**

Treasury Manager Robert L. Hannay provided the presentation. The proposed issuance of Water System and Wastewater System Revenue Bonds in an amount not to exceed $800 million would fund the District's capital improvement projects and refund callable Build America Bonds (BABs) for de-risking. The financing plan is structured under two series. The proposed Water and Wastewater 2026A Bonds will be issued as "Green Bonds" based on the Board approved Guidance for Issuing Green Bonds, to provide approximately $355 million for Water System and $40 million for Wastewater System "new money" Capital Improvement Program (CIP) funding. The proposed Water and Wastewater 2026B Bonds will be issued to refund up to $400 million in outstanding Water System and up to $150 million in outstanding Wastewater System 2010B BABs. The original final maturity date for the Water and Wastewater BABs is June 1, 2040. The proposed

issuance is consistent with the Board adopted budget for Fiscal Years 2026 and 2027 and the approved financing plan for Fiscal Year 2026. Mr. Hannay noted that the District's BABs include an extraordinary optional redemption feature that can be used if federal law changes or subsidy payments are reduced. Refunding the District's BABs would reduce risk from potential federal subsidy reductions. To use this option, the District's proposed resolutions make a determination that an "extraordinary event" has occurred. Refunding the BABs would proceed only if it achieves at least cost-neutral savings, with projected net present value savings exceeding the District threshold, subject to market conditions at pricing. He noted that the refunding the BABs did not proceed last year due to market conditions. Staff is recommending the Board approve the bond issuance.

- Motion by Director Smith, seconded by Director Lewis, to approve the actions for Items 10.1. – 10.2. carried (7-0) by the following roll call vote: AYES (Chan, Katz, Lewis, Oddie, Smith, Young, and Gómez); NOES (None); ABSTAIN (None); ABSENT (None).

  Resolution No. 35479-26 – Authorize And Approve The Issuance Of Not To Exceed $800 Million Aggregate Principal Amount of East Bay Municipal Utility District Water System Revenue Bonds, Series 2026 In One Or More Series; Approve The Form, And Authorize the Execution, Of Certain Documents In Connection With The Issuance, Securing And Sale Of Such Bonds; And Approve Certain Actions Relating Thereto.

  Resolution No. 35480-26 – Authorize And Approve The Issuance Of Not To Exceed $200 Million Aggregate Principal Amount Of East Bay Municipal Utility District Wastewater System Revenue Bonds, Series 2026 In One Or More Series; Approve The Form, And Authorize The Execution, Of Certain Documents In Connection With The Issuance, Securing And Sale of Such Bonds; And Approve Certain Actions Relating Thereto.

11. **General Manager's Report.**

Water Supply Update

Manager of Water Operations Roberto C. Cortez presented the update and the following data as of March 18, 2026: gross water production; current reservoir storage levels; the District's total system storage (639,370 acre-feet, representing 83% of system capacity); precipitation in the East Bay (16.4 inches or 74% of average) and in the Mokelumne (34.4 inches or 90% of average); and snow conditions at Caples Lake, including snow depth (23 inches) and snow water content (7 inches). He reviewed snowpack levels and snow water equivalent in the Sierra Nevada as of March 19, the seasonal precipitation outlook for April 2026, projected Mokelumne precipitation for Rainfall Year 2026, and 2026 end-of-season total system storage projections. He noted that March has been exceptionally dry, and is projected to be the driest month of March on record for the District.

General Manager's Monthly Report

General Manager Clifford C. Chan announced the Speakers' Bureau and Outreach Record CY26 had also been provided at Board places.

DIRECTOR COMMENTS

12. **Other Items for Future Consideration.**

- None.

13. **Director Comments.**

- Director Chan reported attending the Fairview Municipal Advisory Council on March 3; the District's emergency bypass hose exercise in Hayward on March 17; and plans to attend the Ward 7 briefing event in San Ramon on April 7.

- Director Oddie reported participating in the Oakland Chinatown Chamber meeting on March 10 and March 17 to discuss the Administration Building roof rehabilitation project; and attending the Alameda County Special Districts Association 2026 Annual Dinner in Castro Valley on March 19.

- Director Smith reported attending a Family STEM event at Nystrom Elementary in Richmond on March 10; State of Cities in Hercules on March 12; and the Pinole Creek Tomato Stand Fish Passage Project on March 23.

- Director Young reported participating in the Retirement Board meeting along with Director Oddie on March 19; Pinole Creek Tomato Stand Fish Passage Project on March 23; and plans to attend an upcoming Siesta Valley Board meeting.

- President Gómez reported attending Leadership San Ramon Valley on March 12; Alameda County Board of Supervisors meeting in Oakland for the First International Women's Day Celebration along with Director Smith on March 17; and the Pinole Creek Tomato Stand Fish Passage Project on March 23.

- Directors Katz and Lewis had no reports.

ADJOURNMENT

President Gómez adjourned the Regular Meeting at 2:04 p.m.

SUBMITTED BY:

_____
Rischa S. Cole, Secretary of the District

APPROVED: April 14, 2026

_____
Luz Gómez, President of the Board

EBMUD

BOARD ACTION

Agenda Number:	3.	Meeting Date:	April 14, 2026

TITLE **RESIDUALS HAULING AND DISPOSAL AGREEMENT**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION

Authorize an agreement beginning on or after April 14, 2026 with Kleen Solution Environmental (Kleen) for three years, with two options to renew for additional one-year periods for a total amount, including option years, not to exceed $2,493,576 for hauling and disposal of wastewater treatment residuals from the Main Wastewater Treatment Plant (MWWTP).

SUMMARY

Operation of the MWWTP produces approximately nine tons of wastewater treatment residuals per day, including screened materials, grit, and scum collected from influent wastewater, as well as unusable material separated from trucked food waste. All residuals must be transported to a landfill for disposal. This agreement provides for daily hauling and disposal of wastewater treatment residuals from the MWWTP.

DISCUSSION

Wastewater contains a wide variety of materials that can damage equipment, clog pipes and channels, and otherwise interrupt the treatment process. The most damaging materials are removed at the beginning of the treatment process via screens, grit removal equipment, and skimmers. In addition, food waste delivered to the MWWTP has plastic and other non-biodegradable material removed before being conveyed to the solids treatment process. These materials, referred to as residuals, can accumulate rapidly during the wet weather season, when wastewater flows are highest.

The current agreement for the hauling and disposal of wastewater treatment residuals, authorized to Lone Tree Trucking, Inc. on October 27, 2020 under Board Motion No. 199-20, and assigned to Kleen on August 8, 2023 under Board Motion No. 132-23, expired on December 31, 2025. The agreement was extended through April 30, 2026 for negotiation of a new agreement to allow the District to continue hauling and disposing residuals.

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

This agreement supports the District's Water Quality and Environmental Protection Strategic Plan goal.

Originating Department: Wastewater	**Department Director or Manager:** Amit K. Mutsuddy	**CEP Forms?** Yes	**Board Action Type:** General Services
Funds Available: FY2026/FY2027	**Budget Coding:** 21-913-9142300-53770		**Approved:**
Attachment(s): P-035; P-061			

Title:	Residual Hauling and Disposal Agreement	Meeting Date:	April 14, 2026

SERVICE PROVIDER SELECTION

A request for proposals was posted on the District's website. One service provider submitted a proposal and met the request for proposal criteria. Kleen was the lowest responsive/responsible bidder.

SUSTAINABILITY

Economic

The Fiscal Year 2026/2027 adopted operating budget includes funding for the first two years of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

Social

Local 444 was notified of this agreement on September 30, 2025 and did not raise any specific issues related to this agreement.

Environmental

This agreement promotes compliance with environmental laws and regulations.

ALTERNATIVES

Select a different service provider. This alternative is not recommended because the qualifying bid is competitive and reasonable.

Purchase the hauling service on the open market. This alternative is not recommended because a multi-year agreement is more cost-effective and provides the District with a reliable vendor to haul residuals.

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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 Residuals Hauling and Disposal Agreement	March 23, 2026

CONTRACTOR:		BID/PROPOSER'S PRICE:
Kleen Solution Environmental Santa Rosa, CA	Small Business / Sole Proposer	$2,493,576 *

FIRM'S OWNERSHIP	
Ethnicity	**Gender**
White	Men

PERCENTAGE OF CONTRACT DOLLARS		
Availability Group	**Contracting Objectives**	**Participation**
White Men	**25%**	**100.0%**
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: Kleen Solution Environmental ***SUBS:*** None	$2,493,576	White	X		100.0%						
TOTAL	$2,493,576				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)

	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	6	0	6	12
Percent of Total Employees:	50.0%	0.0%	50.0%	
MSA Labor Market %:	39.8%	36.9%	23.4%	
MSA Labor Market Location:	Sonoma			

COMMENTS

Contract Equity Participation: 100% White Men participation.
Contract Duration: Three years with two options to renew for additional one-year periods.

*Total not to exceed: $2,493,576

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:			Ethnic Minority Percentages From U.S. Census Data				
Residuals Hauling and Disposal Agreement			B	H	A/PI	AI/AN	TOTAL
		National	10.5	10.7	3.7	0.7	27.3
General Services Agreement	DATE: 3/23/2026	**9 Bay Area Counties**	5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2

R=Recmmd P=Prime S=Sub	Composition of Ownership		Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	**WM: SBE**	**Company Wide**	2	4	0	0	6	50.0%	23.4%
Kleen Solution Environmental		Manager/Prof	0	0	0	0	0	0.0%	
Brandon Wienholz		Technical/Sales	1	3	0	0	4	57.1%	
2101 Fulton Rd.		Clerical/Skilled	0	0	0	0	0	0.0%	
Santa Rosa, CA		Semi/Unskilled	1	1	0	0	2	100.0%	
		Bay Area	2	4	0	0	6	50.0%	39.9%
707-243-0928		AA Plan on File:	**NA**		Date of last contract with District:		**8/8/2023**		
		Co. Wide MSA:	**Sonoma**		# Employees-Co. Wide:		**12**	Bay Area:	**12**

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

EBMUD

BOARD ACTION

Agenda Number:	4.	Meeting Date:	April 14, 2026

TITLE **FIREWALL HARDWARE AND SOFTWARE LICENSING AND SUPPORT RENEWAL**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION

Authorize the purchase of software licensing and support for District firewall hardware beginning on or after April 14, 2026 from NuSpective, Inc., for three years for a total amount not to exceed $259,000. This purchase will be made under State of California contracts available for use by local governments.

SUMMARY

This purchase renews the software licensing, software support and hardware support necessary for continued operation of the District firewalls that secure the District network.

DISCUSSION

The District's firewall infrastructure is a critical component of network security, safeguarding the District's systems and enabling secure Internet connectivity through a range of security features and capabilities. Maintaining active software licenses, software support, and hardware support is necessary to ensure ongoing protection, reliability, and functionality.

This item supports the District's Long-Term Financial Stability Strategic Plan goal.

VENDOR SELECTION

Public Contract Code, Section 10298, allows agencies, such as EBMUD, to purchase directly through State of California contracts or through State-authorized participating agreements without pursuing separate competitive bidding. Carahsoft holds State of California NASPO ValuePoint Contract No. 7-17-70-40-05/AR#2472. By leveraging the State of California contract, the District was able to receive favorable quotes with pre-negotiated pricing which enables the District to procure their products and services at competitively negotiated rates and terms, ensuring favorable pricing and streamlined procurement.

SUSTAINABILITY

Economic

Funding for this purpose is available in the Fiscal Year 2026 adopted capital budget for Information Technology.

Originating Department: Information Systems	**Department Director or Manager:** Orlando W. Leon	**CEP Forms?** Yes	**Board Action Type:** Materials and Supplies
Funds Available: FY2026; Award#7100012; Vol. 2; Page 68	**Budget Coding:** 11.255.0000.2014197.55230.000000		**Approved:**
Attachment(s): P-035; P-061			

Title:	Firewall Hardware and Software Licensing and Support Renewal	Meeting Date:	April 14, 2026

ALTERNATIVES

Do not approve this purchase. This alternative is not recommended because the firewall infrastructure is a critical layer of security needed to protect the District from cyber threats.

Replace the firewalls with an alternative product. This alternative is not recommended because it would require an extensive migration project and training of staff to be able to support a new product.

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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 Contract Firewall Hardware And Software Licensing And Support Renewal	April 6, 2026

CONTRACTOR:	State Contract/ Local/ Small Business
NuSpective, Inc. Pleasanton, CA	

BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP	
	Ethnicity	Gender
$259,000 *	White	Men

PERCENTAGE OF CONTRACT DOLLARS

Availability Group	Contracting Objectives	Participation
White Men	25%	100.0%
White Women	2%	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: NuSpective, Inc.	$259,000	White	X		100.0%						
SUBS: None											
TOTAL	$259,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)

	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	4	2	1	7
Percent of Total Employees:	57.1%	28.6%	14.3%	
MSA Labor Market %:	24.5%	21.6%	53.9%	
MSA Labor Market Location:	Alameda			

COMMENTS

Contract Equity Participation: 100% White Men participation.
Contract Duration: Up to three years.

*Total not to exceed: $259,000

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: **Firewall Hardware And Software Licensing And Support Renewal**		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 Contract	DATE: 4/6/2026	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: L/SBE	Company Wide	0	1	0	0	1	14.3%	53.9%
NuSpective, Inc.		Manager/Prof	0	0	0	0	0	0.0%	
David McMorrow		Technical/Sales	0	1	0	0	1	33.3%	
5700 Stoneridge Mall Road, Suite 220		Clerical/Skilled	0	0	0	0	0	0.0%	
Pleasanton, CA 94588		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	1	0	0	1	16.7%	39.9%
925-271-7556		AA Plan on File:	NA		Date of last contract with District:			9/9/2025	
		Co. Wide MSA:	Alameda		# Employees-Co. Wide:		7	Bay Area:	6

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

EBMUD

BOARD ACTION

Agenda Number:	5.	Meeting Date:	April 14, 2026

TITLE **AUTHORIZE CONTINUED EMPLOYMENT OF COMPLEX APPELLATE LITIGATION GROUP, LLP, AS SPECIAL COUNSEL**

ACTION ☒ Motion: ☐ Resolution: ☐ Ordinance:

RECOMMENDED ACTION

Authorize the Office of General Counsel to continue the employment of the law firm of Complex Appellate Litigation Group LLP (CALG), for services of special counsel related to providing representation in the appeal of the *Pierce, et al. v. East Bay Municipal Utility District, et al*., matter.

DISCUSSION

CALG specializes in civil appellate practice, representing both private and governmental agencies in appeals, writs, and petitions in both state and federal courts. Further details on the nature of services provided by CALG are set forth in a separate confidential attorney-client privileged memorandum to the Board.

SUSTAINABILITY

Economic

The Fiscal Year 2026 adopted operating budget includes funding for this agreement.

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Originating Department: Office of General Counsel	**Department Director or Manager:** Derek McDonald	**CEP Forms?** Yes	**Board Action Type:** Professional Services
Funds Available: Fiscal Year 2026	**Budget Coding:** 11.130.1730.8851100.52310.000000		**Approved:**
Attachment(s): P-035; P-061			

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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 Authorize Continued Employment of Complex Appellate Litigation Group, LLP, as Special Counsel	April 2, 2026

CONTRACTOR:		PERCENTAGE OF CONTRACT DOLLARS		
Complex Appellate Litigation Group LLP San Francisco, CA	Small Business	**Availability Group**	**Contracting Objectives**	**Participation**
BID/PROPOSER'S PRICE:	**FIRM'S OWNERSHIP**	**White Men**	**25%**	**100.0%**
	Ethnicity / **Gender**	**White Women**	**6%**	**0.0%**
$TBD *	White / Men	**Ethnic Minorities**	**25%**	**0.0%**

CONTRACT EQUITY PARTICIPATION

COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES: Complex Appellate Litigation Group LLP		White	X		100.0%						
SUBS: None											
TOTAL	TBD				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)

	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	1	8	0	9
Percent of Total Employees:	11.1%	88.9%	0.0%	
MSA Labor Market %:	28.0%	23.6%	48.4%	
MSA Labor Market Location:	California			

COMMENTS

Contract Equity Participation: 100% White Men participation.
Contract Duration: NA

*Total not to exceed: Confidential

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:	Authorize Continued Employment of Complex Appellate Litigation Group, LLP, as Special Counsel		Ethnic Minority Percentages From U.S. Census Data				
			B	H	A/PI	AI/AN	TOTAL
		National	10.5	10.7	3.7	0.7	27.3
Professional Services Agreement		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
	DATE: 4/2/2026	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2

R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: SBE	Company Wide	0	0	0	0	0	0.0%	48.4%
Complex Appellate Litigation Group LLP		Manager/Prof	0	0	0	0	0	0.0%	
Ben Feuer		Technical/Sales	0	0	0	0	0	0.0%	
96 Jessie Street		Clerical/Skilled	0	0	0	0	0	0.0%	
San Francisco, CA 94105		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
415-649-6700		AA Plan on File:	NA		Date of last contract with District:			8/12/2025	
		Co. Wide MSA:	California		# Employees-Co. Wide:		9	Bay Area:	1

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

EBMUD

BOARD ACTION

Agenda Number:	6.	Meeting Date:	April 14, 2026

TITLE **APPOINT STANDBY OFFICER FOR THE BOARD OF DIRECTORS IN WARD 3 AS OUTLINED IN THE DIRECTORS' EMERGENCY SUCCESSION PLAN**

ACTION ☐ Motion: ☒ Resolution: ☐ Ordinance:

RECOMMENDED ACTION Adopt a resolution to appoint Peter Vorster as a Standby Officer in Ward No. 3 for the East Bay Municipal Utility District Board of Directors as outlined in the Directors' Emergency Succession Plan (Plan).

SUMMARY

The Plan, adopted on May 23, 2017, ensures the ongoing governance of the District if one or more Board members become unavailable following a state of war emergency, in the event of a state of emergency, or in a local emergency in accordance with the California Emergency Services Act (CESA). The Plan fulfills the standards and process to implement District Policy 7.03 - Emergency Preparedness/Business Continuity, for Board members regarding designation of Standby Officers in compliance with CESA. The Board may fill vacancies under the provisions of the Municipal Utility District Act or CESA, depending on necessity and expediency as the situation warrants. The position for Standby Officer in Ward 3 became vacant in 2023. In March 2026, the Secretary of the District and the Manager of Security and Emergency Preparedness reviewed and confirmed the qualifications of Peter Vorster to serve as a Standby Officer.

DISCUSSION

The Board of Directors has the critical task of setting policies and authorizing staff actions that support District operations. The Plan was established for Board members to safeguard District functions against unplanned and unexpected absence(s) during an emergency. The Plan outlines the process for the Board to select, appoint, and establish service expectations, duties, and compensation for Standby Officers that meet the following criteria: 1) 18 years of age and a lawful resident of California; 2) not a current District employee; and 3) no conflicts of interest with the District based on a position held with a private or public entity, or financial interest in any company or agency that has a contract with the District or possibility of having a contract with the District during the term of the Standby Officer's service. In March 2026, the Secretary of the District and the Manager of Security and Emergency Preparedness reviewed and confirmed the qualifications of Peter Vorster to serve as a Standby Officer.

Standby Officers serve in their posts at the pleasure of the Board and may be removed and replaced at any time with or without cause, before, during, or after an emergency. State law requires Standby Officers to complete and submit a Fair Political Practices Commission (FPPC) Statement of Economic Interests Form 700 to the FPPC and the Office of the Secretary within

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): Emergency Succession Plan for the Board of Directors; Resolution			

Title:	Appoint Standby Officer For The Board of Directors In Ward 3 As Outlined In The Directors' Emergency Succession Plan	Meeting Date:	April 14, 2026

30 days of appointment, and annually, thereafter. Having Standby Officers available in the event of an emergency (as defined by CESA), supports the District's Customer and Community Services Strategic Plan goal.

SUSTAINABILITY

Economic

There is no fiscal impact associated with this action. However, Standby Officers seated on the Board following an emergency will be entitled to financial compensation as outlined in the Plan.

Social

In the event of an emergency, as outlined in the Plan, Standby Officers allow the District to increase the reliability of its governance and reduce potential impacts to customers and to the environment.

ALTERNATIVE

Do not appoint a Standby Officer for Ward 3. This alternative is not recommended. The Standby Officer listed meets the criteria outlined in the Plan and their qualifications to serve have been reviewed and verified.

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

Emergency Succession Plan for Board of Directors

Purpose

The purpose of this Emergency Succession Plan is to ensure continuous coverage of the Board of Directors' duties, critical to the ongoing operations and sustainability of the District, in the event one or more Board Members is unavailable following a state of war emergency or in the event of a state of emergency or a local emergency.

Definitions

The following definitions shall apply to this Emergency Succession Plan.

"Emergency" means:

- A State of War Emergency, being the condition which exists immediately whenever the state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent. No proclamation by the Governor is necessary for the existence of a State of War Emergency.

- A State of Emergency, being the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or conditions other than those causing a "State of War Emergency." A State of Emergency must be declared by the Governor.

- A Local Emergency, being the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake. A Local Emergency must be declared by the governing body of a county, city and county, or city or by an official designated by ordinance adopted by that governing body.

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

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

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

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

Selection and Appointment of Standby Officers

Each Board Member shall designate a minimum of two and no more than three Standby Officers to serve in their place in the event of the Board Member's unavailability under this procedure. Standby Officers shall be designated Standby Officer No. 1, Standby Officer No. 2, and Standby Officer No. 3.

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

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

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

Each selected Standby Officer shall meet the following criteria:

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

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

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

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

Duties of Standby Officers

Each Standby Officer shall:

- Remain informed of the duties of the Board Member he or she will replace. Officers and employees of the District shall assist the Standby Officer, who shall be provided with a copy of Article 15 of the California Emergency Services Act (CESA).

- Remain informed of the business and affairs of the District to the extent necessary to enable the Standby Officer to fill his or her post competently. Officers and employees of the District shall assist the Standby Officer in remaining informed by providing Standby Officers with links to Board documents on the District's website and informing Standby Officers of any developments the Board deems necessary.

- Be prepared to immediately report for duty at the direction of the General Manager in the event of an Emergency at the place and in the method previously designated by the District, in the order of his or her succession.

- Fill the post of the Board Member position for which he or she has been appointed when the regular Board Member is unavailable during an Emergency.

Determination of Unavailability of a Board Member

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

MUD Act Appointments with CESA Contingency

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

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

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

CESA-Only Appointments

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

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

Service of Standby Officers During and After an Emergency

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

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

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

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

Compensation of Standby Officers

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

Legal Authority

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

Other References

EBMUD Policy 7.03 – Emergency Preparedness/Business Continuity
EBMUD Emergency Operations Plan
Office of the General Manager Business Continuity Plan

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Draft Prepared By

Office of General Counsel

RESOLUTION NO._____

CONFIRMING APPOINTMENT OF STANDBY OFFICER FOR THE EAST BAY MUNICIPAL UTILITY DISTRICT BOARD OF DIRECTORS FOR WARD NO. 3 UNDER THE EMERGENCY SUCCESSION PLAN FOR THE BOARD OF DIRECTORS

Introduced by Director ; Seconded by Director

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

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

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

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

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

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

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

WHEREAS, on January 27, 2026, the Board confirmed the appointment of Standby Officers for wards of the District in Resolution No. 35474-26; and

WHEREAS, at the time of the Board's confirmation of the appointment of Standby Officers for wards of the District on January 27, 2026, the position for Standby Officer Number 2 in Ward No. 3 was vacant; and

WHEREAS, the Secretary of the District and the Manager of Security and Emergency Preparedness reviewed and confirmed the qualifications, availability, and willingness of Peter Vorster to serve as the Standby Officer Number 2 in Ward No. 3; and

WHEREAS, Peter Vorster meets the criteria to serve as stated in the Plan;

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

Ward No. 3 2) Peter Vorster

ADOPTED this 14th day of April, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE:

_____
General Counsel

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 9, 2026

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager CCC

FROM: Kathy Viatella, Manager of Legislative Affairs KV

SUBJECT: Legislative Report No. 02-26

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on April 14, 2026.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 1891 (Connolly) Forestry: Beneficial Fire Capacity Program; 2) Support AB 2045 (Connolly) Habitat Restoration and Enhancement Act; 3) Support and Amend AB 2157 (Connolly) Workforce development: Displaced Oil and Gas Worker Pilot Program: extension and assessment; 4) Support AB 2180 (Ward) Local government: Proposition 218 Omnibus Implementation Act: proportional cost of service; 5) Support SB 1393 (McGuire) Commercial fishing: steelhead trout: Dungeness crab; and 6) Support SB 1440, SB 1441, SB 1442 (Committee on Local Government) Validations.

STATE LEGISLATION		**RECOMMENDED POSITION**
AB 1891 (Connolly)	**FORESTRY: BENEFICIAL FIRE CAPACITY PROGRAM**	**SUPPORT**

Existing law authorizes a person that owns or controls brush-covered land, forest lands, woodland, grassland, and shrubland within a state responsibility area to apply to the Department of Forestry and Fire Protection (CAL FIRE) for permission to use prescribed burning for certain public purposes. Existing law authorizes the Director of CAL FIRE to enter into an agreement for prescribed burning with a person to conduct prescribed burning operations for certain purposes. Existing law requires CAL FIRE to develop a training program for prescribed fire users to certify professionals as burn bosses.

AB 1891 (Connolly), as introduced on February 12, 2026, would establish the Beneficial Fire Capacity Program (Program) at CAL FIRE to expand training, organizational capacity, and support for community-led beneficial fire programs, including those developed by California Native American tribes, nongovernmental organizations, universities and colleges, resource conservation districts, volunteer fire districts, and other local or special districts. The bill would use funding from

the Greenhouse Gas Reduction Fund to support and implement community-led beneficial fire programs and to create a competitive grant program for beneficial fire implementation, capacity building, research, innovation, and training. The bill specifies that at least 25% of the funding for the Program would be awarded to California Native American tribes, or tribally led or indigenous-led organizations.

CAL FIRE would be required to provide technical assistance to enhance capacity and assist in the development of projects, assist grantees in identifying potential funding sources for additional beneficial fire projects, reduce grant application and reporting requirements, and reduce reliance on acres treated metrics to the maximum extent feasible.

AB 1891 would also require CAL FIRE to publish and update on its website information related to the implementation of the Program, including a list of entities funded, outcomes of block grants, and a description of the estimated need for additional funding for similar work to help meet the state's beneficial fire goals over time.

According to the author, "AB 1891 sets aside 10% of the Greenhouse Gas Reduction Fund allocated to CAL FIRE for wildfire resiliency and forest health to support beneficial fire, with 25% of that dedicated specifically to tribes and tribal organizations. Beneficial fire has been a proven practice utilized by California's first peoples for thousands of years. The evidence is clear, beneficial fire projects help our ecosystems foster biodiversity, reduce wildfire risk, and preserve natural habitats and forests. It is time we expand these practices and give California another tool to help make our state more resilient to wildfires and natural disasters." The bill is co-sponsored by the Karuk Tribe and the Watershed Research and Training Center.

A catastrophic wildfire in the watershed could have significant impacts on the District's water quality and operations. The District uses prescribed burns to help manage fuel loads, particularly upcountry. The bill could benefit the District by making funding available for implementation and training related to prescribed fire on District-owned land. It could also benefit the District if it leads to increased use of beneficial fire on watershed land not owned by the District.

The District has previously supported bills that increase wildfire prevention and forest health efforts. The District supported AB 3023 (Papan, 2024) which would have required the Wildfire and Forest Resilience Task Force to develop an interagency funding strategy to promote integrated, multiple benefit projects to achieve outcomes more aligned with an ecosystem-based approach, and would have required the California Natural Resources Agency (CNRA) to review and update relevant grant guidelines for specified programs to encourage multi-benefit projects. AB 3023 was vetoed. The District supported AB 388 (Connolly, 2023) which would have required the Department of Conservation to establish guidelines and regional investment strategies to support the goals and key actions identified in California's Wildfire and Forest Resilience Action Plan and would have authorized the CNRA and its conservancies, departments, and boards to award regional block grants. The bill was held on the Senate Suspense File. Another District-supported bill, SB 63 (Stern, Chapter 382, Statutes of 2021), made multiple changes to state law to enhance fire prevention efforts by CAL FIRE, including among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply. The District supported AB

697 (Chau, Chapter 232, Statutes of 2021) which required the CNRA to establish a Good Neighbor Authority Program for the purposes of conducting ecological restoration and fire resiliency projects on national forest lands.

The official support and opposition list to AB 1981 is shown below.

Support

All Hands Ecology
Amah Mutsun Tribal Band
American Rivers
Audubon California
Biswell Forestry
Briceland Volunteer Fire Department
California Association of Local Conservation Corps
California Cattlemen's Association
California Environmental Voters
California Forward
California Indian Environmental Alliance
California Native Plant Society
Calwild
Campfire Restoration Project
Camptonville Community Partnership
Central Coast Prescribed Burn Association
Colusa County Resource Conservation District
Community Environmental Council
Community Wildfire Planning Center
County of Yuba - Office of Emergency Services
Cross Contour LLC
Cultural Fire Management Council
Ecoflight
El Dorado Amador Prescribed Fire Association
Environmental Defense Fund
Environmental Protection Information Center
Fave Trainings
Feather River College
Fire Resilience Institute
Firefighters United for Safety, Ethics, and Ecology (FUSEE)
Firegeneration Collaborative
First Rain Land Stewardship Services
Forestscapes LLC
Forevergreen Forestry
Friends of Plumas Wilderness
Friends of the Inyo
Friends of the Lost Coast
Friends of the River Hamey Woods
Humboldt County Prescribed Burn Association
Humboldt Fire Resilience Institute
Hybrid Incident Support
Klamath Forest Alliance
Mak-warép Ohlone Land Conservancy
Mattole Restoration Council
Mid Klamath Watershed Council
Mount Hermon Northwest
Mount Madonna Center
Mt. Madonna Challenge
National Audubon Society
Nevada County Resource Conservation District
Nourishing Futures
Pacific Forest Trust
Plumas County Fire Safe Council
Plumas Underburn Cooperative
Prometheus Fire Consulting LLC
Rain
Resource Conservation District of Monterey County
Resource Renewal Institute
Rural Voices for Conservation Coalition
Salmon River Restoration Council
San Benito Resource Conservation District
San Luis Obispo Prescribed Burn Association
Sandhills of Quail Hollow Firewise
Santa Clara County Firesafe Council
Santa Clara Valley Habitat Agency

Support continued

Santa Monica Mountains Fire Safe Council
Save Mount Diablo
Save the Redwoods League
Scott River Watershed Council
Semillas for Safe Soil
Sierra Business Council
Sierra Nevada Alliance
Sonoma Land Trust
South Bay Prescribed Burn Association
Spye Conservation INC.
Storm King Mountain Technologies, INC.
Sustainable Tahoe
Terra Fuego Resource Foundation
The Adidam Holy Domains
The Fire Restoration Group
The Hatchet Emergency Response INC.
The Lookout
The Wilderness Society
Transition Habitat Conservancy
Tribal Ecorestoration Alliance
Trinity County Resource Conservation District
Trout Unlimited
Tuolumne Prescribed Burn Association
Ventura County Resource Conservation District
Volcano Land Company
Yosemite Gateway Prescribed Burn Cooperative

Opposition

None on file

AB 2045 (Connolly) **HABITAT RESTORATION AND ENHANCEMENT ACT** **SUPPORT**

Existing law establishes the Habitat Restoration and Enhancement Act (HREA), with a sunset date of January 1, 2027. Under the act, project proponents may submit an eligible habitat restoration or enhancement project to the Director of the California Department of Fish and Wildlife (CDFW) for approval, and the Director must approve the project within 60 days if specified requirements are met. For purposes of the HREA, a habitat restoration or enhancement project means a project with the primary purpose of improving fish and wildlife habitat. The Director's approval is in lieu of any other permit, agreement, license, or other approval issued by CDFW. The Act also makes moneys in the Habitat Restoration and Enhancement Account available to CDFW, upon appropriation by the legislature, for the purposes of administering and implementing the HREA.

AB 2045 (Connolly), as introduced on February 17, 2026, is intended to allow continued expediting of small voluntary habitat restoration and enhancement projects. Specifically, by repealing the HREA's sunset date, AB 2045 would extend the operation of the HREA indefinitely.

According to CDFW, the HREA established permitting efficiencies for any person, public agency, or nonprofit organization seeking to implement a habitat restoration or enhancement project. Projects permitted under the HREA do not require additional permits from CDFW such

as Lake and Streambed Alteration agreements or California Endangered Species Act permits. To qualify for HREA permitting, projects must primarily be for improving fish and wildlife habitat not associated with compensatory mitigation, must meet specified eligibility requirements including being no more than 5 acres or 500 cumulative linear feet in size, and be consistent with best available restoration and enhancement methodologies.

EBMUD recently completed an HREA project, the Tomato Stand Fish Passage Project on Pinole Creek, that removed the last remaining barrier to upstream spawning and rearing habitat for the creek's steelhead population. AB 2045 helps facilitate voluntary habitat restoration and enhancement projects that agencies, such as EBMUD, may undertake in the future. There are no costs to EBMUD contained in the bill.

EBMUD has historically taken positions on legislation to facilitate habitat and fishery enhancement. In 2022, the Board adopted a "support" position on SB 1392 (McGuire) that would have extended the sunset of the steelhead trout fishing report-restoration card program to allow the program to continue operating until January 1, 2028. While SB 1392 was subsequently amended to address a different issue, the steelhead trout fishing sunset extension language was ultimately included in a budget trailer bill, AB 203. AB 203 was signed into law (Chapter 60 of 2022) though EBMUD did not have a position on AB 203. In 2010, the Board adopted a "support in concept" position on AB 2063 (Huffman), which urged more collaboration between state and federal agencies to restore Chinook salmon populations. AB 2063 was vetoed. In 2009, the Board adopted a support position on AB 1189 (Skinner) that would have facilitated Caltrans' remediation of fish passage barriers. This measure failed to advance out of the legislature.

AB 2045 is sponsored by Sustainable Conservation. An official support/opposition list for AB 2045 is not currently available.

AB 2157 (Connolly)	**WORKFORCE DEVELOPMENT: DISPLACED OIL AND GAS WORKER PILOT PROGRAM: EXTENSION AND ASSESSMENT**	**SUPPORT AND AMEND**

Existing law establishes the Displaced Oil and Gas Worker Pilot Program (Program) under the administration of the Employment Development Department (EDD) to address employment dislocations associated with oil, gas, and related industries. The Program requires EDD to use funds appropriated by the Legislature for purposes of the program and to award grants on a competitive basis to qualified applicants, as specified, for eligible activities. Under existing law, the Program is repealed (sunsets) as of July 1, 2027.
AB 2157 (Connolly), as introduced on February 18, 2026, is intended to help address the needs of displaced oil and gas workers. The bill would extend the Program indefinitely by removing the July 1, 2027 repeal date. AB 2157 would also require EDD, upon appropriation by the Legislature, to contract with the University of California, Berkeley Center for Labor Research and Education (UC Berkeley Center) to complete an assessment analyzing the success of the program, as described. In addition, as part of the assessment EDD and the UC Berkeley Center

would be required to develop a recommended program design for turning the pilot Program into a permanent Program able to support displaced fossil fuel workers during the clean energy transition.

Under AB 2157 the Program design must include the following:

- Review of best practices from other federal, state, and regional models in supporting displaced fuel workers;
- Design of wage replacement and bridge to retirement strategies in addition to individual assessment, career navigation, training, credentialling and skills certifications, wraparound services, and other in-demand services;
- Design worker transition pathways by identifying industries best suited to utilize displaced workers' skill sets and development of policy and programmatic strategies to support worker transitions into these aligned industries statewide;
- Design of criteria for future program grantees; and,
- Estimate of how many workers in the state are likely to require the services needed by the Program, potential costs, and the timeline of need.

According to the author's office, SB 191 (Committee on Budget and Fiscal Review, 2022), a state budget trailer bill, established the Program and provided nearly $40 million in grants to help displaced oil and gas workers transition into jobs that match their skills, expertise, and offer comparable wages. However, funds were not distributed until early 2024, limiting the time available for grantees to assist workers facing layoffs. Many affected workers remain unemployed or underemployed, and the Political Economy Research Institute estimates California could lose approximately 57,000 fossil fuel jobs over the next decade. The author contends the Program will be needed for the foreseeable future.

In 2024, the Contra Costa Workforce Development Board was awarded a $3.8 million grant to pilot a transition model combining training, supportive services, and employer partnerships to help displaced oil and gas workers move into stable, well-paying jobs in five high-growth job sectors. Those sectors include transportation, healthcare, advanced manufacturing, clean energy and construction. The initiative is expected to run for two years and provide opportunities for at least 200 displaced workers. To date, staff is not aware of reports or data regarding outcomes of the grant.

The intent of AB 2157 to continue providing workforce development assistance to displaced oil and gas workers is consistent with EBMUD's own workforce development objectives. EBMUD engages in and supports a range of collaborative efforts to strengthen the pipeline of qualified workers in the water and wastewater industries. For example, EBMUD is a founding member of BAYWORK, a collaboration of Bay Area water and wastewater agencies, which promotes workforce development in the water sector. BAYWORK builds a regional talent pipeline, supports training, education and career pathways, provides resources and coordination for water and wastewater agencies, and raises awareness and access to water careers.

Staff recommends a "support and amend" position, as the bill could be strengthened by including language to encourage the Program assessment and design to include career pathways beyond the clean energy sector – such as water and wastewater – and to promote partnerships with public agencies and utilities. This would help ensure that training and certifications align with local workforce needs and hiring requirements.

EBMUD has previously supported workforce-related legislation. In 2023, EBMUD supported AB 735 (Berman), which would have established the High Road Utility Careers program under the California Workforce Development Board (CWDB) to connect individuals from underserved and unrepresented communities with training programs and careers in the utility sector. AB 735 did not advance out of the legislature. In 2021, EBMUD supported SB 61 (Hurtado), which would have authorized the CWDB to expand supportive service programs to help low-income workers complete job training programs. SB 61 also did not advance out of the legislature.

AB 2157 is sponsored by United Steelworkers. An official support/opposition list for AB 2157 is not currently available.

AB 2180 (Ward)	**LOCAL GOVERNMENT: PROPOSITION 218 OMNIBUS IMPLEMENTATION ACT: PROPORTIONAL COST OF SERVICE**	**SUPPORT**

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency. Existing law, known as the Proposition 218 Omnibus Implementation Act (Act), prescribes specific procedures and parameters for local jurisdictions to comply with these requirements, including an agency providing water, wastewater, sewer, or refuse collection services.

AB 2180 (Ward), as amended on March 11, 2026, would authorize a local government to demonstrate the proportional cost of the service attributable to the parcel by any method that reasonably allocates the ascertainable cost of providing service to all parcels for any fee or charge adopted under Article XIII D of the California Constitution. The bill would provide that for water or sewer service fee or charge impositions, a local government is not required to provide an exact measure of the cost of the service at each parcel and may instead impose uniform or tiered fees or charges to parcel or customer classes that are defined based on common characteristics indicative of likely water or sewer use. The bill would provide that the proportional cost of service within each tier of water service may be substantiated by using any reasonable basis for allocating costs attributed to the tier.

AB 2180 would amend the Proposition 218 Omnibus Implementation Act to provide clarity and consistency for water agencies in setting proportional rates that comply with Proposition 218. The bill would provide a practical framework consistent with industry best practices for establishing tiered water rates that allocate costs proportionally to usage, while meeting constitutional requirements. The bill is sponsored by the Association of California Water

Agencies (ACWA) to codify conclusions from a recent court decision in *Dreher v. Los Angeles Department of Water and Power* (2025) 116 CalApp.5th 977.

Recent legal challenges have resulted in courts reaching different conclusions regarding what evidence is sufficient to support tiered rates challenged under Proposition 218. In *Coziahr v. Otay Water District* (2024), the court found that Otay's evidence did not withstand independent review to demonstrate compliance with Proposition 218, and that the trial court properly concluded that a reasonableness standard was insufficient to meet Otay's burden of proof. Similarly, in *Patz v. City of San Diego* (2025) the court imposed a rigid interpretation of Proposition 218's proportionality requirements, holding the city to a high level of precision in calculating water rates and finding that its tiered rate structure also failed to meet the requirements of Proposition 218. By contrast, the court in *Dreher v. City of Los Angeles Department of Water and Power* (2025) upheld budget-based tiered rates based on customers' water usage and rejected the *Coziahr* and *Patz* courts' more stringent burden of proof necessary to satisfy Proposition 218's requirements. The *Dreher* court also diverged from the *Coziahr* and *Patz* decisions in holding that the city did not need a cost-based or other justification when establishing its tier breakpoints. On March 11, 2026, the California Supreme Court granted review of the *Dreher* decision.

According to the author, "The strict interpretations in the *Patz* and *Coziahr* cases impose impractical requirements on water agencies. For example, water agencies could be forced to trace the flow of water from each source of supply to each parcel, molecule by molecule, even when water supplies are commingled in the distribution system. These requirements are both costly to implement and very technically challenging to achieve. The resulting legal uncertainty exposes agencies to expensive litigation and makes long-term financial planning difficult, ultimately threatening the ability to fund essential water system operations, maintenance, and improvements."

AB 2180 would benefit water agencies, including EBMUD, by helping to support the methods and factors used in the adoption of rates for water service. AB 2180 would not result in additional costs to EBMUD but could provide greater insulation from any future Proposition 218 challenges.

EBMUD previously supported AB 1827 (Papan, Chapter 359, Statutes of 2024) which made clarifications to the Proposition 218 Omnibus Implementation Act to provide that fees or charges for property-related water service can include the incrementally higher costs of water service due to higher water usage demand, maximum potential water use, projected peak water usage, or any combination of those factors. EBMUD also supported SB 1386 (Moorlach, Chapter 240, Statutes of 2020) which confirmed the authority of cities and water agencies to use property-related service charges for funding water services related to fire protection, thereby helping to insulate public agencies from future litigation.

The official support and opposition list to AB 2180 is shown below.

Support

Association of California Water Agencies [SPONSOR]
Bear Valley Water District
Bella Vista Water District
Burbank Water and Power
Calaveras County Water District
California Coastkeeper Alliance
California Council for Environmental & Economic Balance
California Municipal Utilities Association
California Special Districts Association
California State Association of Counties
California Water Efficiency Partnership
Camrosa Water District
City of Roseville
City of Ventura
Coachella Valley Water District
Coastside County Water District
Contra Costa Water District
Crescenta Valley Water District
Crestline-Lake Arrowhead Water Agency
Cucamonga Valley Water District
Desert Water Agency
Eastern Municipal Water District
El Dorado Irrigation District
El Toro Water District
Georgetown Divide Public Utility District
Helix Water District
Irvine Ranch Water District
Jurupa Community Services District
Kings River Conservation District
Kings River Water Association
Laguna Beach County Water District
Las Virgenes Municipal Water District
League of California Cities
Los Angeles County Sanitation Districts
Marin Water
Marina Coast Water District
McKinleyville Community Services District
McMullin Area Groundwater Sustainability Agency
Mission Springs Water District
Monte Vista Water District
Monterey County Water Resources Agency
Monterey Peninsula Water Management District
North Marin Water District
Olivenhain Municipal Water District
Otay Water District
Orange County Sanitation District
Padre Dam Municipal Water District
Palmdale Water District
Paradise Irrigation District
Regional Water Authority
Rio Linda Elverta Community Water District
Rowland Water District
San Diego County Water Authority
San Joaquin Valley Water Collaborative Action Program
San Juan Water District
Santa Clarita Valley Water Agency
Santa Fe Irrigation District
South Tahoe Public Utility District
Stockton East Water District
Tahoe City Public Utility District
Tehachapi-Cummings County Water District
Three Valleys Municipal Water District
Tri-County Water Authority
Union Public Utility District
Valley Center Municipal Water District
Vista Irrigation District
Walnut Valley Water District
West Valley Water District
Western Municipal Water District

Opposition

California Association of Realtors
California Building Industry Association
California Taxpayers Association
Howard Jarvis Taxpayers Association

SB 1393 (McGuire) **COMMERCIAL FISHING: STEELHEAD TROUT: DUNGENESS CRAB** **SUPPORT**

Existing law, until July 1, 2027, requires a person taking steelhead trout in inland waters to purchase a steelhead trout fishing report-restoration card annually, complete the card with certain information when catching steelhead trout, and return the card to the California Department of Fish and Wildlife (CDFW) the following January. Revenue from the purchase of the report-restoration cards may only be expended, upon appropriation by the legislature, to monitor, restore, or enhance steelhead trout resources and to administer the fishing report-restoration card program. Existing law required CDFW to report to the legislature on or before July 1, 2025, regarding the steelhead trout projects undertaken using these revenues, the benefits derived, and its recommendations for revising the fishing report-restoration card requirement, if any. Existing law also requires CDFW to adopt regulations related to Dungeness Crab and provides for the development and administration of a Dungeness Crab task force.

SB 1393, as introduced on February 20, 2026, would extend the sunset of the steelhead trout fishing report-restoration card program and allow the program to continue operating until January 1, 2037. SB 1393 would also require CDFW to provide a report on the program to the legislature on or before July 1, 2031, and again on or before July 1, 2036. The bill also contains other provisions related to Dungeness Crab that are not expected to impact EBMUD.

SB 1393 would implement the recommendation in CDFW's March 2025 report to the legislature titled "Steelhead Report and Restoration Card Program Report to the legislature 2022-2023" to continue the steelhead trout fishing report-restoration card program. According to CDFW, the steelhead trout fishing report-restoration card is used to gather fishing data that is then used in making management and regulatory decisions. The revenue generated from the sales of the report-restoration cards is used to administer the program and fund projects that contribute to the conservation, monitoring, or recovery of steelhead populations. CDFW noted that prior to implementation of the program in 1993, steelhead seldom received funding for habitat restoration and monitoring projects. For 2022 and 2023 a total of 92,767 cards were sold, generating approximately $800,000 in revenue. That revenue combined with an allocation from a reserve balance provided approximately $1 million to projects that directly or indirectly benefited steelhead populations.

With regard to EBMUD, the Mokelumne River's steelhead population and the Mokelumne River Fish Hatchery population are both part of the Central Valley Evolutionary Significant Unit (ESU) of steelhead and are listed as Federally Threatened. EBMUD's efforts to preserve and enhance the fisheries on the Mokelumne River include management for both steelhead and fall run Chinook salmon.

By extending the sunset provision in existing law, SB 1393 would enable CDFW to continue the steelhead trout fishing report-restoration card program and is consistent with EBMUD's efforts to preserve and enhance the fisheries on the Mokelumne River. Continuing to collect data to

inform management of steelhead trout statewide could be beneficial to the Mokelumne steelhead trout populations. In addition, SB 1393 could provide potential funding opportunities for steelhead habitat improvement or enhancement projects and would not impose costs on EBMUD.

EBMUD has previously supported legislation to facilitate fishery enhancement. In 2022, the Board adopted a "support" position on SB 1392 (McGuire) that would have extended the sunset of the steelhead trout fishing report-restoration card program to allow the program to continue operating until January 1, 2028. While SB 1392 was subsequently amended to address a different issue, the steelhead trout fishing sunset extension language was ultimately included in a budget trailer bill, AB 203. AB 203 was signed into law (Chapter 60 of 2022) though EBMUD did not have a position on AB 203. In 2010, the Board adopted a "support in concept" position on AB 2063 (Huffman), which urged more collaboration between state and federal agencies to restore Chinook salmon populations. AB 2063 was vetoed. In 2009, the Board adopted a support position on AB 1189 (Skinner) that would have facilitated Caltrans' remediation of fish passage barriers. This measure failed to advance out of the legislature.

An official support/opposition list for SB 1393 is not currently available.

SB 1440, SB 1441 SB 1442 (Committee on Local Government) **VALIDATIONS** **SUPPORT**

SB 1440, SB 1441, and SB 1442 (Committee on Local Government), as introduced on March 11, 2026, would enact the Validating Acts of 2026. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently.

Banks, pension funds, and other investors will not buy municipal securities unless they are sound investments. Without the enactment of Validating Acts to cure minor errors that could undermine a bond's legal integrity, bond counsel would be reluctant to certify public agencies' bonds as good risks because of potential mistakes that could invalidate future payments. Safer bonds mean higher ratings and lower costs.

While the three Validating Acts save California taxpayers millions of dollars by protecting investors from minor procedural mistakes that might otherwise imperil bonds, boundary changes, proceedings, and other official acts, they will not cure fraudulent, illegal, or unconstitutional actions. A Validating Act cannot protect public officials who have acted illegally from prosecution.

The Validating Acts could benefit EBMUD by protecting investors from any minor procedural mistakes in bond issuances or other official acts. These measures are not expected to impose additional cost burdens on EBMUD ratepayers.

EBMUD has historically supported the Validating Acts. Most recently, in 2025, EBMUD's Board adopted a "support" position on the Validating Acts of 2025, SB 735, SB 736, and SB 737, which were signed into law (Chapter 54, Chapter 55, and Chapter 56 of 2025, respectively).

An official support/opposition list for SB 1440, SB 1441, and SB 1442 is not currently available.

CCC:KV/dm/jw

Attachments

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL No. 1891

Introduced by Assembly Member Connolly
(Coauthor: Assembly Member Rogers)

February 12, 2026

An act to add Chapter 6.5 (commencing with Section 4450) to Part 2 of Division 4 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1891, as introduced, Connolly. Forestry: Beneficial Fire Capacity Program.

Existing law authorizes a person that owns or controls brush-covered land, forest lands, woodland, grassland, and shrubland within a state responsibility area to apply to the Department of Forestry and Fire Protection for permission to use prescribed burning for certain public purposes. Existing law authorizes the Director of Forestry and Fire Protection to enter into an agreement for prescribed burning with a person to conduct the prescribed burning operations for certain purposes. Existing law requires the department to develop a training program for prescribed fire users to certify professionals as burn bosses. Existing law requires the department to conduct an experimental program of wildland resources management through prescribed burning and other methods in 2 areas of wildlands.

This bill would establish in the department the Beneficial Fire Capacity Program to expand training, organizational capacity, and support for community-led beneficial fire programs, including those developed by California Native American tribes, nongovernmental organizations, universities and colleges, resources conservation districts, volunteer fire districts, and other local or special districts, and would

require the program to provide competitive grants for beneficial fire implementation, capacity building, research, innovation, and training. The bill would require the department to take certain actions to maximize the benefits of the program. The bill would require the department to publish and update on its internet website certain information related to implementation of the program.

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

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

SECTION 1. This act shall be known, and may be cited, as the Beneficial Fire Capacity Act.

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

(a) California has taken extraordinary actions to protect residents from catastrophic wildfire in recent years, because effective, ecologically appropriate management of public and private lands across our state is critical to limit dangerous wildfire conditions that threaten life and property and to ensure healthy, resilient ecosystems.

(b) California's landscapes evolved with both natural ignitions and indigenous use of fire, and past policies that attempted to eradicate wildfire from these landscapes resulted in unintended adverse consequences, including overly dense vegetation and conditions that exacerbate risks of ignitions becoming large, dangerous fires.

(c) Beneficial fire includes practices known as "cultural fire," "cultural burning," "prescribed fire," "prescribed burning," "good fire," and "managed fire," which are practices that enable many types of landscapes to benefit from fire to protect communities and safeguard natural and cultural resources.

(d) Beneficial fire has a proven track record of restoring the health and resilience of California's fire-adapted landscapes, and limiting the intensity and severity of subsequent wildfires, thereby reducing the risk of large, catastrophic wildfires.

(e) California's use of beneficial fire has expanded in recent years, and beneficial fire treatments doubled between 2021 and 2024 thanks to tribal, state, federal, local, and nonprofit partners. However, to reach state goals for both initial treatment and maintenance, significantly more beneficial fire is needed.

(f) In light of the landscape conditions and risk of catastrophic fires, it is critical that the state take more actions to further expedite and expand beneficial fire projects, where appropriate, enabling practitioners to more effectively implement safe and effective beneficial fire projects. Recognizing this need to increase pace and scale, the funding allocated to the Beneficial Fire Capacity Program created by this act is intended to be additive and complementary to existing funding programs that support but do not focus on beneficial fire.

SEC. 3. Chapter 6.5 (commencing with Section 4450) is added to Part 2 of Division 4 of the Public Resources Code, to read:

CHAPTER 6.5. BENEFICIAL FIRE CAPACITY PROGRAM

4450. The Legislature finds and declares that increased use of beneficial fire is an essential component of reducing the risk of catastrophic wildfire and related emissions of greenhouse gases from the state's forests and other ecosystems. Investment in training, organizational capacity, and project implementation is critical to meeting and sustaining this longer term goal, regardless of the immediate quantification of emission reductions.

4451. (a) There is hereby established in the department the Beneficial Fire Capacity Program to expand training, organizational capacity, and support for community-led beneficial fire programs, including those developed by California Native American tribes, nongovernmental organizations, universities and colleges, resources conservation districts, volunteer fire districts, and other local or special districts.

(b) The department shall use not less than 10 percent of funding continuously appropriated to the department from the Greenhouse Gas Reduction Fund pursuant to paragraph (4) of subdivision (b) of Section 39719 of, or subparagraph (E) of paragraph (1) of subdivision (c) of Section 39719.4 of, the Health and Safety Code to implement the Beneficial Fire Capacity Program.

4452. (a) The Beneficial Fire Capacity Program shall do both of the following:

(1) Support and implement community-led beneficial fire programs, including training, building and maintaining capacity, and implementing beneficial fire projects. Those programs shall be funded using direct awards from the department, including

block grants, and may involve subawards. Organizations with demonstrated effectiveness developing or leading beneficial fire programs shall be prioritized.

(2) Establish a competitive grant program for beneficial fire implementation, capacity building, research, innovation, and training.

(b) At least 25 percent of the Beneficial Fire Capacity Program funds shall be awarded to California Native American tribes or tribally led or indigenous-led organizations.

4453. The department shall collaborate with other relevant state agencies, beneficial fire practitioners, and organizations currently engaged in beneficial fire programs to establish guidelines governing the program and the administration of the funding.

4454. To maximize the benefits of the Beneficial Fire Capacity Program, the department shall do all of the following:

(a) Provide technical assistance to enhance capacity and assist in the development of projects.

(b) Assist grantees in identifying potential funding sources for additional beneficial fire projects.

(c) Reduce grant application and reporting requirements and reduce reliance on acres treated metrics to the maximum extent feasible.

(d) Use grant terms of five years or more.

4456. The department shall publish and update on its internet website all of the following information related to implementation of the Beneficial Fire Capacity Program:

(a) A list of entities funded by the Beneficial Fire Capacity Program.

(b) The outcomes of any block grant, including a summary of the benefits, such as the number of people trained or certified or both trained and certified to engage in prescribed fire, cultural burning, and wildfire managed for resource benefit; the number of project plans developed; the number of projects conducted; and how increasing capacity has facilitated increased burn-day utilization and larger or higher priority projects, as applicable.

(c) A description of the estimated need for additional funding for similar work to help meet the state's goals for beneficial fire as they change and increase over time.

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ASSEMBLY BILL No. 2045

Introduced by Assembly Member Connolly

February 17, 2026

An act to repeal Section 1657 of the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as introduced, Connolly. Habitat Restoration and Enhancement Act.

The Habitat Restoration and Enhancement Act authorizes a project proponent to submit a habitat restoration or enhancement project to the Director of Fish and Wildlife for approval. Under the act, a habitat restoration or enhancement project is a project with the primary purpose of improving fish and wildlife habitat. The act requires the director to approve a habitat restoration or enhancement project if the director determines that specified conditions are met. Under the act, the director's approval of a habitat restoration or enhancement project is in lieu of any other permit, agreement, license, or other approval issued by the Department of Fish and Wildlife. The act makes moneys in the Habitat Restoration and Enhancement Account available to the department, upon appropriation by the Legislature, for the purposes of administering and implementing the act. Existing law repeals the act on January 1, 2027.

This bill would extend the operation of the act indefinitely.

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

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

SECTION 1. Section 1657 of the Fish and Game Code is repealed.

~~1657. This chapter shall remain in effect only until January 1, 2027, and as of that date is repealed.~~

O

ASSEMBLY BILL No. 2157

Introduced by Assembly Members Connolly and Bryan

February 18, 2026

An act to repeal and add Section 9925 of the Unemployment Insurance Code, relating to workforce development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2157, as introduced, Connolly. Workforce development: Displaced Oil and Gas Worker Pilot Program: extension and assessment.

Existing law establishes, until July 1, 2027, the Displaced Oil and Gas Worker Pilot Program, to be administered by the Employment Development Department (department), for the purpose of addressing employment dislocations associated with oil, gas, and related industries. That program requires the department, using funds to be appropriated by the Legislature for purposes of the program, to award grants on a competitive basis to qualified applicants, as specified, for specified eligible activities.

This bill would extend the program indefinitely by removing the July 1, 2027, repeal date. The bill would also require the department, upon appropriation by the Legislature, to contract within 120 days with the University of California, Berkeley Center for Labor Research and Education (labor center) to complete an assessment analyzing the success of the program, as described. The bill would also require the department to work with the labor center to develop a recommended program design for turning the program from a pilot into a permanent program able to support displaced fossil fuel workers during the clean energy transition, as described. The bill would require the assessment

to be submitted to the Legislature no later than 18 months after the execution of the contract.

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

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

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

(1) The economic threats facing oil and gas workers are immense as refineries shut down across the state.

(2) In 2020 and 2021, the closure of Marathon's Martinez Refinery and the closure of the Phillips 66 Santa Maria Refinery displaced over 600 full-time workers and between 250 and 2,500 contract workers.

(3) More than 300 full-time workers experienced layoffs after the Phillips 66 refinery closure in Los Angeles at the end of 2025.

(4) Additionally, the Valero Benicia refinery closure in 2026 stands to impact hundreds of additional workers.

(5) Surveys of impacted workers reveal that, more than a year after their layoffs, many remain unemployed or underemployed and struggle to pay basic bills.

(6) Oil and gas workers are best positioned to understand the needs of impacted communities and craft effective responses.

(b) Therefore, it is the intent of the Legislature to do both of the following:

(1) Provide urgent and practical solutions for oil and gas workers to remain full and active participants in California's economy as an increasing number face industry closure and layoffs.

(2) Establish a program that will provide the comprehensive approach needed to successfully transition workers into new, secure, high-skill careers, while maintaining economic stability for workers, their families, and their communities.

SEC. 2. Section 9925 of the Unemployment Insurance Code is repealed.

~~9925. This article shall remain in effect only until July 1, 2027, and as of that date is repealed.~~

SEC. 3. Section 9925 is added to the Unemployment Insurance Code, to read:

9925. (a) (1) Upon appropriation by the Legislature, the department shall contract within 120 days with the University of California, Berkeley Center for Labor Research and Education to complete an assessment analyzing the success of the pilot program and make recommendations on policies the state shall use to turn the pilot program into a permanent program that is able to support displaced fossil fuel workers during the clean energy transition.

(2) (A) The assessment shall specifically analyze how the program met or did not meet the most urgent needs of the state's displaced oil workers during the pilot period by evaluating certain benchmarks.

(B) The benchmarks shall include, but are not limited to, the number of workers supported, speed of service delivery, and quality of comprehensive support provided in order to maintain economic well-being, including, but not limited to, career navigation, wage replacement, retirement assistance, wraparound services, access to training, and access to certifications.

(b) (1) The department, as part of its assessment under subdivision (a), shall work with the University of California, Berkeley Center for Labor Research and Education to develop a recommended program design for turning the pilot program into a permanent program that is able to support displaced fossil fuel workers during the clean energy transition.

(2) At minimum, the program design shall include all of the following:

(A) Review of best practices from other federal, state, and regional models in supporting displaced fossil fuel workers.

(B) Design of wage replacement and bridge to retirement strategies that can be incorporated into the structure of the program, in addition to individual assessment, career navigation, training, credentialing and skills certifications, wraparound services, and other in-demand services.

(C) Design worker transition pathways for the most at-risk fossil fuel occupations by identifying industries best suited to utilize displaced workers' skill sets, and by developing policy and programmatic strategies to support worker transitions into these aligned industries statewide.

(D) Design of criteria for future program grantees based on the assessment of pilot program success.

(E) Estimate of how many workers in the state are likely to require the services provided by this program, potential costs, and the timeline of need.

(F) Implementation recommendations for program structure and staffing to accomplish program objectives, including, but not limited to, strategies for leveraging stakeholder expertise on an ongoing basis.

(c) The assessment required by this section shall be submitted, in compliance with Section 9795 of the Government Code, to the Legislature no later than 18 months after the execution of the contract.

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AMENDED IN ASSEMBLY MARCH 11, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL No. 2180

Introduced by Assembly Member Ward

February 19, 2026

An act to add Section 53751.5 to the Government Code, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2180, as amended, Ward. Local government: Proposition 218 Omnibus Implementation Act: proportional cost of service.

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency. As part of those requirements, the California Constitution mandates that such fees or charges that are extended, imposed, or increased satisfy certain requirements, including, but not limited to, that the amount of the fee or charge imposed upon any parcel or person as an incident of property ownership not exceed the proportional cost of the service attributable to the parcel.

Existing law, known as the Proposition 218 Omnibus Implementation Act (act), prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances.

This bill would authorize a local government to demonstrate the proportional cost of the service attributable to the parcel by any method

that reasonably allocates the ascertainable cost of providing service to all parcels, if substantiated as provided. The bill would, however, provide that for water or sewer service fee or charge impositions, a local government is not required to provide an exact measure of the cost of the service at each parcel and may instead impose uniform or tiered ~~fees or charges~~ *rates* to parcel or customer classes that are defined based on common characteristics indicative of likely water or sewer use. The bill would provide that the proportional cost of service within each tier of water service may be substantiated by using any reasonable basis for allocating costs attributed to the tier, as ~~described.~~ *described, and would provide a local government discretion to determine the costs allocated to each tier as long as the rate for each tier does not exceed the proportional cost of service reasonably allocated to parcels subject to that tier.*

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

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

SECTION 1. Section 53751.5 is added to the Government Code, to read:

53751.5. (a) For any fee or charge adopted under Section 6 of Article XIII D of the California Constitution, "the proportional cost of the service attributable to the parcel" may be demonstrated by any method that reasonably allocates the ascertainable cost of providing service to all parcels. That allocation shall be substantiated by ~~existing or reasonably estimated~~ *historic, existing, estimated,* or projected data that reasonably captures the cost of the service to be provided.

(b) Notwithstanding subdivision (a), when imposing a fee or charge for water or sewer service, an agency is not required to provide an exact measure of the cost of the service at each parcel and an agency may impose uniform or tiered ~~fees or charges~~ *rates* to parcel or customer classes that are defined based on common characteristics indicative of likely water or sewer use, including, but not limited to, the nature and size of improvements to a parcel, land use, the nature or number of plumbing fixtures, *meter size,* or peak use characteristics.

(c) (1) When imposing a ~~fee or charge~~ *tiered rate* for water service, an agency may substantiate the proportional cost of the

service within each tier by using any reasonable basis for allocating costs attributed to the tier, including, but not limited to, the following:

(A) The cost of water from various sources.

(B) Facilities operation, maintenance, or construction costs.

(C) Contribution to systemwide peak demand projections.

(D) Costs that an agency incurs as a result of the use of water at various tiers or to implement water conservation or demand management measures, or incremental costs, as that term is used in Chapter 3.4 (commencing with Section 370) of Division 1 of the Water Code.

(2) An agency is not required to have a cost-based, or any other, justification for establishing any tier breakpoint. For purposes of this paragraph, "tier breakpoint" means the point where a customer leaves one tier and enters another tier.

~~(2)~~

(3) An agency has discretion to determine the ~~service~~ costs allocated to each ~~tier. That allocation is consistent with subdivision (b) of Section 6 of Article XIII D of the California Constitution if~~ *tier, provided that* the rate assigned to each tier ~~reasonably reflects the cost of providing service for~~ *does not exceed the proportional cost of service reasonably allocated to parcels subject to* that tier.

O

SENATE BILL No. 1393

Introduced by Senator McGuire

February 20, 2026

An act to amend Sections 7380, 7381, 7382, 8276.1, 8276.2, 8276.3, 8276.4, 8276.5, 8279.1, 8280.1, 8280.2, 8280.3, 8280.4, 8280.6, and 9002.5 of, and to add Sections 8276.6 and 8286 to, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

SB 1393, as introduced, McGuire. Commercial fishing: steelhead trout: Dungeness crab.

(1) Existing law requires a person taking steelhead trout in inland waters, in addition to a valid California sport fishing license and any applicable sport license stamp, to have in their possession a valid nontransferable steelhead trout fishing report-restoration card issued by the Department of Fish and Wildlife. Existing law set the base fee for the card at $5 for the 2004 license year, subject to adjustment for inflation, as specified. Existing law requires revenues from the card to be deposited in the Fish and Game Preservation Fund and to be available for expenditure, upon appropriation by the Legislature, to monitor, restore, or enhance steelhead trout resources consistent with specified law, and to administer the fishing report-restoration card program. Existing law requires the department to report to the Legislature on or before July 1, 2025, regarding the steelhead trout fishing report-restoration card program's projects undertaken using these revenues derived pursuant to that program, the benefits derived, and its recommendations for revising the fishing report-restoration card requirement, if any. These provisions are repealed as of January 1, 2027. Under existing law, any violation of the Fish and Game Code, or of any

rule, regulation, or order made or adopted under that code, is a misdemeanor, except as provided.

This bill would increase the base fee for a steelhead trout fishing report-restoration card to $15 for the 2027 license year. The bill would require the department to report to the Legislature regarding the fishing report-restoration card program's projects on or before July 1, 2031, and on or before July 1, 2036, and would extend the operation of the program until January 1, 2037. Because this bill would extend the operation of the fishing report-restoration card requirements, the violation of which would be a crime, it would impose a state-mandated local program.

(2) Existing law requires the department, in consultation with the California Dungeness Crab Fishing Gear Working Group and other stakeholders, to adopt regulations establishing criteria and protocols to evaluate and respond to potential risk of marine life entanglement, as prescribed. Existing law authorizes the Director of Fish and Wildlife to restrict the take of Dungeness crab pursuant to the criteria and protocols. Existing law makes it unlawful to take or possess Dungeness crab from any waters closed, or otherwise violate any restriction on take imposed, pursuant to these provisions. Existing law repeals these provisions on January 1, 2030.

This bill would extend the operation of these, and related, Dungeness crab provisions until January 1, 2040. By extending the operation of existing provisions, a violation of which is a crime, the bill would impose a state-mandated local program. The bill would authorize a vessel to transit closed waters with Dungeness crab traps and Dungeness crab on board the vessel if specified conditions are met, as provided.

(3) Existing law provides for the development and administration of a Dungeness crab task force. Existing law imposes various duties on the task force, including making specified recommendations to the Joint Committee on Fisheries and Aquaculture, the department, and the Fish and Game Commission. Existing law establishes the Dungeness Crab Account in the Fish and Game Preservation Fund. Existing law requires, through the 2029 fiscal year, a specified sum to be allocated to the Ocean Protection Council to support the administration and facilitation of the Dungeness crab task force. Existing law repeals these provisions on January 1, 2030.

This bill would extend the operation of those task force provisions until January 1, 2040. The bill would establish the Dungeness Crab Fleet Subaccount within the Dungeness Crab Account. The bill would

require the moneys in the subaccount to be managed and overseen by the Pacific States Marine Fisheries Commission and, upon an appropriation by the Legislature, would require the moneys to be used to implement a spending plan that the bill would require the Dungeness crab task force to develop, as provided.

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

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

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

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

SECTION 1. Section 7380 of the Fish and Game Code is amended to read:

7380. (a) In addition to a valid California sport fishing license and any applicable sport license stamp issued pursuant to this code, after January 1, 1993, a person taking steelhead trout in inland waters shall have in ~~his or her~~ *their* possession a valid nontransferable steelhead trout fishing report-restoration card issued by the department. The cardholder shall record certain fishing information on the card as designated by the department. The month, day, and location fished shall be recorded before the cardholder begins fishing for the day and when the cardholder moves to another location listed on the back of the report-restoration card. The cardholder shall immediately record catch information upon keeping a steelhead trout and immediately record catch information regarding released steelhead trout whenever the cardholder finishes fishing for the day, or moves to another location listed on the back of the report-restoration card. The cardholder shall return the card to the department on a schedule or date established by the department.

(b) The base fee for the card shall be ~~five dollars ($5) for the 2004~~ *fifteen dollars ($15) for the 2027* license year, which may be adjusted annually thereafter pursuant to Section 713. The funds received by the department from the sale of the card shall be deposited in the Fish and Game Preservation Fund and shall be available for expenditure upon appropriation by the Legislature.

The department shall maintain the internal accountability necessary to ensure that all restrictions and requirements pertaining to the expenditure of these funds are met.

(c) The commission shall adopt regulations necessary to implement this section. These regulations shall include, but not be limited to, procedures necessary to obtain appropriate steelhead trout resources management information, a requirement that the card contain a statement explaining potential uses of the funds received as authorized by Section 7381, and a requirement that the cards be returned to the department.

SEC. 2. Section 7381 of the Fish and Game Code is amended to read:

7381. (a) Revenue received pursuant to Section 7380 may be expended, upon appropriation by the Legislature, only to monitor, restore, or enhance steelhead trout resources consistent with Sections 6901 and 6902, and to administer the fishing report-restoration card program. The department shall submit all proposed expenditures, including proposed expenditures for administrative purposes, to the Advisory Committee on Salmon and Steelhead Trout for review and comment before submitting a request for inclusion of the appropriation in the annual Budget Act. The committee may recommend revisions in any proposed expenditure to the Legislature and the commission.

(b) The department shall report to the Legislature on or before July 1, ~~2025,~~ *2031, and on or before July 1, 2036,* regarding the steelhead trout fishing report-restoration card program's projects undertaken using revenues derived pursuant to that program, the benefits derived, and its recommendations for revising the fishing report-restoration card requirement, if any. The report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 3. Section 7382 of the Fish and Game Code is amended to read:

7382. This article shall remain in effect only until January 1, ~~2027,~~ *2037,* and as of that date is repealed.

SEC. 4. Section 8276.1 of the Fish and Game Code is amended to read:

8276.1. (a) For purposes of this section, the following definitions apply:

(1) "California Dungeness Crab Fishing Gear Working Group" means the California Dungeness Crab Fishing Gear Working Group established by the department, in partnership with the Ocean Protection Council and the National Marine Fisheries Service, on September 21, 2015, and as defined by its most recent charter as it may be amended from time to time.

(2) "Risk assessment and mitigation program" means the program developed by the California Dungeness Crab Fishing Gear Working Group, as that program may be amended from time to time until the regulations are adopted pursuant to subdivision (b), to identify and assess elevated levels of entanglement risk and determine the need for management options to reduce the risk of entanglement.

(b) The department, in consultation with the California Dungeness Crab Fishing Gear Working Group and other stakeholders, shall adopt regulations establishing criteria and protocols to evaluate and respond to the potential risk of marine life entanglement. The regulations shall include, but are not limited to, the risk assessment and mitigation program, and the use of alternative gear only after the season is open pursuant to the risk assessment and mitigation program that may otherwise be prohibited as prescribed by the department. Upon the effective date of the regulations, the director may restrict the take of Dungeness crab pursuant to the protocols and criteria.

(c) Unless otherwise prescribed by regulation, it is unlawful to take or possess Dungeness crab from any waters closed, or otherwise violate any restriction on take imposed, pursuant to this section.

(d) This section shall remain in effect only until January 1, ~~2030,~~ *2040,* and as of that date is repealed.

SEC. 5. Section 8276.2 of the Fish and Game Code is amended to read:

8276.2. (a) The director may order a delay in the opening of the Dungeness crab fishery after December 1 in Districts 6, 7, 8, and 9 in any year. The delay in the opening shall not be later than January 15 of any year.

(b) (1) On or about November 1 of each year, the director may authorize one or more operators of commercial fishing vessels to take and land a limited number of Dungeness crab for the purpose of quality testing according to a testing program conducted by, or

on behalf of, the Pacific States Marine Fisheries Commission or an entity approved by the department.

(2) (A) The meat extracted from Dungeness crab tested pursuant to paragraph (1) may be sold by the entity approved by the department and revenues from that sale may be used for purposes of managing the testing program. Revenues shall be deposited in an account managed and overseen by the Pacific States Marine Fisheries Commission.

(B) For purposes of the testing program, the department shall develop guidelines after consulting with representatives of the California Dungeness crab industry, which shall include California delegates to the Tri-State Dungeness Crab Commission or members of the California Dungeness Crab Task Force, or both. The guidelines shall include the following:

(i) Suggested guidelines for the management of the funds received from, but not limited to, the sale of the crab meat pursuant to subparagraph (A), including the suggested guideline that funds in excess of the program costs may be donated for charitable purposes.

(ii) Guidelines for the testing program.

(iii) Guidelines that establish measures to track crab caught for purposes of the testing program, including, but not limited to, the guideline that all crab caught and sold for the testing program shall be canned.

(c) The director shall order the opening of the Dungeness crab season in Districts 6, 7, 8, and 9 on December 1 if the quality tests authorized in subdivision (b) indicate the Dungeness crabs are not soft-shelled or low quality. The entity authorized to conduct the approved testing program may test, or cause to be tested, crabs taken for quality and soft shells pursuant to the approved testing program. If the tests are conducted on or about November 1 and result in a finding that Dungeness crabs are soft-shelled or low quality, the director shall authorize a second test to be conducted on or about November 15 pursuant to the approved testing program. If the second test results in a finding that Dungeness crabs are soft-shelled or low quality, the director may order the season opening delayed for a period of 15 days and may authorize a third test to be conducted on or about December 1. If the third test results in a finding that Dungeness crabs remain soft-shelled or of low quality, the director may order the season opening delayed for a

period of an additional 15 days and authorize a fourth test to be conducted. This procedure may continue to be followed, except that tests shall not be conducted after January 15 for that season, and the season opening shall not be delayed by the director later than January 15.

(d) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 8276.3 of the Fish and Game Code is amended to read:

8276.3. (a) If there is any delay ordered by the director pursuant to Section 8276.2 in the opening of the Dungeness crab fishery in Districts 6, 7, 8, and 9, a vessel shall not take or land crab within Districts 6, 7, 8, and 9 during any closure.

(b) If there is any delay in the opening of the Dungeness crab season pursuant to Section 8276.2, the opening date in Districts 6, 7, 8, and 9 shall be preceded by a 64-hour gear setting period, as ordered by the director.

(c) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Section 8276.4 of the Fish and Game Code is amended to read:

8276.4. (a) The Ocean Protection Council shall make a grant, upon appropriation of funding by the Legislature, for the development and administration of a Dungeness crab task force. The membership of the Dungeness crab task force shall be comprised of all of the following:

(1) Two nonvoting members representing the department, appointed by the department.

(2) One nonvoting representative of the University of California Sea Grant, appointed by the University of California Sea Grant.

(3) Seven members appointed by the Chair of the Ocean Protection Council following a public solicitation for nominations, as follows:

(A) One voting and one nonvoting member representing sport fishing interests.

(B) Two voting members representing crab processing interests.

(C) One voting member representing commercial passenger fishing vessel interests.

(D) Two nonvoting members representing nongovernmental organization interests.

(4) Seventeen voting members representing commercial fishery interests, elected by licensed persons possessing valid Dungeness crab permits in their respective ports and production levels, as follows:

(A) Three members from Crescent City.

(B) One member from Trinidad.

(C) Two members from Eureka.

(D) Two members from Fort Bragg.

(E) Two members from Bodega Bay.

(F) Two members from San Francisco.

(G) Two members from Half Moon Bay.

(H) Two members from ports south of Half Moon Bay.

(I) One member who has a valid California nonresident crab permit.

(b) (1) Elected members in each port shall represent the following production levels:

(A) For ports with one elected member, the member shall represent both the upper and lower production levels.

(B) For ports with two elected members, one member shall represent the upper production level and one member shall represent the lower production level.

(C) For ports with three elected members, one member shall represent the upper production level, one member shall represent the lower production level, and one member shall represent both the upper and lower production levels.

(2) Upper and lower production levels shall be determined in relation to the average landing, during the five-year period before the beginning of an election cycle, of valid crab permitholders who landed a minimum of 25,000 pounds of crab during that period.

(c) Elections shall be held every three years in each port, on a staggered basis across ports, in coordination with the department or the Ocean Protection Council and with support from an administrative team of the Dungeness crab task force. In an election

year, all elected members in a port shall be subject to reelection. There is no limit on the number of terms that may be served by any person.

(d) (1) Each member appointed pursuant to paragraph (1), (2), or (3) of subdivision (a) shall select an alternate to serve and, if applicable, vote in the member's place in case of the member's absence from, or disqualification from participating in, a meeting of the task force. If the position of a member appointed pursuant to one of those paragraphs becomes vacant, the alternate member shall serve until the position is filled as required pursuant to that paragraph.

(2) Each elected member shall select an alternate in the same port and production level to serve and vote in the member's place in case of the member's absence from, or disqualification from participating in, a meeting of the task force. If the position of the member becomes vacant, the alternate shall serve and vote in the member's place until the next election is held in the port pursuant to subdivision (c).

(e) The Dungeness crab task force shall do all of the following:

(1) Review and evaluate the commercial Dungeness crab management measures described in Section 8276.5, and make recommendations to the Joint Committee on Fisheries and Aquaculture, the department, and the commission, no later than January 15, 2022, and by January 15 of every third year thereafter through ~~2028.~~ *2038.*

(2) Make recommendations by the dates specified in paragraph (1) on all of the following: the need for a permanent Dungeness crab advisory committee, the economic impact of the program described in Section 8276.5 on permitholders of different tiers and the economies of different ports, the cost of the program to the department, including enforcement costs, the viability of a buyout program for the permitholders described in subparagraph (G) of paragraph (1) of subdivision (a) of Section 8276.5, refining commercial Dungeness crab management, and the need for statutory changes to accomplish task force objectives.

(3) In considering commercial Dungeness crab management options, prioritize the review of pot limit restriction options, current and future commercial fishery effort, season modifications, essential fishery information needs, and short- and long-term objectives for improved management.

(f) The task force may establish subcommittees of specific user groups from the task force membership to focus on issues specific to commercial harvest or crab processing. The subcommittees shall report their recommendations, if any, to the task force.

(g) The Ocean Protection Council may include in a grant funding to cover department staffing costs, as well as travel costs for task force participants as specified in paragraph (1) of subdivision (a).

(h) Except as otherwise provided in Section 8276.5, a recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote of at least two-thirds of the voting members of the task force.

(i) Eligibility to take crab in state waters and offshore for commercial purposes may be subject to restrictions, including, but not limited to, restrictions on the number of traps utilized by that person, if either of the following occurs:

(1) A person holds a California Dungeness crab permit with California landings of less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive, as reported in California landings receipts.

(2) A person has purchased a Dungeness crab permit on or after July 15, 2008, from a permitholder whose California landings were less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive, as reported in California landings receipts.

(j) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 8276.5 of the Fish and Game Code is amended to read:

8276.5. (a) In consultation with the Dungeness crab task force, or its appointed representatives, the director shall adopt a program, ~~by~~ *on or before* March 31, 2013, for Dungeness crab trap limits for all California permits. Unless the director finds that there is consensus in the Dungeness crab industry that modifications to the following requirements are more desirable, with evidence of consensus, including, but not limited to, the record of the Dungeness crab task force, the program shall include all of the following requirements:

(1) The program shall contain seven tiers of Dungeness crab trap limits based on California landings receipts under California permits between November 15, 2003, and July 15, 2008, as follows:

(A) The 55 California permits with the highest California landings shall receive a maximum allocation of 500 trap tags.

(B) The 55 California permits with the next highest California landings to those in subparagraph (A) shall receive a maximum allocation of 450 trap tags.

(C) The 55 California permits with the next highest California landings to those in subparagraph (B) shall receive a maximum allocation of 400 trap tags.

(D) The 55 California permits with the next highest California landings to those in subparagraph (C) shall receive a maximum allocation of 350 trap tags.

(E) The 55 California permits with the next highest California landings to those in subparagraph (D) shall receive a maximum allocation of 300 trap tags.

(F) The remaining California permits with the next highest California landings to those in subparagraph (E), which are not described in paragraph (1) or (2) of subdivision (i) of Section 8276.4, shall receive a maximum allocation of 250 trap tags.

(G) The California permits described in paragraphs (1) and (2) of subdivision (i) of Section 8276.4 shall receive a maximum allocation of 175 trap tags.

(2) ~~Participants~~ *A participant* in the program shall meet all of the following requirements:

(A) Unless a participant receives a waiver pursuant to paragraph (3), pay a biennial fee for each trap tag issued pursuant to this section to pay the pro rata share of costs of the program, including, but not limited to, informing permitholders of the program, collecting fees, acquiring and sending trap tags to permitholders, paying for a portion of enforcement costs, and monitoring the results of the program. The fee shall not exceed five dollars ($5) per trap, per two-year period. All of the trap tags allocated to each permit pursuant to subdivision (a) shall be purchased by the permitholder or the permit shall be void.

(B) Purchase a biennial crab trap limit permit of not more than one thousand dollars ($1,000) per two-year period to pay for the department's reasonable regulatory costs.

(C) Not lease a crab trap tag, and transfer a tag only as part of a transaction to purchase a California permitted crab vessel.

(D) A Dungeness crab trap that is fished shall contain a trap tag that is fastened to the main buoy, and an additional tag provided by the permitholder attached to the trap. The department shall mandate the information that is required to appear on both buoy and trap tags.

(3) The department shall issue a participant a waiver from the biennial fee for each trap tag described in subparagraph (A) of paragraph (2) if the participant is unable to fish due to mandatory military service and the participant submits a request for a waiver to the department at the same time that the participant renews the permit issued pursuant to subparagraph (B) of paragraph (2). A participant who receives a waiver pursuant to this paragraph shall not apply to the department to fish for Dungeness crab during the first year of the waiver, but may apply to fish for Dungeness crab during the second year of the waiver if the participant pays the full cost of the biennial fee for each trap tag. The department shall not limit the number of times a participant may request a waiver.

(4) Notwithstanding subparagraph (D) of paragraph (2), a vessel may transit state waters with Dungeness crab traps that are not tagged pursuant to subparagraph (D) of paragraph (2) if the traps contain either a valid Oregon or Washington trap tag, ~~no crab species are onboard the vessel, and~~ the traps are not deployed in state ~~waters.~~ *waters, or all of the conditions required pursuant to Section 8285 are met.*

(5) The department shall annually provide an accounting of all costs associated with the crab trap limit program. The department shall use excess funds collected to reduce the cost of the crab trap limit permit fee or tag fee in subsequent years of the program.

(6) ~~Permitholders~~ *A permitholder* may replace lost tags by application to the department and payment of a fee not to exceed the reasonable costs incurred by the department. The department may waive or reduce a fee in the case of catastrophic loss of tags.

(b) (1) In addition to criminal penalties authorized by law, a violation of the requirements of the program created pursuant to this section shall be subject to the following civil penalties:

(A) Conviction of a first offense shall result in a fine of not less than two hundred fifty dollars ($250) and not more than one thousand dollars ($1,000) per illegal trap or fraudulent tag.

(B) Conviction of a second offense shall result in a fine of not less than five hundred dollars ($500) and not more than two thousand five hundred dollars ($2,500) per illegal trap or fraudulent tag, and the permit may be suspended for one year.

(C) Conviction of a third offense shall result in a fine of not less than one thousand dollars ($1,000) and not more than five thousand dollars ($5,000) per illegal trap or fraudulent tag, and the permit may be permanently revoked.

(2) The severity of a penalty within the ranges described in this subdivision shall be based on a determination whether the violation was willful or negligent and other factors.

(3) The portion of monetary judgments for noncompliance that are paid to the department shall be deposited in the Dungeness Crab Account created pursuant to subdivision (e).

(c) For the purposes of this section, a proposed recommendation that receives an affirmative vote of at least two-thirds of the voting members of the Dungeness crab task force may be transmitted to the director or the Legislature as a recommendation, shall be considered to be the consensus of the task force, and shall be considered to be evidence of consensus in the Dungeness crab industry. Any proposed recommendation that does not receive a vote sufficient to authorize transmittal to the director or Legislature as a recommendation shall be evidence of a lack of consensus by the Dungeness crab task force, and shall be considered to be evidence of a lack of consensus in the crab industry.

(d) The director may modify the program adopted pursuant to subdivision (a), if consistent with the requirements of this section, after consultation with the Dungeness crab task force or its representatives and after the task force has had 60 days or more to review the proposed modifications and recommend any proposed changes. The director may implement the modifications earlier than 60 days after it is sent to the Dungeness crab task force for review, if recommended by the task force.

(e) The Dungeness Crab Account is hereby established in the Fish and Game Preservation Fund and the fees collected pursuant to this section shall be deposited in that account. The ~~money~~ *moneys* in the account shall be used as follows:

(1) By the department, upon appropriation by the Legislature, for administering and enforcing the program.

(2) In each fiscal year through the ~~2029~~ *2039* fiscal year, upon appropriation by the Legislature, of the amount remaining in the account after an allocation pursuant to paragraph (1), the sum of one hundred fifty thousand dollars ($150,000), if available, shall be allocated to the council to support the administration and facilitation of the Dungeness crab task force.

(3) Beginning in fiscal year 2027, and every two fiscal years thereafter through fiscal year 2039, the amount remaining in the account after the allocations pursuant to paragraphs (1) and (2) are made shall be deposited into the Dungeness Crab Fleet Subaccount established pursuant to section 8276.6.

(f) For purposes of meeting the necessary expenses of initial organization and operation of the program until fees may be collected, or other funding sources may be received, the department may borrow ~~money~~ *moneys* as needed for these expenses from the council. The borrowed ~~money~~ *moneys* shall be repaid within one year from the fees collected or other funding sources received. The council shall give high priority to providing funds or services to the department, in addition to loans, to assist in the development of the program, including, but not limited to, the costs of convening the Dungeness crab task force, environmental review, and the department's costs of attending meetings with task force members.

(g) (1) It is the intent of the Legislature that the department, the council, and the Dungeness crab task force work with the Pacific States Marine Fisheries Commission and the Tri-State Dungeness Crab Commission to resolve any issues pertaining to moving the fair start line south to the border of California and Mexico.

(2) For purposes of this subdivision, the resolution of issues pertaining to the fair start line shall be limited to assessing the positive and negative implications of including District 10 in the tri-state agreement, including working with the Tri-State Dungeness Crab Commission to amend Oregon and Washington laws to include District 10 in the regular season fair start clause, and discussion of providing different rules for District 10 with regard to preseason quality testing.

(h) For purposes of this section, "council" means the Ocean Protection Council established pursuant to Section 35600 of the Public Resources Code.

(i) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 8276.6 is added to the Fish and Game Code, to read:

8276.6. (a) (1) The Dungeness Crab Fleet Subaccount is hereby established in the Dungeness Crab Account established pursuant to Section 8276.5. Funds shall be deposited into the subaccount in accordance with paragraph (3) of subdivision (e) of Section 8276.5.

(2) The moneys deposited into the subaccount shall be managed and overseen by the Pacific States Marine Fisheries Commission.

(3) The moneys in the subaccount shall be available, upon appropriation by the Legislature, to implement the spending plan developed by the California Dungeness crab task force pursuant to subdivision (b).

(b) (1) The California Dungeness crab task force shall, on or before December 31, 2027, and by December 31 annually thereafter until December 31, 2039, develop and submit to the Legislature a spending plan for the funds in the subaccount.

(2) The task force shall submit the plan pursuant to paragraph (1) in accordance with Section 9795 of the Government Code.

SEC. 10. Section 8279.1 of the Fish and Game Code is amended to read:

8279.1. (a) A person shall not take, possess onboard, or land Dungeness crab for commercial purposes from a vessel in ocean waters for 30 days after the opening of those waters for the commercial Dungeness crab fishing season, if both of the following events have occurred:

(1) The opening of the season has been delayed in those waters.

(2) The same vessel was used to take, possess onboard, or land Dungeness crab for commercial purposes, from ocean waters outside of the delayed waters, before the opening of the delayed waters for the season.

(b) For purposes of this section, a delay in the opening of ocean waters for the commercial Dungeness crab fishing season has occurred in either of the following circumstances:

(1) The opening of those waters for the season has been delayed pursuant to Section 5523 or 8276.2 or the regulations adopted pursuant to Section 8276.1.

(2) The opening of those waters for the season has been delayed in Oregon or Washington due to the tri-state quality testing program or by a closure to prevent a risk to human health or a risk of marine life entanglement.

(c) A violation of this section does not constitute a misdemeanor. Pursuant to Section 7857, the commission shall revoke the Dungeness crab vessel permit that was issued for use on the vessel that was used in violation of this section.

(d) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. Section 8280.1 of the Fish and Game Code is amended to read:

8280.1. (a) A person shall not use a vessel to take, possess, or land Dungeness crab for commercial purposes using Dungeness crab traps authorized pursuant to Section 9011, unless the owner of that vessel has a Dungeness crab vessel permit for that vessel that has not been suspended or revoked.

(b) A person shall not be issued a new, original Dungeness crab vessel permit. A Dungeness crab vessel permit may be issued only pursuant to a renewal or transfer of an existing permit as provided in Section 8280.2 or 8280.3.

(c) A permit issued pursuant to paragraph (3) of subdivision (b) of this section, as this section read on August 1, 2018, or any prior version of that paragraph, shall become immediately null and void upon the death of the permittee.

(d) In addition to criminal penalties authorized by law, a person who fishes without a Dungeness crab vessel permit, or who uses a Dungeness crab vessel permit to fish illegally on another vessel other than the permitted one, shall be subject to a fine not more than twenty thousand dollars ($20,000) and, at the discretion of the department, revocation of the person's fishing license for a period not to exceed five years and revocation of the commercial boat registration license for a period not to exceed five years.

(e) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 12. Section 8280.2 of the Fish and Game Code is amended to read:

8280.2. (a) The owner of a Dungeness crab vessel, for purposes of this section, may include a person with a bona fide contract for the purchase of a vessel who otherwise meets all other qualifications for a Dungeness crab vessel permit. If a contract is found to be fraudulent or written or entered into for the purposes of circumventing qualification criteria for the issuance of a permit, the applicant shall be permanently ineligible for a Dungeness crab vessel permit.

(b) A Dungeness crab vessel permit shall be issued only to the person owning the vessel at the time of application for that permit. A person shall not be issued more than one permit for each vessel owned by that person and qualifying for a permit pursuant to this article.

(c) A Dungeness crab vessel permit shall be issued only to the owner of a vessel taking crab by traps. A permit shall not be issued to the owner of a vessel using trawl or other nets unless the owner of that vessel qualifies for a permit pursuant to paragraph (1) of subdivision (b) of Section 8280.1, as that section read on August 1, 2018, or any prior version of that paragraph. A trawl or other net vessel authorized under this code to take Dungeness crab incidental to the taking of fish in trawl or other nets shall not be required to possess a Dungeness crab vessel permit.

(d) Dungeness crab vessel permits shall not be combined or otherwise aggregated for the purpose of replacing smaller vessels in the fishery with a larger vessel, and a permit shall not be divided or otherwise separated for the purpose of replacing a vessel in the fishery with two or more smaller vessels.

(e) Applications for renewal of ~~all~~ *a* Dungeness crab vessel ~~permits~~ *permit* shall be received by the department, or, if mailed, postmarked, by April 30 of each year. In order for a vessel to retain eligibility, a permit shall be obtained each year subsequent to the initial permit year and the vessel shall be registered pursuant to Section 7881. The vessel owner shall have a valid commercial

fishing license issued to that person pursuant to Section 7852 that has not been suspended or revoked. Minimum landings of Dungeness crab shall not be required annually to be eligible for a Dungeness crab vessel permit.

(f) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 13. Section 8280.3 of the Fish and Game Code is amended to read:

8280.3. (a) For purposes of this section, the term "length overall" means the horizontal distance between the forward-most and after-most points on the hull of a vessel. The length overall of a vessel does not include attachments fixed to the stern and bow.

(b) Notwithstanding Article 9 (commencing with Section 8100) of Chapter 1 and except as provided in this section, a Dungeness crab vessel permit shall not be transferred.

(c) (1) The owner of a vessel to whom a Dungeness crab vessel permit has been issued shall transfer the permit for the use of that vessel upon the sale of the vessel by the permitholder to the person purchasing the vessel, except that the permit shall not be transferred if the vessel is more than five feet longer in length overall, as determined by a licensed marine surveyor, than the baseline length on the permit. Thereafter, upon notice to the department, the person purchasing the vessel may use the vessel for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year, and that person is eligible for a permit pursuant to this article for the use of that vessel in subsequent years. The person purchasing the vessel shall not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year.

(2) A permit described in subdivision (c) of Section 8280.1 shall not be transferred pursuant to this subdivision.

(d) The owner of a vessel to whom the Dungeness crab vessel permit has been issued may transfer the permit to a replacement vessel of equivalent capacity, except as specified in this section. Thereafter, upon notice to the department and payment of the transfer fee specified in Section 8280.6, the replacement vessel may be used for the taking and landing of Dungeness crab for any

and all of the unexpired portion of the permit year and that person is eligible for a permit pursuant to this article for the use of that replacement vessel in subsequent years.

(e) (1) The owner of a permitted vessel may transfer the permit to a vessel of greater capacity as follows:

(A) If the person the permit is to be transferred to purchased the vessel of greater capacity on or before November 15, 1995, the vessel of greater capacity ~~may~~ *shall* not be more than 10 feet longer in length overall than the baseline length on the permit.

(B) If the person the permit is to be transferred to purchased the vessel of greater capacity after November 15, 1995, the vessel of greater capacity ~~may~~ *shall* not be more than five feet longer in length overall than the baseline length on the permit.

(2) A permit described in subdivision (c) of Section 8280.1 shall not be transferred pursuant to this subdivision.

(f) (1) The department may authorize the owner of a permitted vessel to transfer the permit to a replacement vessel that was owned by the person the permit is to be transferred to on or before April 1, 1996, that does not fish with trawl nets that is greater than five feet longer in length overall than the baseline length on the permit, if all of the following conditions are satisfied:

(A) A vessel of a larger size is essential to the proposed permitholder for participation in another fishery other than a trawl net fishery.

(B) The owner of the permitted vessel held a permit on or before January 1, 1995, for the fishery for which a larger vessel is needed and has participated in that fishery.

(C) The permit for the vessel from which the permit is to be transferred qualified pursuant to paragraph (1) of subdivision (b) of Section 8280.1, as that section read on August 1, 2018, or any prior version of that paragraph.

(D) The vessel to which the permit is to be transferred does not exceed 20 feet longer in length overall than the baseline length on the permit and the vessel to which the permit is to be transferred does not exceed 60 feet in length overall.

(E) A permit was not previously transferred to the same replacement vessel.

(2) A permit described in subdivision (c) of Section 8280.1 shall not be transferred pursuant to this subdivision.

(g) A transfer of a permit to a larger vessel shall not be allowed more than one time. If a permit is transferred to a larger vessel, any Dungeness crab vessel permit for that permit year or any subsequent permit years for that larger vessel shall not be transferred to another larger vessel. The department shall not thereafter issue a Dungeness crab vessel permit for the use of the original vessel from which the permit was transferred, except that the original vessel may be used to take or land Dungeness crab after that transfer if its use is authorized pursuant to another Dungeness crab vessel permit subsequently transferred to that vessel pursuant to subdivision (d), (e), or (f).

(h) (1) Upon the written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued, which has California Dungeness crab landings made with trap gear documented on department electronic fish tickets and which has had California Dungeness crab landings amounting to not less than 5,000 pounds cumulative for the past two Dungeness crab seasons, may temporarily transfer the permit to a replacement vessel for which use in the Dungeness crab fishery is not permitted pursuant to this article that is of equivalent size and capacity of the originally permitted vessel, no greater than 10 feet longer in length overall than the vessel from which the permit is transferred, for a period of not more than six months during the current permit year if the vessel for which the permit was issued is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed, as determined by the department, upon approval of the director. The owner of the vessel shall submit proof that the department may reasonably require to establish the existence of the conditions of this paragraph. Only the permittee at the time of the loss, theft, damage, breakdown, or destruction of the vessel may apply for the transfer of the vessel permit. Proof of loss or destruction shall be documented by submission of a copy of the report filed with the United States Coast Guard or any other law enforcement or fire agency that investigated the loss. In the case of mechanical breakdown, the request shall include an estimate of the costs to repair the vessel from a marine surveyor or boat repair yard. The department shall not issue a permit for a replacement vessel pursuant to this subdivision if the permitted vessel was reported lost, stolen, mechanically broken down, destroyed, or damaged for fraudulent purposes. Upon approval by the director,

the owner of a vessel granted a six-month temporary transfer under this section may be granted an additional six-month extension of the temporary transfer.

(2) Notwithstanding subdivision (e) of Section 8280.2, in the event of loss or destruction of a vessel for which a Dungeness crab vessel permit was issued, or serious damage that renders the vessel inoperable, and upon written approval of the department, the owner of the vessel to whom the permit was issued may retain the permit and may transfer the permit to another vessel of equivalent size and capacity of the vessel that was lost or damaged during the period of two years after the loss or damage of the vessel for which the permit was originally issued. The owner of the lost or damaged vessel shall submit proof that the department may reasonably require to establish the loss or damage of the vessel. Only the permittee at the time of the loss, theft, damage, or destruction of the vessel may apply for the transfer of the vessel permit. Proof of loss or destruction shall be documented by submission of a copy of the report filed with the United States Coast Guard or any other law enforcement or fire agency that investigated the loss. In the case of mechanical breakdown, the request shall include an estimate of the costs to repair the vessel from a marine surveyor or boat repair yard. The department shall not issue a permit for a replacement vessel pursuant to this paragraph if the lost or damaged vessel was reported lost, stolen, destroyed, mechanically broken down, or damaged for fraudulent purposes. The department shall only transfer a permit pursuant to this paragraph if the lost or damaged vessel has a current permit and the owner of the lost or damaged vessel makes assurances in the application that any renewal of the permit that becomes due during the application processing period will be made. If the permit is not permanently transferred to another vessel within two years of the loss or damage, the permit shall become void by operation of law.

(i) Upon written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel within one year of the sale of the permitted vessel, the permit shall become void by operation of law.

(j) Except as provided in subdivision (c) of Section 8280.1, in the event of the death or incapacity of a permitholder, the permit shall be transferred, upon application, to the heirs or assigns, or to the working partner, of the permitholder, together with the transfer of the vessel for which the permit was issued, and the new owner may continue to operate the vessel under the permit, renew the permit, or transfer the permit upon sale of the vessel pursuant to subdivision (b). The estate of the holder of a transferable Dungeness crab vessel permit may renew that permit as provided for in statute if needed to keep it valid. The estate of the decedent may transfer that permit pursuant to these regulations no later than two years from the date of death of the permitholder as listed on the death certificate.

(k) (1) For purposes of this section, the baseline length on a Dungeness crab vessel permit shall be equal to the length overall of the vessel for which the permit was originally issued, as originally documented on the permit, unless updated pursuant to paragraph (2).

(2) (A) If, on or before March 31, 2020, the owner of a vessel to whom a Dungeness crab vessel permit has been issued submits to the department a survey reflecting a current length overall of the vessel that is greater than the length overall described in paragraph (1), the baseline length on the permit shall be equal to that current length overall.

(B) A survey submitted pursuant to subparagraph (A) shall be conducted by a licensed marine surveyor.

(*l*) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 14. Section 8280.4 of the Fish and Game Code is amended to read:

8280.4. (a) The commission may revoke the commercial fishing license issued pursuant to Section 7852 of any person owning a fishing vessel engaging in the taking or landing of Dungeness crab by traps for which that person has not obtained a Dungeness crab vessel permit, and the commission may revoke the registration, issued pursuant to Section 7881, for that vessel.

(b) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 15. Section 8280.6 of the Fish and Game Code is amended to read:

8280.6. (a) The department shall charge a fee for each Dungeness crab vessel permit of two hundred dollars ($200) for a resident of California and four hundred dollars ($400) for a nonresident of California, for the reasonable regulatory costs of the department.

(b) The department shall charge a nonrefundable fee of two hundred dollars ($200) for each transfer of a permit authorized pursuant to Section 8280.3, for the reasonable regulatory costs of the department.

(c) A vessel owner shall sign an application for transfer and certify that the information included in the application is true to the best of ~~his or her~~ *the owner's* information and belief.

(d) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 16. Section 8286 is added to the Fish and Game Code, immediately following Section 8285, to read:

8286. (a) A vessel may transit waters closed pursuant to this section with Dungeness crab traps and Dungeness crab onboard the vessel if all the following conditions are met:

(1) The vessel shall submit a notice of intent to the department at least 72 hours before entering a closed area. The notice shall include all of the following:

(A) The vessel's name.

(B) The vessel's captain's name and phone number.

(C) The port of landing.

(D) The number of trips anticipated where the vessel will enter a closed area.

(E) The requested start and end date of closed area transit.

(F) The procedures the vessel will follow in case of mechanical failure or breakdown during transit.

(2) The vessel maintains continuous transit through the closed waters.

(3) The vessel possesses an electronic monitoring system approved by the department. The system shall remain fully operational during transit through closed areas.

(4) All gear is secured so that no traps are rendered unusable.

(b) The department shall provide an exemption from the requirements of subdivision (a) for a vessel experiencing mechanical issues during transit.

(c) For purposes of this section, "continuous transit" means transiting through an area closed to take of Dungeness crab on a heading as close as practicable to a direct route, without stopping or delaying, and maintaining speeds greater than three knots at all times during transit.

SEC. 17. Section 9002.5 of the Fish and Game Code is amended to read:

9002.5. (a) Notwithstanding Section 9002, the department, in consultation with the Dungeness crab task force, shall establish a retrieval program to provide for the retrieval of lost or abandoned commercial Dungeness crab traps by June 30, 2019.

(b) The retrieval program developed pursuant to subdivision (a) shall be consistent with all of the following:

(1) (A) The department shall establish a retrieval permit that grants a person who obtains a retrieval permit the authority to retrieve Dungeness crab traps located in ocean waters belonging to another person without written permission from that person during both of the following periods of time:

(i) The closed season of the Dungeness crab commercial fishery, as described in Section 8276.

(ii) A period of time other than the time period described in clause (i) in which the director restricts the take of Dungeness crab pursuant to Section 8276.1 or regulations adopted pursuant to that section, if the director authorizes retrieval permitholders to retrieve traps during that time period.

(B) The department may establish any qualifications it deems necessary for a person to obtain a retrieval permit.

(C) The department shall require a permit fee in an amount necessary to fully recover, but not exceed, all reasonable administrative and implementation costs to the department of the retrieval program.

(2) Notwithstanding Chapter 4 (commencing with Section 2080) of Title 6 of Part 4 of Division 3 of the Civil Code or any other law, any Dungeness crab trap retrieved under the authority of a retrieval permit shall become the property of the retrieval permitholder.

(3) The department shall require a retrieval permitholder to notify the former trap owner of the retrieval of a Dungeness crab trap and to offer to sell the trap to the former owner for a reasonable recovery fee, as determined by the retrieval permitholder, based on the cost of trap retrieval and storage of the trap. The department shall impose per-trap fees on any former trap owner who refuses to pay the recovery fee to the retrieval permitholder. The department shall set the rate of these per-trap fees at a level sufficient to recover any costs to the department from handling noncompliance with the gear retrieval program and to reimburse the retrieval permitholder for the reasonable cost of trap retrieval, storage, and disposal of crab traps belonging to a former owner who refuses to pay the recovery fees for those traps and, upon appropriation by the Legislature, shall use the proceeds of the per-trap fees for these purposes. The department shall annually adjust the per-trap fees pursuant to Section 713.

(4) Notwithstanding Section 8022, the department may release contact information to a retrieval permitholder for purposes of the retrieval program under terms and conditions as the department deems necessary to preserve the confidentiality of the information released. Any release of information pursuant to this section does not constitute a waiver of any applicable exemptions from disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(5) The department may deny an application for renewal or transfer of a Dungeness crab vessel permit until the applicant pays any fees imposed pursuant to paragraph (3).

(6) The department shall submit the proposed retrieval program developed pursuant to this section to the Dungeness crab task force for review, and shall not implement the retrieval program until the task force has had 60 days or more to review the proposed retrieval program and recommend any proposed changes. The director may implement the retrieval program earlier than 60 days after it is

submitted to the Dungeness crab task force for review, if recommended by the task force.

(c) This section shall become inoperative on April 1, ~~2029,~~ *2039,* and, as of January 1, ~~2030,~~ *2040,* is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2030,~~ *2040,* deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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SENATE BILL No. 1440

Introduced by Committee on Local Government (Senators Durazo (Chair), Arreguín, Ashby, Cervantes, Choi, Laird, and Seyarto)

March 11, 2026

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1440, as introduced, Committee on Local Government. Validations.

This bill would enact the First Validating Act of 2026, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

SECTION 1. This act shall be known, and may be cited, as the First Validating Act of 2026.

SEC. 2. As used in this act:

(a) "Public body" means all of the following:

(1) The state and all departments, agencies, boards, commissions, and authorities of the state. Except as provided in

paragraph (2), "public body" also means all cities, counties, cities and counties, districts, authorities, agencies, boards, commissions, and other entities, whether created by a general statute or a special act, including, but not limited to, the following:

Agencies, boards, commissions, or entities constituted or provided for under or pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code).

Affordable housing authorities.

Air pollution control districts of any kind.

Air quality management districts.

Airport districts.

Assessment districts, benefit assessment districts, and special assessment districts of any public body.

Bridge and highway districts.

California water districts.

Citrus pest control districts.

City maintenance districts.

Climate resilience districts.

Community college districts.

Community development commissions in their capacity to act as a housing authority for other community development purposes of the jurisdiction in which the commission operates, except for any action taken with respect to the commission's authority to act as a community redevelopment agency.

Community facilities districts.

Community rehabilitation districts.

Community revitalization and investment authorities.

Community services districts.

Conservancy districts.

Cotton pest abatement districts.

County boards of education.

County drainage districts.

County flood control and water districts.

County free library systems.

County maintenance districts.

County sanitation districts.

County service areas.

County transportation commissions.

County water agencies.

County water authorities.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting pursuant to Part 3 (commencing with Section 11100) of Division 6 of the Water Code.
Distribution districts of any public body.
Districts acting pursuant to Section 53395.82 of the Government Code.
Drainage districts.
Enhanced infrastructure financing districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Geologic hazard abatement districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Health care authorities.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Housing authorities.
Improvement districts or improvement areas of any public body.
Industrial development authorities.
Infrastructure financing districts.
Integrated financing districts.
Irrigation districts.
Joint highway districts.
Levee districts.
Library districts.
Library districts in unincorporated towns and villages.
Local agency formation commissions.
Local health care districts.
Local health districts.
Local hospital districts.
Local transportation authorities or commissions.
Maintenance districts.

Memorial districts.
Metropolitan transportation commissions.
Metropolitan water districts.
Mosquito abatement and vector control districts.
Multifamily improvement districts.
Municipal improvement districts.
Municipal utility districts.
Municipal water districts.
Nonprofit corporations.
Nonprofit public benefit corporations.
Open-space maintenance districts.
Parking and business improvement areas.
Parking authorities.
Parking districts.
Permanent road divisions.
Pest abatement districts.
Police protection districts.
Port districts.
Property and business improvement areas.
Protection districts.
Public cemetery districts.
Public utility districts.
Rapid transit districts.
Reclamation districts.
Recreation and park districts.
Regional housing finance authorities.
Regional justice facility financing agencies.
Regional park and open-space districts.
Regional planning districts.
Regional transportation commissions.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road maintenance districts.
Sanitary districts.
School districts of any kind or class.
School facilities improvement districts.
Separation of grade districts.
Service authorities for freeway emergencies.
Sewer districts.

Sewer maintenance districts.
Small craft harbor districts.
Special municipal tax districts.
Stone and pome fruit pest control districts.
Storm drain maintenance districts.
Storm drainage districts.
Storm drainage maintenance districts.
Stormwater districts.
Toll tunnel authorities.
Traffic authorities.
Transit development boards.
Transit districts.
Unified and union school districts' public libraries.
Vehicle parking districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage districts.
Watermaster districts.
Wine grape pest and disease control districts.
Zones, improvement zones, or service zones of any public body.

(2) Notwithstanding paragraph (1), a "public body" does not include any of the following:

(A) A community redevelopment agency formed pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(B) A community development commission, with respect to its exercise of the powers of a community redevelopment agency.

(C) A joint powers authority that includes a community redevelopment agency or a community development commission as a member, with respect to its exercise of the powers of a community redevelopment agency.

(3) "Public body" includes both of the following:

(A) The successor agency to the Redevelopment Agency of the City and County of San Francisco, solely for the purpose of issuing bonds or incurring other indebtedness pursuant to the provisions of Section 34177.7 of the Health and Safety Code.

(B) A successor agency, as defined in subdivision (j) of Section 34171 of the Health and Safety Code, solely for the purpose of issuing bonds or incurring other indebtedness pursuant to the provisions of Section 34177.5 of the Health and Safety Code.

(b) "Bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) "Hereafter" means any time subsequent to the effective date of this act.

(d) "Heretofore" means any time prior to the effective date of this act.

(e) "Now" means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under any law, or under color of any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public

officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of territory or the consolidation, merger, or dissolution of those public bodies.

SEC. 6. (a) All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds of any public body for any public purpose are hereby authorized, confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of public bodies and of any person, public officer, board, or agency heretofore done or taken upon the question of the authorization, issuance, sale, execution, delivery, or exchange of bonds.

(b) All bonds of, or relating to, any public body heretofore issued shall be, in the form and manner issued and delivered, the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued by ordinance, resolution, order, or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, those bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with that authorization, shall be the legal, valid, and binding obligations of the public body.

SEC. 7. (a) This act shall operate to supply legislative authorization as may be necessary to authorize, confirm, and validate any acts and proceedings heretofore taken pursuant to

authority the Legislature could have supplied or provided for in the law under which those acts or proceedings were taken.

(b) This act shall be limited to the validation of acts and proceedings to the extent that the same can be effectuated under the California Constitution and the United States Constitution.

(c) This act shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter being legally contested or inquired into in any legal proceeding now pending and undetermined or that is pending and undetermined during the period of 30 days from and after the effective date of this act.

(d) This act shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter that has heretofore been determined in any legal proceeding to be illegal, void, or ineffective.

(e) This act shall not operate to authorize, confirm, validate, or legalize a contract between any public body and the United States.

SEC. 8. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization, or incorporation of any public body, or for any annexation thereto, detachment or exclusion therefrom, or other change of boundaries thereof, or for the consolidation, merger, or dissolution of any public bodies, or for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds thereof upon any ground involving any alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches shall be commenced within six months of the effective date of this act, otherwise each and all of those matters shall be held to be valid and in every respect legal and incontestable. This act shall not extend the period allowed for legal action beyond the period that it would be barred by any presently existing valid statute of limitations.

SEC. 9. Nothing contained in this act shall be construed to render the creation of any public body, or any change in the boundaries of any public body, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, is filed within the time and substantially in the manner required by those sections.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to validate the organization, boundaries, acts, proceedings, and bonds of public bodies as soon as possible, it is necessary that this act take immediate effect.

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SENATE BILL No. 1441

Introduced by Committee on Local Government (Senators Durazo (Chair), Arreguín, Ashby, Cervantes, Choi, Laird, and Seyarto)

March 11, 2026

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1441, as introduced, Committee on Local Government. Validations.

This bill would enact the Second Validating Act of 2026, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

SECTION 1. This act shall be known, and may be cited, as the Second Validating Act of 2026.

SEC. 2. As used in this act:

(a) "Public body" means all of the following:

(1) The state and all departments, agencies, boards, commissions, and authorities of the state. Except as provided in

paragraph (2), "public body" also means all cities, counties, cities and counties, districts, authorities, agencies, boards, commissions, and other entities, whether created by a general statute or a special act, including, but not limited to, the following:

Agencies, boards, commissions, or entities constituted or provided for under or pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code).

Affordable housing authorities.

Air pollution control districts of any kind.

Air quality management districts.

Airport districts.

Assessment districts, benefit assessment districts, and special assessment districts of any public body.

Bridge and highway districts.

California water districts.

Citrus pest control districts.

City maintenance districts.

Climate resilience districts.

Community college districts.

Community development commissions in their capacity to act as a housing authority for other community development purposes of the jurisdiction in which the commission operates, except for any action taken with respect to the commission's authority to act as a community redevelopment agency.

Community facilities districts.

Community rehabilitation districts.

Community revitalization and investment authorities.

Community services districts.

Conservancy districts.

Cotton pest abatement districts.

County boards of education.

County drainage districts.

County flood control and water districts.

County free library systems.

County maintenance districts.

County sanitation districts.

County service areas.

County transportation commissions.

County water agencies.

County water authorities.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting pursuant to Part 3 (commencing with Section 11100) of Division 6 of the Water Code.
Distribution districts of any public body.
Districts acting pursuant to Section 53395.82 of the Government Code.
Drainage districts.
Enhanced infrastructure financing districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Geologic hazard abatement districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Health care authorities.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Housing authorities.
Improvement districts or improvement areas of any public body.
Industrial development authorities.
Infrastructure financing districts.
Integrated financing districts.
Irrigation districts.
Joint highway districts.
Levee districts.
Library districts.
Library districts in unincorporated towns and villages.
Local agency formation commissions.
Local health care districts.
Local health districts.
Local hospital districts.
Local transportation authorities or commissions.
Maintenance districts.

Memorial districts.
Metropolitan transportation commissions.
Metropolitan water districts.
Mosquito abatement and vector control districts.
Multifamily improvement districts.
Municipal improvement districts.
Municipal utility districts.
Municipal water districts.
Nonprofit corporations.
Nonprofit public benefit corporations.
Open-space maintenance districts.
Parking and business improvement areas.
Parking authorities.
Parking districts.
Permanent road divisions.
Pest abatement districts.
Police protection districts.
Port districts.
Property and business improvement areas.
Protection districts.
Public cemetery districts.
Public utility districts.
Rapid transit districts.
Reclamation districts.
Recreation and park districts.
Regional housing finance authorities.
Regional justice facility financing agencies.
Regional park and open-space districts.
Regional planning districts.
Regional transportation commissions.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road maintenance districts.
Sanitary districts.
School districts of any kind or class.
School facilities improvement districts.
Separation of grade districts.
Service authorities for freeway emergencies.
Sewer districts.

Sewer maintenance districts.
Small craft harbor districts.
Special municipal tax districts.
Stone and pome fruit pest control districts.
Storm drain maintenance districts.
Storm drainage districts.
Storm drainage maintenance districts.
Storm water districts.
Toll tunnel authorities.
Traffic authorities.
Transit development boards.
Transit districts.
Unified and union school districts' public libraries.
Vehicle parking districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage districts.
Watermaster districts.
Wine grape pest and disease control districts.
Zones, improvement zones, or service zones of any public body.

(2) Notwithstanding paragraph (1), a "public body" does not include any of the following:

(A) A community redevelopment agency formed pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(B) A community development commission, with respect to its exercise of the powers of a community redevelopment agency.

(C) A joint powers authority that includes a community redevelopment agency or a community development commission as a member, with respect to its exercise of the powers of a community redevelopment agency.

(3) "Public body" includes both of the following:

(A) The successor agency to the Redevelopment Agency of the City and County of San Francisco, solely for the purpose of issuing bonds or incurring other indebtedness pursuant to the provisions of Section 34177.7 of the Health and Safety Code.

(B) A successor agency, as defined in subdivision (j) of Section 34171 of the Health and Safety Code, solely for the purpose of issuing bonds or incurring other indebtedness pursuant to the provisions of Section 34177.5 of the Health and Safety Code.

(b) "Bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) "Hereafter" means any time subsequent to the effective date of this act.

(d) "Heretofore" means any time prior to the effective date of this act.

(e) "Now" means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under any law, or under color of any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public

officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of territory or the consolidation, merger, or dissolution of those public bodies.

SEC. 6. (a) All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds of any public body for any public purpose are hereby authorized, confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of public bodies and of any person, public officer, board, or agency heretofore done or taken upon the question of the authorization, issuance, sale, execution, delivery, or exchange of bonds.

(b) All bonds of, or relating to, any public body heretofore issued shall be, in the form and manner issued and delivered, the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued by ordinance, resolution, order, or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, those bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with that authorization, shall be the legal, valid, and binding obligations of the public body.

SEC. 7. (a) This act shall operate to supply legislative authorization as may be necessary to authorize, confirm, and validate any acts and proceedings heretofore taken pursuant to

authority the Legislature could have supplied or provided for in the law under which those acts or proceedings were taken.

(b) This act shall be limited to the validation of acts and proceedings to the extent that the same can be effectuated under the California Constitution and the United States Constitution.

(c) This act shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter being legally contested or inquired into in any legal proceeding now pending and undetermined or that is pending and undetermined during the period of 30 days from and after the effective date of this act.

(d) This act shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter that has heretofore been determined in any legal proceeding to be illegal, void, or ineffective.

(e) This act shall not operate to authorize, confirm, validate, or legalize a contract between any public body and the United States.

SEC. 8. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization, or incorporation of any public body, or for any annexation thereto, detachment or exclusion therefrom, or other change of boundaries thereof, or for the consolidation, merger, or dissolution of any public bodies, or for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds thereof upon any ground involving any alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches shall be commenced within six months of the effective date of this act, otherwise each and all of those matters shall be held to be valid and in every respect legal and incontestable. This act shall not extend the period allowed for legal action beyond the period that it would be barred by any presently existing valid statute of limitations.

SEC. 9. Nothing contained in this act shall be construed to render the creation of any public body, or any change in the boundaries of any public body, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, is filed within the time and substantially in the manner required by those sections.

SEC. 10. This act shall become operative on September 1, 2026.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to validate the organization, boundaries, acts, proceedings, and bonds of public bodies as soon as possible, it is necessary that this act take immediate effect.

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SENATE BILL No. 1442

Introduced by Committee on Local Government (Senators Durazo (Chair), Arreguín, Ashby, Cervantes, Choi, Laird, and Seyarto)

March 11, 2026

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

LEGISLATIVE COUNSEL'S DIGEST

SB 1442, as introduced, Committee on Local Government. Validations.

This bill would enact the Third Validating Act of 2026, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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

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

SECTION 1. This act shall be known, and may be cited, as the Third Validating Act of 2026.

SEC. 2. As used in this act:

(a) "Public body" means all of the following:

(1) The state and all departments, agencies, boards, commissions, and authorities of the state. Except as provided in paragraph (2), "public body" also means all cities, counties, cities and counties, districts, authorities, agencies, boards, commissions,

and other entities, whether created by a general statute or a special act, including, but not limited to, the following:

Agencies, boards, commissions, or entities constituted or provided for under or pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code).

Affordable housing authorities.

Air pollution control districts of any kind.

Air quality management districts.

Airport districts.

Assessment districts, benefit assessment districts, and special assessment districts of any public body.

Bridge and highway districts.

California water districts.

Citrus pest control districts.

City maintenance districts.

Climate resilience districts.

Community college districts.

Community development commissions in their capacity to act as a housing authority for other community development purposes of the jurisdiction in which the commission operates, except for any action taken with respect to the commission's authority to act as a community redevelopment agency.

Community facilities districts.

Community rehabilitation districts.

Community revitalization and investment authorities.

Community services districts.

Conservancy districts.

Cotton pest abatement districts.

County boards of education.

County drainage districts.

County flood control and water districts.

County free library systems.

County maintenance districts.

County sanitation districts.

County service areas.

County transportation commissions.

County water agencies.

County water authorities.

County water districts.

County waterworks districts.

Department of Water Resources and other agencies acting pursuant to Part 3 (commencing with Section 11100) of Division 6 of the Water Code.

Distribution districts of any public body.

Districts acting pursuant to Section 53395.82 of the Government Code.

Drainage districts.

Enhanced infrastructure financing districts.

Fire protection districts.

Flood control and water conservation districts.

Flood control districts.

Garbage and refuse disposal districts.

Garbage disposal districts.

Geologic hazard abatement districts.

Harbor districts.

Harbor improvement districts.

Harbor, recreation, and conservation districts.

Health care authorities.

Highway districts.

Highway interchange districts.

Highway lighting districts.

Housing authorities.

Improvement districts or improvement areas of any public body.

Industrial development authorities.

Infrastructure financing districts.

Integrated financing districts.

Irrigation districts.

Joint highway districts.

Levee districts.

Library districts.

Library districts in unincorporated towns and villages.

Local agency formation commissions.

Local health care districts.

Local health districts.

Local hospital districts.

Local transportation authorities or commissions.

Maintenance districts.

Memorial districts.

Metropolitan transportation commissions.

Metropolitan water districts.
Mosquito abatement and vector control districts.
Multifamily improvement districts.
Municipal improvement districts.
Municipal utility districts.
Municipal water districts.
Nonprofit corporations.
Nonprofit public benefit corporations.
Open-space maintenance districts.
Parking and business improvement areas.
Parking authorities.
Parking districts.
Permanent road divisions.
Pest abatement districts.
Police protection districts.
Port districts.
Property and business improvement areas.
Protection districts.
Public cemetery districts.
Public utility districts.
Rapid transit districts.
Reclamation districts.
Recreation and park districts.
Regional housing finance authorities.
Regional justice facility financing agencies.
Regional park and open-space districts.
Regional planning districts.
Regional transportation commissions.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road maintenance districts.
Sanitary districts.
School districts of any kind or class.
School facilities improvement districts.
Separation of grade districts.
Service authorities for freeway emergencies.
Sewer districts.
Sewer maintenance districts.
Small craft harbor districts.

Special municipal tax districts.
Stone and pome fruit pest control districts.
Storm drain maintenance districts.
Storm drainage districts.
Storm drainage maintenance districts.
Storm water districts.
Toll tunnel authorities.
Traffic authorities.
Transit development boards.
Transit districts.
Unified and union school districts' public libraries.
Vehicle parking districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage districts.
Watermaster districts.
Wine grape pest and disease control districts.
Zones, improvement zones, or service zones of any public body.

(2) Notwithstanding paragraph (1), a "public body" does not include any of the following:

(A) A community redevelopment agency formed pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(B) A community development commission, with respect to its exercise of the powers of a community redevelopment agency.

(C) A joint powers authority that includes a community redevelopment agency or a community development commission as a member, with respect to its exercise of the powers of a community redevelopment agency.

(3) "Public body" includes both of the following:

(A) The successor agency to the Redevelopment Agency of the City and County of San Francisco, solely for the purpose of issuing bonds or incurring other indebtedness pursuant to the provisions of Section 34177.7 of the Health and Safety Code.

(B) A successor agency, as defined in subdivision (j) of Section 34171 of the Health and Safety Code, solely for the purpose of

issuing bonds or incurring other indebtedness pursuant to the provisions of Section 34177.5 of the Health and Safety Code.

(b) "Bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) "Hereafter" means any time subsequent to the effective date of this act.

(d) "Heretofore" means any time prior to the effective date of this act.

(e) "Now" means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under any law, or under color of any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion

of territory or the consolidation, merger, or dissolution of those public bodies.

SEC. 6. (a) All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds of any public body for any public purpose are hereby authorized, confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of public bodies and of any person, public officer, board, or agency heretofore done or taken upon the question of the authorization, issuance, sale, execution, delivery, or exchange of bonds.

(b) All bonds of, or relating to, any public body heretofore issued shall be, in the form and manner issued and delivered, the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued by ordinance, resolution, order, or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, those bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with that authorization, shall be the legal, valid, and binding obligations of the public body.

SEC. 7. (a) This act shall operate to supply legislative authorization as may be necessary to authorize, confirm, and validate any acts and proceedings heretofore taken pursuant to authority the Legislature could have supplied or provided for in the law under which those acts or proceedings were taken.

(b) This act shall be limited to the validation of acts and proceedings to the extent that the same can be effectuated under the California Constitution and the United States Constitution.

(c) This act shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter being legally contested or inquired into in any legal proceeding now pending and undetermined or that is pending and undetermined during the period of 30 days from and after the effective date of this act.

(d) This act shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter that has heretofore been determined in any legal proceeding to be illegal, void, or ineffective.

(e) This act shall not operate to authorize, confirm, validate, or legalize a contract between any public body and the United States.

SEC. 8. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization, or incorporation of any public body, or for any annexation thereto, detachment or exclusion therefrom, or other change of boundaries thereof, or for the consolidation, merger, or dissolution of any public bodies, or for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds thereof upon any ground involving any alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches shall be commenced within six months of the effective date of this act, otherwise each and all of those matters shall be held to be valid and in every respect legal and incontestable. This act shall not extend the period allowed for legal action beyond the period that it would be barred by any presently existing valid statute of limitations.

SEC. 9. Nothing contained in this act shall be construed to render the creation of any public body, or any change in the boundaries of any public body, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, is filed within the time and substantially in the manner required by those sections.

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BOARD ACTION

Agenda Number:	8.	Meeting Date:	April 14, 2026

TITLE **EQUITY ADJUSTMENTS FOR LOCAL 444 CLASSIFICATIONS**

ACTION ☐ Motion: ☒ Resolution: ☐ Ordinance:

RECOMMENDED ACTION

Adopt a resolution to approve the equity adjustment increases for two classifications represented by the American Federation of State, County and Municipal Employees, Local 444 (Local 444): Hydroelectric Power Plant Operator II (5.0%) and Hydroelectric Power Plant Mechanic (2.5%).

SUMMARY

The District concluded negotiations with Local 444 resulting in a three-year Memoranda of Understanding effective April 21, 2025 through April 16, 2028. At the conclusion of the negotiations, the District entered into a side letter agreement with Local 444 to meet and confer regarding equity adjustment proposals received from the union for specific classifications. This side letter established a process for reviewing equity adjustments.

DISCUSSION

On February 3, 2026, the District and Local 444 entered into impasse discussions with the General Manager. Based on the discussions with Local 444 and a review of additional information received from the union, and the General Manager determination, the District seeks approval to grant an equity adjustment for the Hydroelectric Power Plant Operator II. Recognizing the compaction issue between classifications, the District also seeks approval to grant an equity adjustment for the Hydroelectric Power Plant Mechanic. Although the union did not request an equity adjustment for this classification, the District is recommending this adjustment to maintain a promotional opportunity within this classification. This action is being taken on a non-precedent-setting basis. The proposed equity adjustments below were reviewed with Local 444 and agreed to on March 12, 2026.

- Hydroelectric Power Plant Operator II – Increase of 5.0 percent from salary grade 65 to 67 (from top step $11,896/month to $12,495/month)
- Hydroelectric Power Plant Mechanic – Increase of 2.5 percent from salary grade 67 to 68 (from top step $12,495/month to $12,812/month)

SUSTAINABILITY

Economic

The fiscal impact associated with this action can be absorbed within the existing Fiscal Year 2026/2027 budget. Upon adoption by the Board of Directors, the equity adjustments shall be retroactive to April 21, 2025.

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

Title:	Equity Adjustments for Local 444 Classifications	Meeting Date:	April 14, 2026	

ALTERNATIVE

Do not approve equity adjustments. This alternative is not recommended because the equity adjustments represent an agreement between the District and union as specified in the side letter agreement.

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Draft Prepared By

Office of General Counsel

RESOLUTION NO._____

AUTHORIZE EQUITY ADJUSTMENT INCREASES FOR THE FOLLOWING CLASSIFICATIONS REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 444: HYDROELCTRIC POWER PLANT OPERATOR II AND HYDROELECTRIC POWER PLANT MECHANIC

Introduced by Director ; Seconded by Director

WHEREAS, the Board of Directors of the East Bay Municipal Utility District (District) is charged with the responsibility to determine the number and character of positions required to carry on the functions of the District, and to establish an appropriate salary, salary range or wage for each position so created; and

WHEREAS, the District and the American Federation of State, County and Municipal Employees, Local 444 (AFSCME Local 444) have engaged in labor negotiations regarding the salary, salary range, and wage of the Hydroelectric Power Plant Operator II and Hydroelectric Power Plant Mechanic; and

WHEREAS, the District and AFSCME Local 444 have agreed to increase the salary, salary range, and wage of the Hydroelectric Power Plant Operator II classification by 5.0 percent, thereby increasing the salary grade of 65 to 67; and

WHEREAS, the District and AFSCME Local 444 have agreed to increase the salary, salary range, and wage of the Hydroelectric Power Plant Mechanic classification by 2.5 percent, thereby increasing the salary grade from 67 to 68; and

WHEREAS, the General Manager recommends the increase in salary, salary range, and wage in these two classifications represented by AFSCME Local 444;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District as follows:

1. The salary, salary range, and wage of the Hydroelectric Power Plant Operator II classification shall be increased by 5.0 percent, thereby increasing the salary grade of 65 to 67. The salary established herein shall be effective April 21, 2025 for employees employed in this classification on April 14, 2026, and for all such employees employed in this classification who retired from the District on or after April 21, 2025. The salary increase shall be listed in the salary schedule effective April 21, 2025. The AFSCME Local 444 Salary Schedule, which is included as Appendix A of the 2025-2028 Memorandum of Understanding between the District and AFSCME Local 444, shall be updated to reflect the increase.

2. The salary, salary range, and wage of the Hydroelectric Power Plant Mechanic classification shall be increased by 2.5 percent, thereby increasing the salary grade of 67 to 68. The salary established herein shall be effective April 21, 2025 for employees

employed in this classification on April 14, 2026, and for all such employees employed in this classification who retired from the District on or after April 21, 2025. The salary increase shall be listed in the salary schedule effective April 21, 2025. The AFSCME Local 444 Salary Schedule, which is included as Appendix A of the 2025-2028 Memorandum of Understanding between the District and AFSCME Local 444, shall be updated to reflect the increase.

BE IT FURTHER RESOLVED that any provision in any Resolution in conflict herewith is hereby superseded.

ADOPTED this 14th day of April, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE:

_____
General Counsel

EBMUD

BOARD ACTION

Agenda Number:	9.1. - 9.2.	Meeting Date:	April 14, 2026

TITLE **REVISE DISTRICT SALARY RANGES, SALARIES AND WAGE RATES**

ACTION ☐ Motion: ☒ Resolution: ☐ Ordinance:

RECOMMENDED ACTION

- Approve implementation of the second year general salary increase of 2.2% in accordance with the 2025-2028 Memoranda of Understanding (MOUs) between the District and the American Federation of State, County and Municipal Employees Locals 2019 and 444, International Union of Operating Engineers Local 39, and International Federation of Professional and Technical Engineers Local 21.
- Authorize a 2.2% general salary increase for Senior Management Team Members, Managers, Confidential employees and other Non-Represented employees in accordance with Board Resolution No. 35459-25. For purposes of Section 54953(c)(3) of the Brown Act, Senior Management Team Members referenced herein include: General Manager, General Counsel, Secretary of the District, Director of Engineering and Construction, Director of Finance, Director of Operations and Maintenance, Director of Wastewater, Director of Water and Natural Resources, Director of Customer and Community Services, Director of Human Resources, Special Assistant III (Office of Diversity, Equity, and Culture), Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs).

SUMMARY

Effective April 20, 2026, this resolution authorizes a 2.2% general salary increase for employees represented by Locals 2019, 444, 39, and 21, and for managers, confidential employees and other non-represented employees.

DISCUSSION

The 2025-2028 MOUs between the District and Locals 2019, 444, 39, and 21 provide for a second year general salary increase, effective April 20, 2026, that is 0.5% higher than the San Francisco/Oakland Consumer Price Index - Urban Wage Earners and Clerical Employees (CPI-W) for February 2025 to February 2026 with a minimum increase of 2.0% and a maximum increase of 6.0%. The CPI-W for this period is 1.7%. As a result, consistent with the MOUs, the proposed resolution authorizes a 2.2% general salary increase for employees represented by District Unions.

Consistent with Board Resolution No. 35459-25 and the District's practice, this resolution also authorizes the same salary increase of 2.2% for Senior Management Team Members, Managers, Confidential employees and other Non-Represented employees including:

1) Employees assigned to part-time, temporary, temporary construction, limited-term and other classifications;

Originating Department: Human Resources	**Department Director or Manager:** Cindy R. Charan	**CEP Forms?** N/A	**Board Action Type:** Personnel
Funds Available: FY 2026	**Budget Coding:** N/A		**Approved:**
Attachment(s): Resolution			

Title:	Revise District Salary Ranges, Salaries and Wage Rates	Meeting Date:	April 14, 2026

2) Confidential employees in classifications that are subject to merit pay policies; and

3) District officers, assistant officers, civil service exempt and certain civil service management classifications assigned to the Management Salary Plan and includes the following members of the Senior Management Team: General Manager, General Counsel, Secretary of the District, Director of Engineering and Construction, Director of Finance, Director of Operations and Maintenance, Director of Wastewater, Director of Water and Natural Resources, Director of Customer and Community Services, Director of Human Resources, Special Assistant III (Office of Diversity, Equity, and Culture), Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs).

Additionally, this resolution amends the District's Salary Schedule, a copy of which is on file in the Secretary's Office, to reflect the new salary rates described above. All proposed increases will be effective at 12:01 a.m. on April 20, 2026 and will be reflected in paychecks of May 8, 2026 for all eligible employees.

SUSTAINABILITY

Economic

Adoption of this resolution will increase annual District personnel costs by approximately $12.2 million, including salary and benefit costs. The additional cost associated with the increase for the remainder of FY 2026 is approximately $2.3 million, which was funded in the FY 2026 and FY 2027 adopted budgets.

Social

Locals 2019, 444, 39 and 21 have been advised of the amount of the second year general salary increase.

ALTERNATIVE

Do not provide a general salary increase. This alternative is not recommended because it would violate provisions of the MOUs with District Unions.

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Draft Prepared By

Office of General Counsel

RESOLUTION NO._____

REVISE DISTRICT SALARY RANGES, SALARIES AND WAGE RATES

Introduced by Director ; Seconded by Director

WHEREAS, Resolution No. 35459-25 was adopted on July 8, 2025, to approve implementation of the 2025-2028 Memoranda of Understanding and other special agreements with the International Union of Operating Engineers Local 39 (IUOE Local 39), International Federation of Professional and Technical Engineers, Local 21 (IFPTE Local 21), American Federation of State, County and Municipal Employees, Locals 444 (AFSCME Local 444) and 2019 (AFSCME Local 2019), and to amend the Position Resolution and revise salary ranges, salaries, and wage rates and other benefits for Senior Management Team Members, Managers, Confidential and Non-Represented employees; and

WHEREAS, the East Bay Municipal Utility District's (District) 2025-2028 Memoranda of Understanding with AFSCME Local 2019, AFSCME Local 444, IUOE Local 39, and IFPTE Local 21 provide for a second year general salary increase effective April 20, 2026, that is 0.5% higher than the February 2025 through February 2026 San Francisco/Oakland Consumer Price Index –Urban Wage Earners and Clerical Employees (San Francisco/Oakland CPI-W), with a minimum increase of 2% and a maximum increase of 6%; and

WHEREAS, Resolution 35459-25 provides for a general salary increase effective April 20, 2026 that is 0.5% higher than the February 2025 through February 2026 San Francisco/Oakland CPI-W, with a minimum increase of 2% and a maximum increase of 6% for Senior Management Team Members, Managers, Confidential and Non-represented employees; and

WHEREAS, the San Francisco/Oakland CPI-W for the period February 2025 through February 2026 was 1.7%; and

WHEREAS, the General Manager has recommended a general salary or wage increase of 2.2% in salary ranges, monthly salary rates, and wage rates as set forth in the 2025-2028 Memoranda of Understanding with IUOE Local 39, IFPTE Local 21, AFSCME Local 444, and AFSCME Local 2019, as well as Senior Management Team Members, Managers, Confidential and Non-represented employees as set forth in Resolution 35459-25;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby find and determine as follows:

Section 1. Salary Ranges – IUOE Local 39

Section 2 of Resolution No. 35459-25 is amended as follows:

(a) The monthly salaries of all employees occupying positions in classifications represented by IUOE Local 39 shall be adjusted and increased by 2.2% in accordance with the classifications and monthly wage rates listed in the salary schedule effective April 21, 2025, a copy of which is on file with the Secretary of the District.

(b) Unless specifically indicated otherwise, the 2.2% salary increase shall take effect for all such employees as of 12:01 a.m. on April 20, 2026, and will be paid in the employees' paychecks on May 8, 2026.

Section 2. Salary Ranges – IFPTE Local 21

Section 4 of Resolution No. 35459-25 is amended as follows:

(a) The monthly salaries of all employees occupying positions in classifications represented by IFPTE Local 21 shall be adjusted and increased by 2.2% in accordance with the classifications and monthly wage rates listed in the salary schedule effective April 21, 2025, a copy of which is on file with the Secretary of the District.

(b) Unless specifically indicated otherwise, the 2.2% salary increase shall be effective for all such employees as of 12:01 a.m. on April 20, 2026, and will be paid in the employees' paychecks on May 8, 2026.

Section 3. Salary Ranges – AFSCME Local 444

Section 6 of Resolution No. 35459-25 is amended as follows:

(a) The monthly salaries of all employees occupying positions in classifications represented by AFSCME Local 444 shall be adjusted and increased by 2.2% in accordance with the classifications and monthly wage rates listed in the salary schedule effective April 21, 2025, a copy of which is on file with the Secretary of the District.

(b) Unless specifically indicated otherwise, the 2.2% salary increase shall be effective for all such employees as of 12:01 a.m. on April 20, 2026, and will be paid in the employees' paychecks on May 8, 2026.

Section 4. Salary Ranges – AFSCME Local 2019

Section 8 of Resolution No. 35459-25 is amended as follows:

(a) The monthly salaries of all employees occupying positions in classifications represented by AFSCME Local 2019 shall be adjusted and increased by 2.2% in accordance with the classifications and monthly wage rates listed in the salary schedule effective April 21, 2025, a copy of which is on file with the Secretary of the District.

(b) Unless specifically indicated otherwise, the 2.2% salary increase shall be effective for all such employees as of 12:01 a.m. on April 20, 2026, and will be paid in the employees' paychecks on May 8, 2026.

Section 5. Salary Ranges for Confidential Classifications Subject to Performance Pay Policy

Section 10 of Resolution No. 35459-25 is amended as follows:

(a) The monthly salary ranges of all confidential employees subject to the District Performance Pay Policy shall be adjusted and increased by 2.2% in accordance with the confidential job classifications and monthly salary rates listed in the salary schedule effective April 21, 2025, a copy of which is on file with the Secretary of the District.

(b) Unless specifically indicated otherwise, the 2.2% salary increase shall be effective for all such employees as of 12:01 a.m. on April 20, 2026, and will be paid in the employees' paychecks on May 8, 2026.

Section 6. Monthly Wage Rates for All Other Non-Represented Classes

Section 11 of Resolution No. 35459-25 is amended as follows:

(a) The monthly wage rates for employees assigned to temporary, temporary construction, part-time, limited term and other related non-represented classes, shall be adjusted and increased by 2.2% in accordance with the classifications and monthly wage rates listed in the salary schedule effective April 21, 2025, a copy of which is on file with the Secretary of the District.

(b) The 2.2% salary increase shall be effective for all such employees as of 12:01 a.m. on April 20, 2026, and will be paid in the employees' paychecks on May 8, 2026.

Section 7. Management Salary Plan

Section 12 of Resolution No. 35459-25 is amended as follows:

(a) The salary ranges shall be increased by 2.2% for District officers, assistant officers, civil service exempt and certain civil service management classes assigned to the Management Salary Plan, including the following members of the Senior Management Team: General Manager, General Counsel, Secretary of the District, Director of Customer & Community Services, Director of Engineering & Construction, Director of Finance, Director of Human Resources, Director of Operations & Maintenance, Director of Wastewater, Director of Water & Natural Resources, Special Assistant III (Office of Diversity, Equity and Culture), Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs) in accordance with the classifications and monthly wage rates listed in the salary schedule effective April 21, 2025, a copy of which is on file with the Secretary of the District.

(b) Salary rate adjustments reflective of individual employee work performance for employees assigned to the Management Salary Plan shall be in accordance with the authority granted to the General Manager pursuant to Section 5(b) and (c) of Resolution No. 32729.

(c) The 2.2% salary increase shall be effective for all such employees as of 12:01 a.m. on April 20, 2026, and will be paid in the employees' paychecks on May 8, 2026.

BE IT FURTHER RESOLVED that insofar as practicable and unless otherwise specified, the application of the foregoing amendments shall apply to the aforementioned employees on the payroll on April 20, 2026.

BE IT FURTHER RESOLVED that any Resolution in conflict herewith is hereby superseded and canceled.

BE IT FURTHER RESOLVED that the budgets for Fiscal Years 2026 and 2027 and the terms and conditions for the payment of demands as previously established by proper Resolutions of this Board, and as the same may have been from time to time amended, shall be adjusted as necessary in accordance with this Resolution.

ADOPTED this 14th day of April, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE:

_____
General Counsel

EBMUD

BOARD ACTION

Agenda Number:	10.	Meeting Date:	April 14, 2026

TITLE **AMEND EMPLOYMENT AGREEMENT WITH THE GENERAL MANAGER TO EXTEND AGREEMENT AND PROVIDE TERM-LIFE INSURANCE**

ACTION ☐ Motion: ☒ Resolution: ☐ Ordinance:

RECOMMENDED ACTION

Authorize an amendment to the Agreement for Employment of General Manager Clifford C. Chan, to extend the term of the Agreement to July 22, 2028, and include a provision to provide the General Manager with a term-life insurance benefit effective April 14, 2026.

DISCUSSION

The Board appointed Clifford C. Chan as General Manager of the East Bay Municipal Utility District on June 9, 2020 and authorized the Agreement for Employment of General Manager (Employment Agreement), which provided for, among other things, a base salary and a contract term of three years.

On August 23, 2022, the Employment Agreement was approved by the Board of Directors to be extended for an additional three-year term to July 22, 2026.

On January 9, 2024, the Employment Agreement was approved by the Board of Directors to increase the General Manager's base salary by five percent effective January 15, 2024.

On October 22, 2024, the Employment Agreement was approved by the Board of Directors to add a provision in which the District agrees to indemnify and provide a legal defense for the General Manager for claims, liabilities, losses, damages, and expenses arising out of or in connection with the performance of the General Manager's duties and responsibilities.

On April 14, 2026, if authorized by the Board of Directors, the term of the Employee Agreement as specified under Section 7 will be extended to July 22, 2028, and the District will provide for the General Manager a term-life insurance benefit for the duration of the Employment Agreement. The term life-insurance benefit shall provide for a $3 million policy to be paid in the event of the General Manager's death during the duration of the Employment Agreement. The District shall make annual premium payments toward the term life insurance policy in an annual amount not to exceed $6,000. The District's obligation to pay for the premiums of the term-life insurance benefit shall cease upon the General Manager's separation from employment with the District. Except as amended herein, all other terms and conditions of the Employee Agreement and amendments thereto shall remain in full force and effect.

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

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Draft Prepared By

Office of General Counsel

RESOLUTION NO. _____

AUTHORIZING FOURTH AMENDMENT TO GENERAL MANAGER EMPLOYMENT AGREEMENT

Introduced by Director ; Seconded by Director

BE IT RESOLVED that the Board of Directors (Board) of the East Bay Municipal Utility District hereby authorizes the President of the Board to execute a Fourth Amendment to the Agreement for Employment of Clifford C. Chan as General Manager of the East Bay Municipal Utility District, in the form attached hereto as Exhibit A, effective April 14, 2026.

Adopted this 14th day of April, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE

_____
General Counsel

Exhibit A

FOURTH AMENDMENT TO AGREEMENT FOR EMPLOYMENT OF CLIFFORD C. CHAN AS GENERAL MANAGER OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

THIS FOURTH AMENDMENT TO THE AGREEMENT for Employment of Clifford C. Chan as General Manager of the East Bay Municipal Utility District is entered into on this __ day of April, 2026 by and between EAST BAY MUNICIPAL UTILITY DISTRICT ("District") and CLIFFORD C. CHAN ("General Manager"), collectively "the Parties."

W I T N E S S E T H

WHEREAS, on June 9, 2020, the Parties entered into an agreement setting forth the terms and conditions of employment for the position of General Manager of the East Bay Municipal Utility District (herein set forth as "Agreement."); and

WHEREAS, the Agreement was first amended on August 23, 2022 to adjust the Base Salary to provide a performance-based merit increase and to extend the term of agreement; and

WHEREAS, the Agreement was subsequently amended on January 9, 2024 to adjust the Base Salary to provide a performance-based merit increase; and

WHEREAS, the Agreement was amended for a third time on October 22, 2024 to add a provision in which the District agrees to indemnify and provide a legal defense for the General Manager for claims, liabilities, losses, damages, expenses arising out of or in connection with the performance of the General Manager's duties and responsibilities; and

WHEREAS, it is the desire and intention of the Parties to amend the Agreement to extend the term of the Agreement and prior amendments and to include a provision to provide the General Manager with a term-life insurance benefit;

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

1. The term of the Agreement as specified under Section 7 is hereby extended to July 22, 2028.

2. Effective April 14, 2026, the District agrees to provide for the General Manager a term life insurance benefit for the duration of the Agreement. The term life-insurance benefit shall provide for a $3 million dollar policy to be paid in the event of the General Manager's death during the duration of the Agreement. The District shall make annual premium payments toward the term life insurance policy in an annual amount not to exceed $6,000. The District's obligation to pay for the premiums of the term-life insurance benefit shall cease upon the General Manager's separation from employment with the District.

3. Except as amended herein, all other terms and conditions of the Agreement and amendments thereto shall remain in full force and effect.

WHEREFORE, the Parties enter into this Fourth Amendment to the Agreement in Oakland, California, on the date first set forth above.

EAST BAY MUNICIPAL UTILITY DISTRICT

By: _____

Luz Gómez
President of the Board of Directors

_____

Clifford C. Chan
General Manager

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 14, 2026

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager CCC

FROM: Roberto C. Cortez, Manager of Water Operations RCC

SUBJECT: Water Supply Update – April 14, 2026

The attached presentation summarizes the current water supply conditions, water production, precipitation to date, reservoir storage, and forecasted supply conditions for the remainder of water year 2026 under various hydrological scenarios. A water supply update will be presented at the April 14, 2026 Board meeting.

CCC:RCC:gb

Attachment: Water Supply Update Presentation

I:\SEC\2026 Board Related Items\04142026 Board\OMD – Water Supply Update.docx

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Water Supply Update

Board of Directors

April 14, 2026

Roberto C. Cortez, Manager of Water Operations

© 2026 East Bay Municipal Utility District

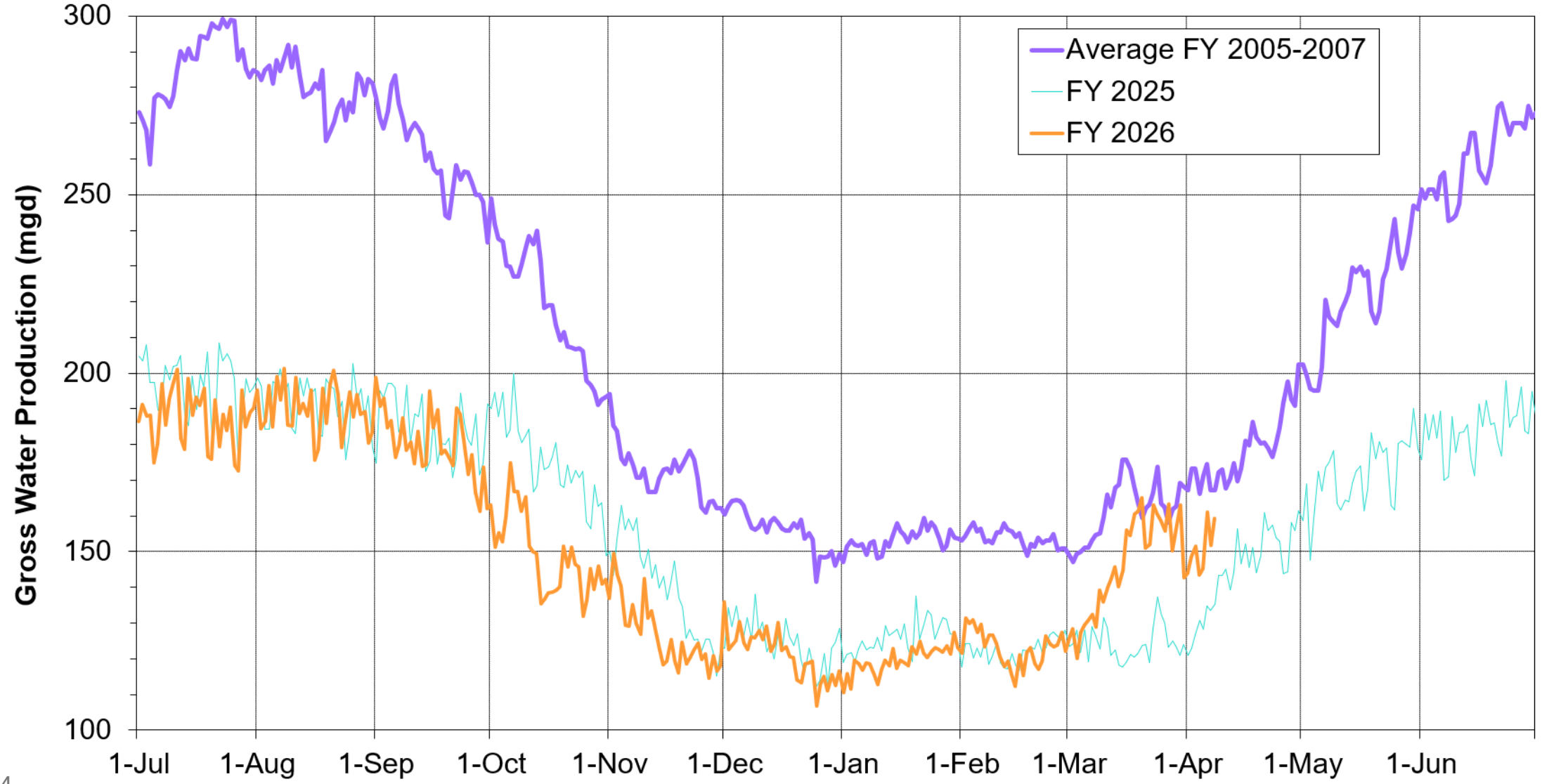
Mokelumne River, S. Rahimi, March 2026

Briefing Topics

- Current Water Supply
- Seasonal Climate Outlook
- Water Supply Projection

Current Water Supply

Gross Water Production



Current Reservoir Storage

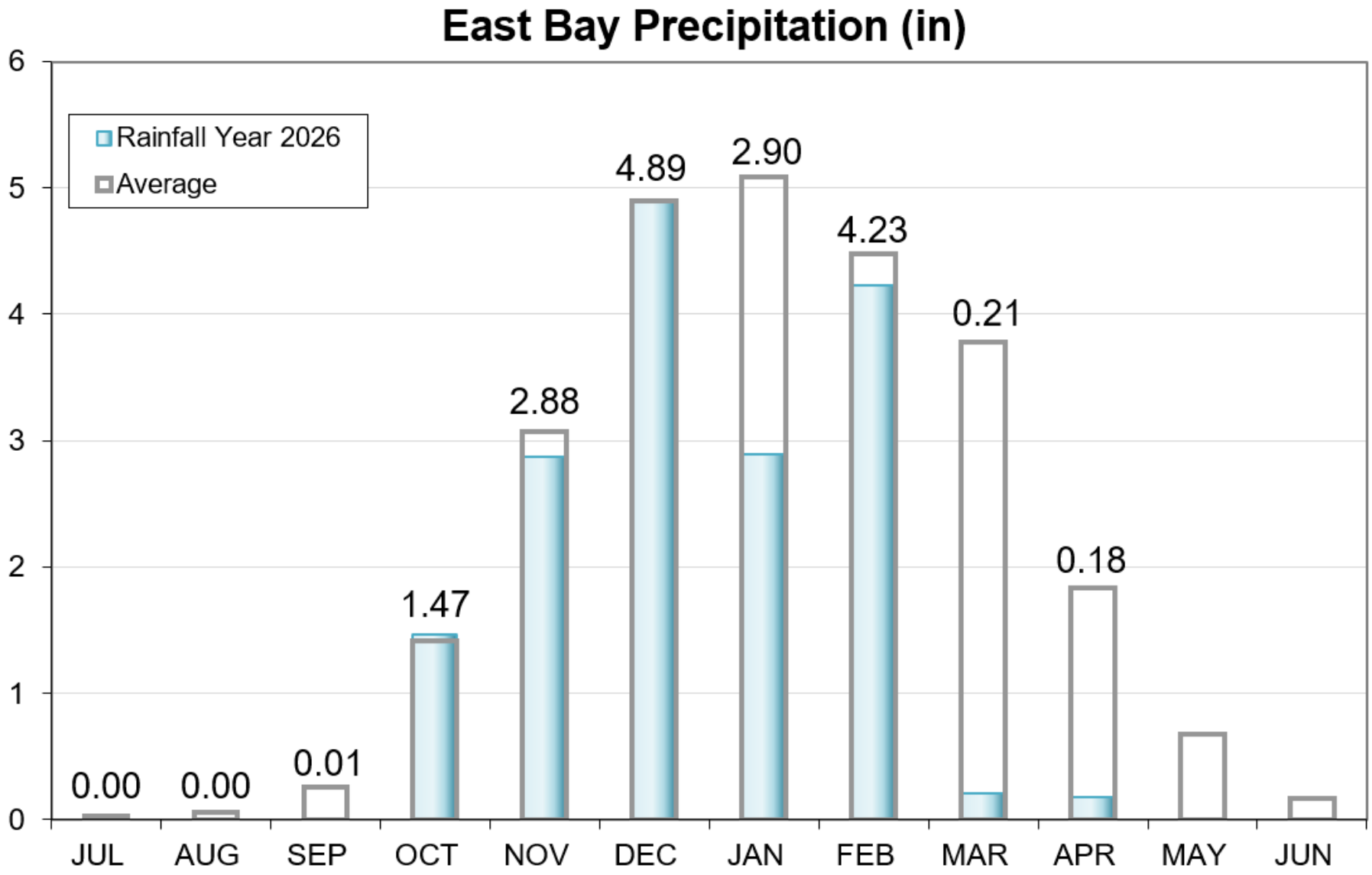
As of 4/8/2026	Current Storage	Percent of Average	Percent of Capacity
Pardee	190,010 AF	101%	93%
Camanche	339,970 AF	113%	82%
East Bay	137,040 AF	99%	91%
Total System	667,020 AF	106%	86%

AF: Acre-Feet

Upper San Leandro Reservoir, S. Rahimi, March 2026

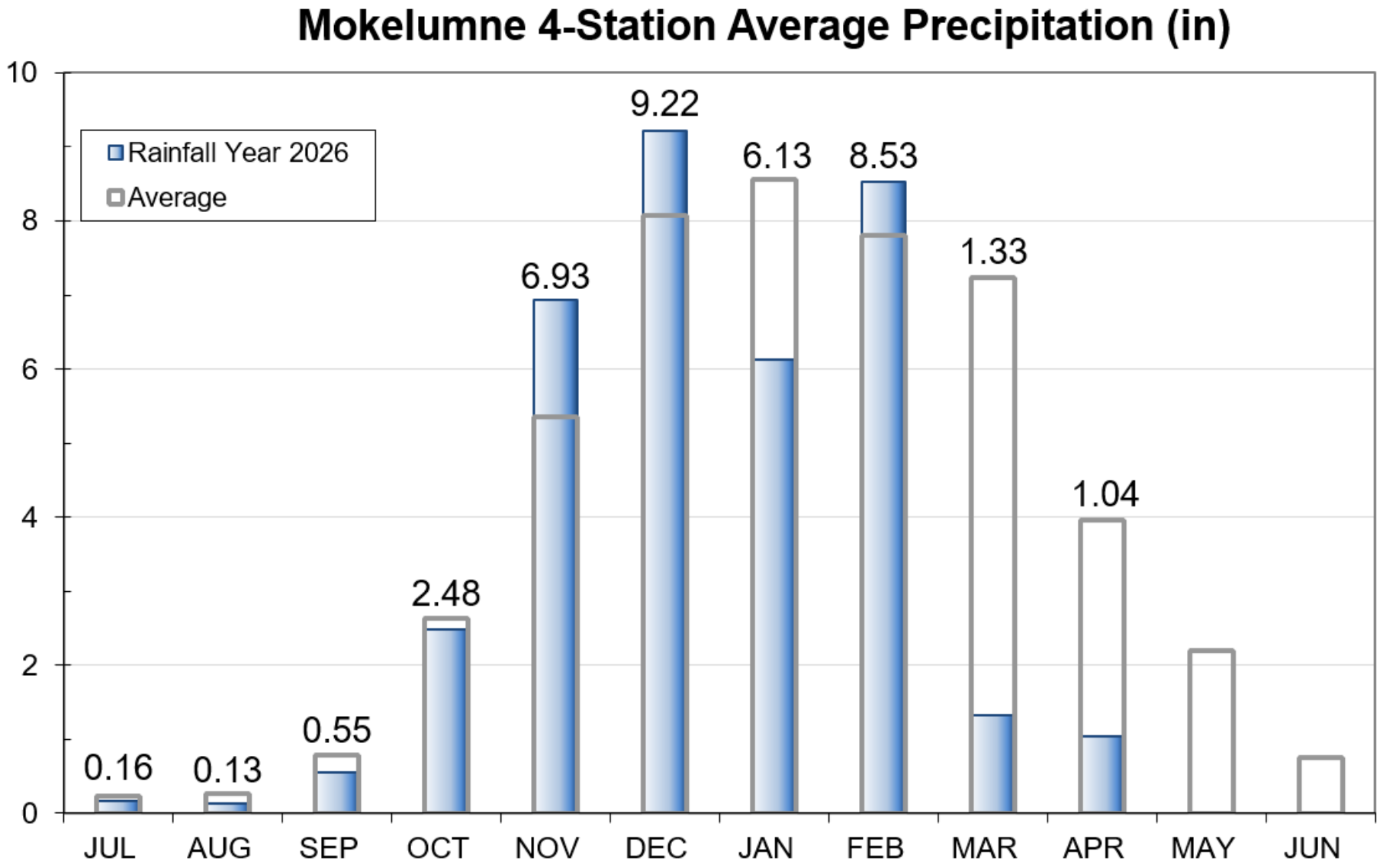
Precipitation as of April 8

East Bay: 16.8”
(69% of average)



Precipitation as of April 8

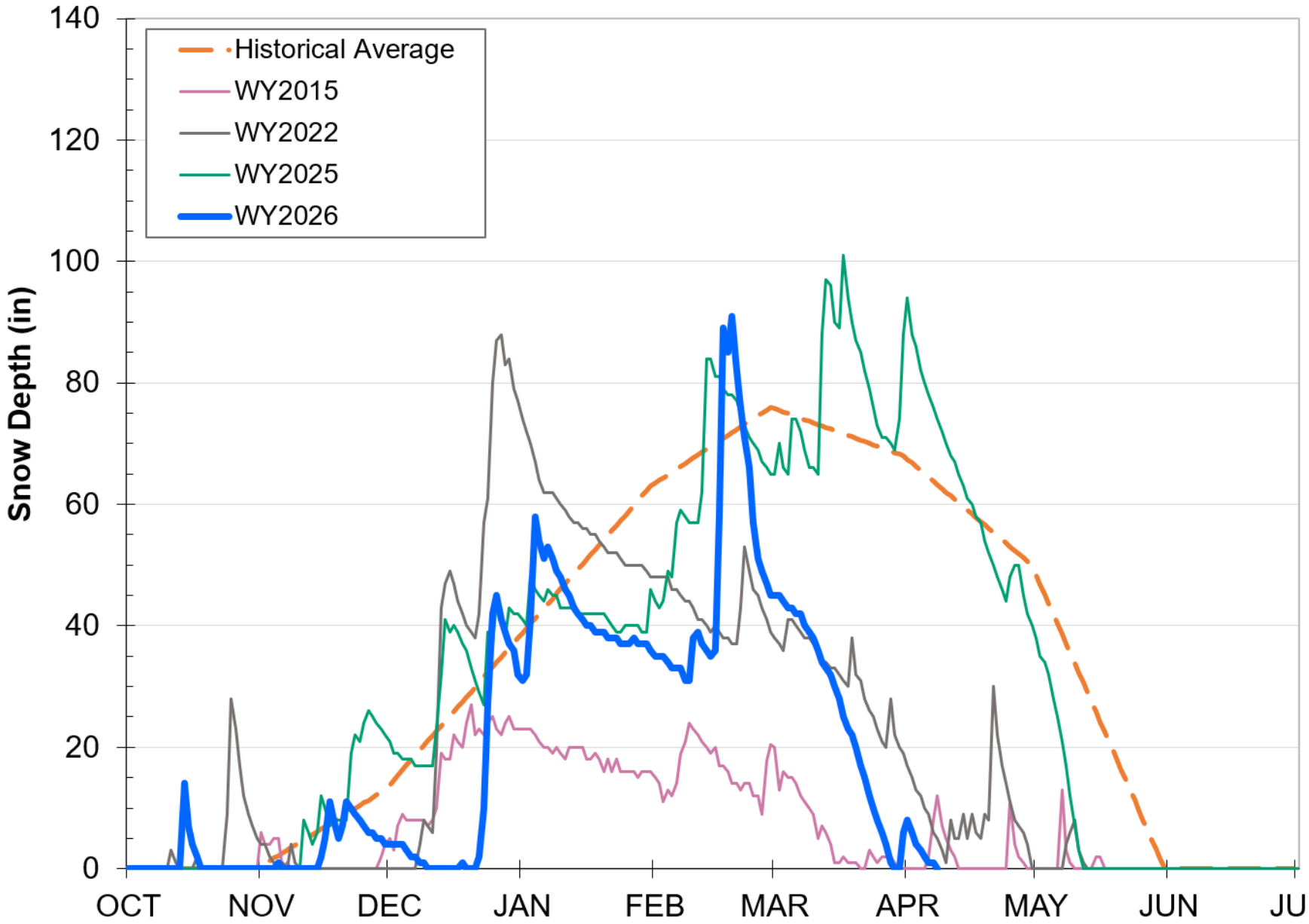
Mokelumne: 36.5”
(87% of average)



Caples Lake Snow as of April 8

Snow Depth – 0.0”
(0% of average)

Snow Water Content – 0.0”
(0% of average)

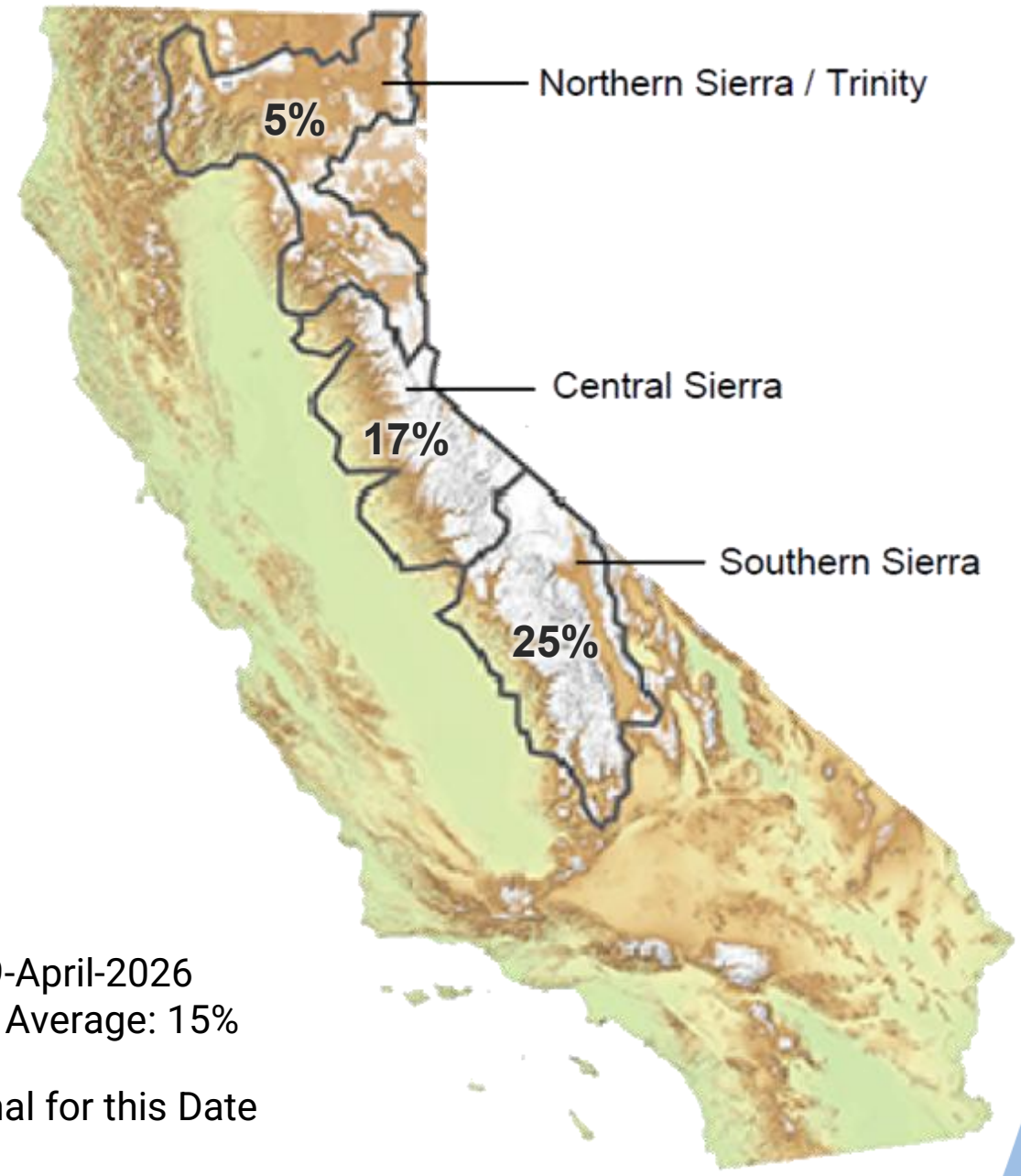


Calaveras Big Trees Weather Station, S. Rahimi, March 2026

Snowpack as of April 9

Snow Water Equivalent:

17% of Normal in Central Sierra

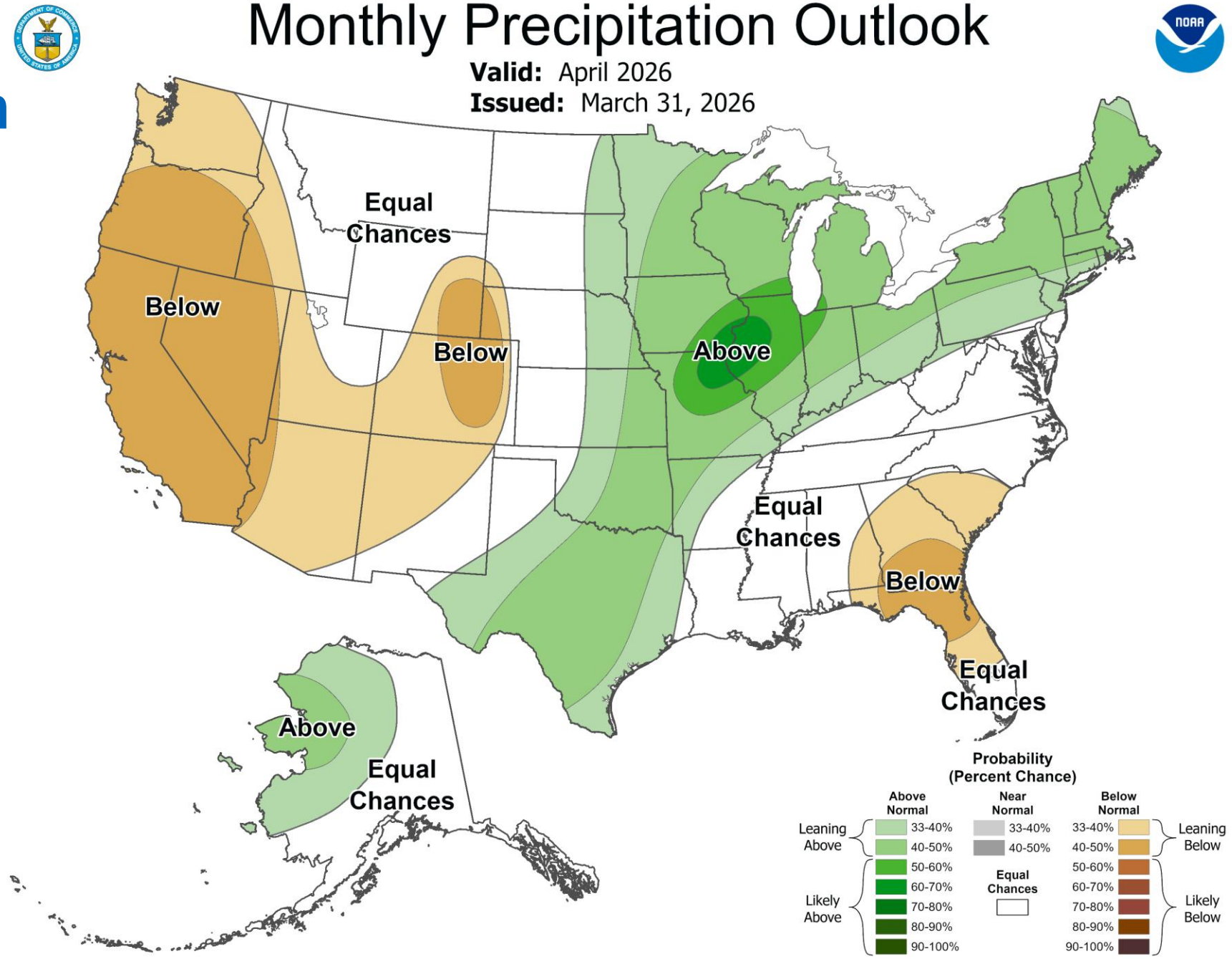


Data for: 9-April-2026
Statewide Average: 15%

% of Normal for this Date

Seasonal Climate Outlook

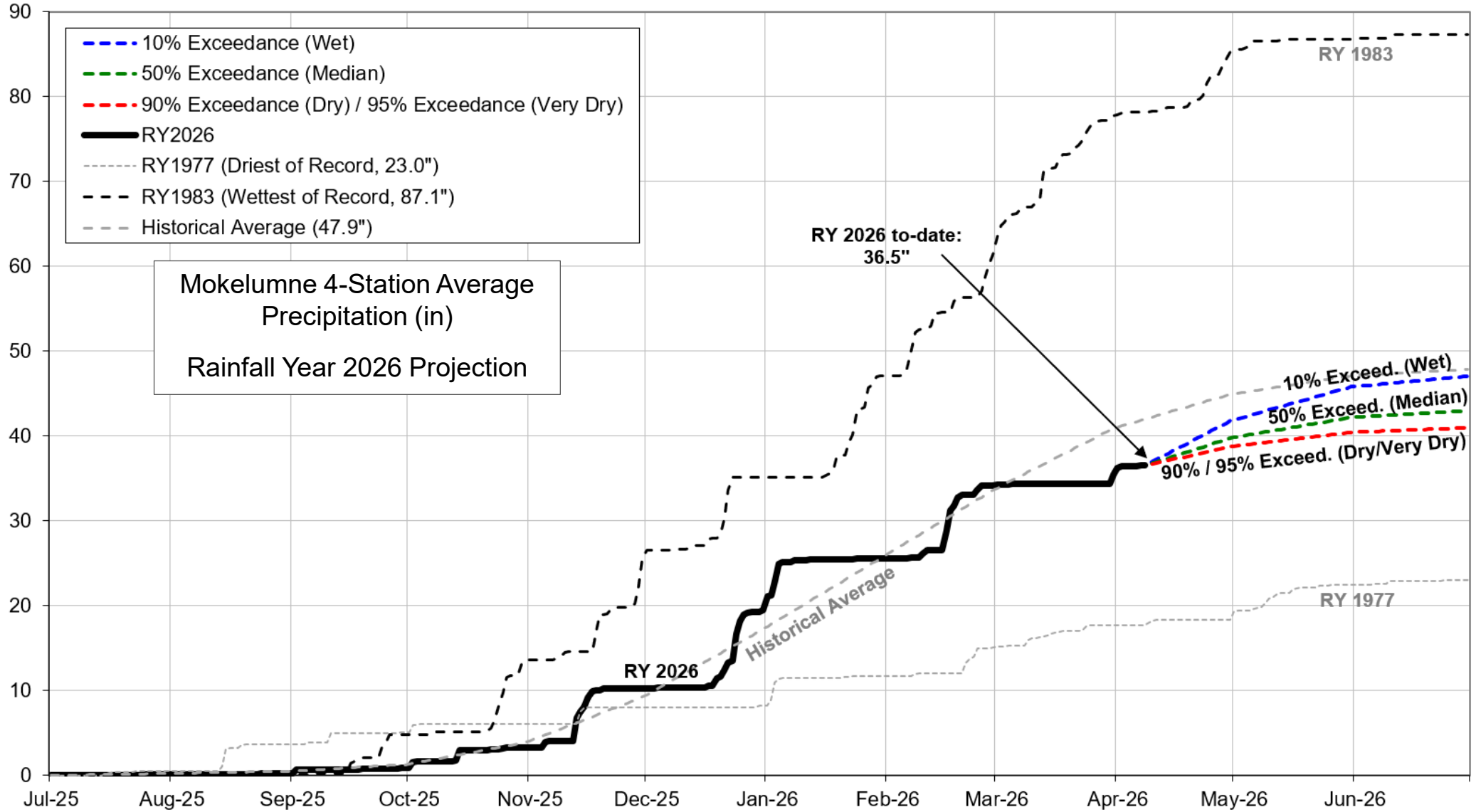
Seasonal Precipitation Outlook



Water Supply Projection

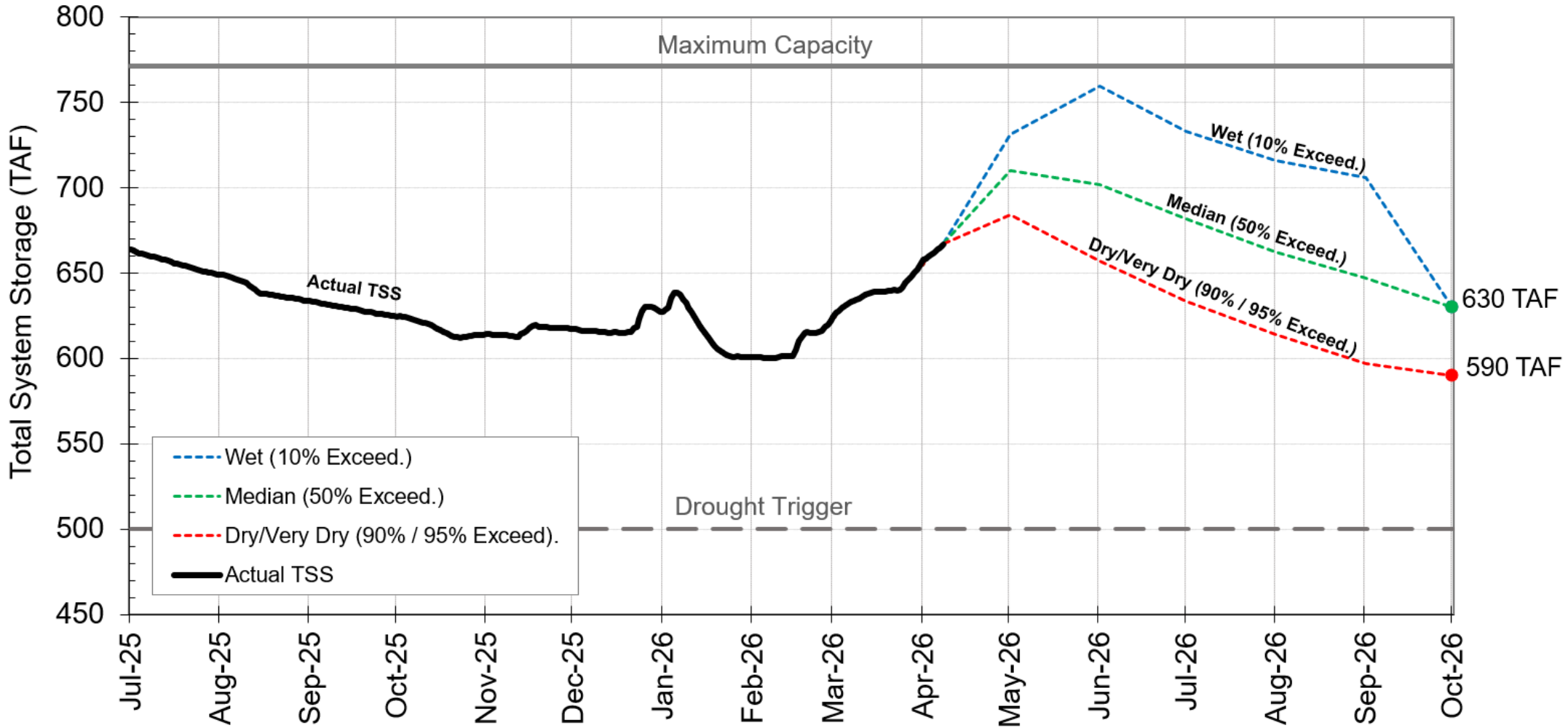
Projected Precipitation

Mokelumne Precipitation Rainfall Year 2026



End of Season Storage

2026 Total System Storage Projections



TAF: Thousands of Acre-Feet

Questions?

Pardee Reservoir, J. Urness, March 2026

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ITEM 11

PERALTA COHORT GRADUATION

WILL BE PROVIDED
AS AN ORAL REPORT

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 14, 2026

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager CCC

SUBJECT: Monthly Report – March 2026

HIGHLIGHTS

The Memorandum of Agreement (MOA) to support the development of a long-term seasonal wastewater diversion agreement between the Central Contra Costa Sanitary District (Central San), Dublin San Ramon Services District (DSRSD), DSRSD-EBMUD Recycled Water Authority (DERWA) and EBMUD is being finalized. The agencies have briefed their respective boards, and Central San's board approved the MOA on March 19. Following execution of the MOA, the agencies will initiate technical studies to support development of the agreement.

On March 12, the first vessels that met the golden mussel 30-day quarantine were allowed to launch at San Pablo Recreation Area.

On March 30, SLWA Insurance Services reported that 11,791 customers have enrolled in the private water service line coverage. SLWA launched a third mailing at the end of March. Three more mailings are expected by the end of the year.

WATER SUPPLY

In March, staff met with the State Water Resources Control Board (SWRCB) to discuss the draft Bay-Delta Plan. Discussions on March 6 focused on habitat commitments and modeling used in the Scientific Basis Report, while discussions on March 12 focused on proposed water supply adjustments proposed in the December draft plan. Staff will propose edits to the water supply adjustments for SWRCB consideration and continue coordination on habitat commitments.

On March 5, staff met with North San Joaquin Water Conservation District (NSJWCD) and Stockton East Water District (SEWD) to advance development of a larger groundwater banking project. Staff discussed the draft memorandum of understanding and common interest agreement documents, which are being finalized. The next coordination meeting is scheduled for April 2.

On March 5, staff attended the Department of Water Resources Senate Bill (SB) 1157 Benefits and Impacts Technical Advisory Panel meeting. The meeting included presentations on ongoing technical studies, outreach and survey efforts, and proposed methodologies for analyzing impacts of SB 1157 on water, wastewater, and recycled water systems.

On March 9, the District and the City of Hayward hosted a virtual Stakeholder Communication and Engagement (C&E) meeting for the East Bay Plain (EBP) Subbasin Groundwater Sustainability Plan (GSP) Periodic Evaluation and Amendment. Topics included an overview of the EBP Subbasin GSP and approaches to address Department of Water Resources recommended corrective actions related to seawater intrusion management. The next Stakeholder C&E meeting is anticipated to occur in May 2026. Approximately 30 people attended.

On March 16, staff attended the Dublin San Ramon Services District-EBMUD Recycled Water Authority (DERWA) staff meeting. Staff reviewed the draft annual capital and operations budget and prepared for the April DERWA Board Meeting. Approximately 10 people attended.

On March 20, the District requested a retroactive time extension from the State Water Resources Control Board (SWRCB) for the District's Pardee and Camanche Hydropower Water Right Permits (10479 and 17378). The extension would cover authorized use from 1990 through 2017, encompassing the period of maximum hydropower use following expiration of the permits in 1990. Staff notified California Department of Fish and Wildlife and, as a courtesy, the Mokelumne River stakeholders in advance of submitting the application. The District expects to hear back from SWRCB in April 2026.

On March 27, staff met with U.S. Bureau of Reclamation to discuss the Long-Term Water Transfer Environmental Impact Statement/Environment Impact Report. The transfer window for the Freeport facility was the primary subject of discussion.

Precipitation. The East Bay precipitation for March was 0.21 inches (5 percent of average) and the season total was 16.58 inches (70 percent of average). The Mokelumne precipitation for March was 1.33 inches (18 percent of average) and the season total was 35.47 inches (86 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for March was 360 cfs (306 cfs generation, 14 cfs sluice, and 40 cfs through the hatchery), and the average flow below Woodbridge Dam was 268 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" water year criteria.

East Bay Reservoirs. There were no East Bay reservoir releases in March.

Water Storage

Mokelumne reservoirs storage is 106 percent of average. As of March 31, 2026, Pardee was at 560.2 feet or 100 percent of average, and Camanche was at 223.3 feet or 110 percent of average. Combined Pardee and Camanche reservoir storage was 518,000 acre-feet compared to 508,000 acre-feet last year.

East Bay reservoirs storage is 99 percent of average. As of March 31, 2026, Upper San Leandro was at 455.3 feet or 103 percent of average, San Pablo was at 308.0 feet or 98 percent of average, and Briones was at 571.6 feet or 98 percent of average. Total terminal reservoir storage was 137,000 acre-feet compared to 137,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for March 2026 was 138 MGD. The Briones Raw Water Pumping Plant (RWPP) pumped 56 AF of water to Briones Reservoir from March 1 to March 3 at an average rate of 1 mgd as part of the Briones Reservoir refill operation. Walnut Creek and Moraga Pumping Plants remained out of service for the month.

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

	March 2026	**March 2025**	**March 2020**	**Average of FY 2005-2007**
East of Hills	39 MGD	26 MGD	34 MGD	33 MGD
West of Hills	107 MGD	98 MGD	109 MGD	129 MGD
Total	**146 MGD**	**124 MGD**	**143 MGD**	**162 MGD**
Max Day Production	165 MGD (3/20/2026)	137 MGD (3/24/2025)	168 MGD (3/4/2020)	

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

WATER QUALITY AND ENVIRONMENTAL PROTECTION

In March, seasonal salmonid field monitoring was conducted in the Mokelumne River. Staff continued weekly redd surveys, with a cumulative total of 1,359 Chinook salmon redds and 103 steelhead redds observed as of March 3, 2026. Staff continued monitoring two juvenile salmon traps used to capture fish migrating out of the river. Through March 17, a total of 21,489 naturally produced juvenile Chinook salmon were captured and counted in the Vino Farms trap (located at Elliot Rd in Lockeford), and a total of 2,798 naturally produced juvenile Chinook salmon were captured and counted in the Golf trap (located below Woodbridge Dam). Current estimates indicate approximately 932,787 juvenile salmon passed the Vino Farms trap and 103,167 passed the Golf trap.

In March, staff initiated annual spring pond surveys in the upper Mokelumne watershed to monitor amphibian composition and abundance on District property. As of March 3, biologists conducted dip-net surveys in 28 ponds and observed one western pond turtle and 67 California tiger salamander larvae across the ponds. California tiger salamander (*Ambystoma californiense*), a Species of Special Concern, is a focus of these surveys to assess breeding success. Results will be included in the District's annual U.S. Fish and Wildlife Service Safe Harbor Agreement report.

In March, staff conducted controlled burns of log piles at San Pablo Reservoir to reduce wildfire risk and improve forest health. Hazardous fuel loads from dead and dying Monterey Pine trees along the east shore of San Pablo Reservoir were reduced by 350 trees and a total of 464 tons.

In March, the District assisted California Department of Water Resources (DWR) with surgically implanting acoustic tags in approximately 260 yearling steelhead trout at the Mokelumne River Fish Hatchery as part of a collaborative study with DWR and the U.S. Geological Survey. The study evaluates migration success, routing, and hydrodynamic influences on juvenile Chinook salmon and steelhead emigrating from the Mokelumne River. An additional 260 steelhead will be tagged over the next month to complete the study. Data collected will inform improvements to fish migration models, including the Survival, Travel Time, and Routing Simulation (STARS) model, and support conservation and water management decisions.

On March 2, staff completed a steelhead spawning survey in Pinole Creek upstream of the recently completed Tomato Stand Fish Passage Project. Staff observed four steelhead redds upstream of the project site, bringing the season total to ten redds, including five resident rainbow trout redds and five steelhead redds. This represents the highest level of spawning activity in upper Pinole Creek in nearly 20 years of surveying and indicates improved upstream access resulting from the Tomato Stand Fish Passage Project.

On March 3, staff attended the East Bay Stewardship Network Wildfire and Forest Resilience subgroup meeting. The subgroup is working to develop funding opportunities and collaborations across land management agencies to support implementation of regional wildfire projects. Participating agencies included East Bay Regional Park District, John Muir Heritage Land Trust, California State Parks, and San Francisco Public Utilities Commission.

On March 10, staff completed a California red-legged frog egg mass survey in the San Pablo Dam blow-off channel prior to a valve test. As required by the East Bay Habitat Conservation Plan, areas downstream of planned releases were surveyed to prevent egg masses from being displaced by increased flows. No egg masses were observed, and the valve test proceeded as scheduled on March 11.

All discharges from the Main Wastewater Treatment Plant (MWWTP) complied with the effluent limits in the month of March. This is the 319th consecutive month that the MWWTP experienced no effluent limit exceedances.

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

INFRASTRUCTURE INVESTMENT

In March, staff completed a pipeline replacement project in the Stone Valley Way area in Alamo. This project replaced asbestos cement pipe with approximately 1,035 feet of 8-inch mortar-lined zinc coated ductile iron pipe.

In March, staff began phase 1 of the Ranchitos Del Sol pipeline replacement project in Diablo. This project will replace asbestos cement pipe and mortar-lined coated steel pipe with approximately 3,350 feet of 8-inch mortar-lined zinc coated ductile iron pipe. This project is expected to be completed in May.

In March, staff began a pipeline replacement project in the Elgin Street area in Ashland, Alameda County. This project will replace cast iron pipe and mortar-lined coated steel pipe with approximately 1,055 feet of 6-inch mortar-lined zinc coated ductile iron pipe. This project is expected to be completed in April.

On March 12, the District signed agreements with PG&E under its Electric Vehicle (EV) Fleet Program for three facilities including South Area Service Center, North Area Service Center, and East Area Service Center. Under the program, PG&E will construct, own, and maintain electrical infrastructure upgrades up to the facility's meter required to support EV charging and will reserve the required electrical capacity. The District has also applied to the program for four additional facilities - the Administration Building, Adeline Maintenance Center (AMC) Administration Building, AMC Shops, and AMC Fleet – which have been approved by PG&E and are pending final agreements.

On March 13, K-rail barriers were installed on Willow Street adjacent to the New Central Area Service Center at 2430 Willow Street in Oakland. The District coordinated with the City of Oakland Encampment Management team, which facilitated closure of encampments along the southern portion of the street. The barriers will help maintain clear access to the property.

On March 23, staff met with the California Valley Miwok Tribe to discuss the District's Federal Energy Regulatory Commission license. Staff discussed the ongoing relicensing effort and the upcoming study planning process. Staff plans to schedule another meeting with the tribe after the planned public study plan meeting on April 29.

On March 25, staff presented at the San Joaquin Basin Technical Team meeting (formerly the San Joaquin Fisheries Agency Technical Team). The presentation highlighted the Mokelumne River fisheries program and Lower Mokelumne River operations. The U.S. Fish and Wildlife Service recently reinitiated the forum to coordinate flow management and fisheries needs across the San Joaquin River Basin. Staff has historically used this forum to coordinate fall pulse flow operations with other San Joaquin River tributaries. Approximately 35 people attended.

On March 26, U.C. Berkeley's Center for Smart Infrastructure, the District, and Los Angeles Department of Water and Power initiated a research project titled Updating Empirical Pipeline Fragility Curves for Seismic Resilience Improvement of Water Systems. The objective will compile historical pipeline seismic performance data from domestic and international sources and update the District's fragility curves used to evaluate pipeline performance during earthquakes. The updated curves will improve the District's understanding of seismic risk and inform future pipeline replacement and resilience planning.

On March 30, the District submitted the Dam Safety Surveillance and Monitoring Reports (DSSMR) for Pardee and Camanche dams to the Federal Energy Regulatory Commission. The reports summarize findings and status updates under the Dam Surveillance and Monitoring Plans for the Lower Mokelumne River Project. The DSSMRs include results from inspections and monitoring activities conducted in the previous calendar year, including visual inspections and instrument readings, to ensure dam safety and integrity.

Construction of the Main Wastewater Treatment Plant Secondary Clarifier Rehabilitation Phase 4 Project was completed under SD-459. This $6.7 million project included replacement of sludge collector equipment, cured-in-place pipe lining for return activated sludge pipes, inlet butterfly gate recoating, and concrete resurfacing for clarifiers 4 and 11. Additional work included drainage and electrical improvements and assessment of below-grade sections the secondary effluent channel.

Installation of security camera upgrades at the Administration Building was completed. This $1.2 million project installed 65 new state-of-the-art security cameras which replaced 42 existing cameras, improving building coverage and image quality to enhance safety for staff and the public. In addition, 12 wi-fi routers were installed across three garage levels to improve security response and communications.

Mains repaired in March totaled 71. The attached table lists the mains repaired by staff in March, sorted by city and street. The table indicates the source of the leaks in three categories: non-surfacing leaks discovered by leak detection technologies, breaks caused by contractors or other agencies, and all other main breaks. The associated map shows the location of the main repairs.

CUSTOMER AND COMMUNITY SERVICES

In March, staff conducted 10 environmental education field trips for approximately 635 attendees as follows:

- March 2, a total of 150 students from Lodi Unified School District toured the Mokelumne River Fish Hatchery.
- March 3, a total of 30 students from Hercules' Lupine Hils Elementary School toured the Lafayette Reservoir and Walnut Creek Water Treatment Plant.
- March 6, a total of 150 students from Lodi Unified School District toured the Mokelumne River Fish Hatchery.

- March 10, a total of 150 students from Lodi Unified School District toured the Mokelumne River Fish Hatchery.
- March 10, a total of 35 students from San Lorenzo's Lorenzo Manor Elementary School toured the Lafayette Reservoir and Walnut Creek Water Treatment Plant.
- March 12, a total of 35 students from San Lorenzo's Lorenzo Manor Elementary School toured the Lafayette Reservoir and Walnut Creek Water Treatment Plant.
- March 16, a total of 5 students from Pleasant Hill's Sequoia Elementary School toured the Walnut Creek Water Treatment Plant.
- March 17, a total of 30 students from Piedmont's Wildwood Elementary School toured the Lafayette Reservoir and Walnut Creek Water Treatment Plant.
- March 24, a total of 30 students from Oakland's Prescott Elementary School toured the Lafayette Reservoir and Walnut Creek Water Treatment Plant.
- March 26, a total of 20 students from Oakland's Prescott Elementary School toured the Lafayette Reservoir and Walnut Creek Water Treatment Plant.
- March 26, a total of 22 students from Berkeley's Washington Elementary School toured the Lafayette Reservoir.

In March, staff participated in six assemblies for approximately 1,155 students as follows:

Assemblies led by Zun Zun, an organization that leads musical assemblies on watersheds, conservation, climate change, and pollution prevention on behalf of sponsoring water agencies.

- March 4, a total of 360 students at San Lorenzo's Del Rey Elementary School
- March 4, a total of 25 students at San Lorenzo's Lorenzo Manor Elementary School
- March 5, a total of 55 students at Piedmont's Wildwood Elementary School
- March 18, a total of 415 students at Walnut Creek's Murwood Elementary School
- March 19, a total of 255 students at Oakland's Fruitvale Elementary School
- March 24, a total of 45 students at Berkeley's Washington Elementary School

In March, staff conducted nine tours of the Main Wastewater Treatment Plant, for approximately 300 people. Tour groups included students from Oakland Technical High School, Oakland's Skyline High School, Piedmont High School, members of the Bay Area Clean Water Agencies and the Regional Water Quality Control Board; staff from the City of Emeryville and the San Francisco Estuary Institute. The season's first Saturday public tour was also well attended, drawing strong interest from community members.

In March 2026, the District continued its debt collection outreach to single-family residential customers who were more than 100 days past due on their water bills. Outreach efforts remain ongoing for both tenant-occupied and owner-occupied accounts.

On March 3, staff attended the Fairview Municipal Advisory Council Monthly meeting to provide information on the Service Lines Warranty of American notification. Approximately 25 people attended.

On March 4, staff met with Central Contra Costa Sanitation District to coordinate construction activities. The two agencies shared information on current and upcoming work.

On March 4, staff attended the California WateReuse Annual Conference Planning Committee Meeting. The agenda included planning for the upcoming state conference including assigning committee chairs for the technical program, awards, and tours.

On March 5, staff met with City of Oakland Monthly Utility meeting to coordinate construction activities. The two agencies shared information on current and upcoming work.

On March 5, staff attended the Contra Costa County Mayors Conference in Hercules to learn about community issues.

On March 5, staff participated as a panelist in a WaterStart webinar. The discussion focused on utility decision-making related to capital investment, rates, and long-term system reliability. Approximately 20 people attended.

On March 6, staff participated as judges in the Water and Wastewater Excellence Award division of the Contra Costa Engineering and Science Fair at Los Medanos College in Pittsburg. Staff served on a panel of judges comprised of personnel from regional water, wastewater, and sanitation districts to select award recipients from. middle and high school students.

On March 9, staff attended the Castro Valley Advisory Council Land Use meeting to learn more about community issues.

On March 9, staff participated as panelists on the Stanford University Graduate School of Business and the School of Engineering panel discussion regarding water finance. Approximately 40 people attended.

On March 9, staff presented to the Metropolitan Water District of Southern California about the H2Flow song and music video campaign and discussed the project's strategy, metrics, and budget. Approximately 30 people attended.

On March 10, the District hosted the Student and Landowner Education and Watershed Stewardship program at Mokelumne River Day Use Area to teach students about native plants and worked on restoring flood plain areas. Approximately 20 people attended.

On March 10, staff presented at the Northern California Pipe Users Group monthly meeting. The presentation highlighted the challenges and lessons learned from the North Interceptor Rehabilitation – Emeryville Project. Approximately 90 people attended.

On March 10, staff participated in Nystrom Elementary School's Family STEAM (Science, Technology, Education, Art, and Mathematics) night in Richmond. Staff provided information on the District's water system, stewardship, water treatment, and careers. Approximately 70 people attended.

On March 11, staff met with the City of Orinda to review and discuss capital projects in the City as part of an ongoing quarterly coordination meeting. The project status, environmental documentation, and schedules were presented to the City as an early opportunity to share information and receive input early in the planning phase.

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

On March 12, staff presented at the Woodbridge Irrigation District Board Meeting. The presentation highlighted hydrography. Approximately 20 people attended.

On March 12, staff attended the State of Cities (Hercules, Pinole, Rodeo) to learn more about business and community progress.

On March 12, staff attended the West County Forum Monthly meeting to learn more about community issues.

On March 14, staff conducted boat tours on the San Pablo Reservoir with Golden Gate Bird Alliance. Staff provided information on wildlife, the water system, stewardship, water treatment, and careers. Approximately 30 people attended.

On March 14, staff participated in the Alameda County Science and Engineering Fair in Hayward. The District sponsored the Excellence in Water, Wastewater, and the Recycled Water Research awards for middle and high school students and their mentoring science teacher. Approximately 500 people attended.

On March 18, staff met with the City of Lafayette to coordinate construction activities. The two agencies shared information on current and upcoming work.

On March 17, staff attended the Oakland Chinatown Community Improvement Council Civil Sidewalks Committee meeting to network and learn about community issues.

On March 17, staff attended the Northern California WateReuse Chapter Planning Committee Meeting. The agenda included planning for upcoming chapter meetings, tours, workshops, and the state conference.

On March 18, staff presented at the J.P. Morgan Transportation and Utility Public Finance Conference in New York. The presentation highlighted the District's operations, capital plans and financial position. Approximately 50 people attended.

On March 18, staff met with the City of Emeryville to coordinate construction activities. The two agencies shared information on current and upcoming work.

On March 18, the District held a public meeting regarding the Dos Posos Pipeline Replacement Project. Staff reviewed EBMUD's pipeline replacement strategy and expected project impacts and responded to other questions from residents in this pipeline area. Approximately 15 people attended.

On March 19, staff attended the Alameda County Special Districts Association Annual Dinner to celebrate partnership.

On March 19, staff attended the Camanche Regional Park Advisory Board Meeting. Topics discussed included water supply conditions, calendar year 2027 recreation rates, golden mussels and trail use.

On March 23, the District held an open house event for the Tomato Stand Fish Passage Project in Pinole Valley. The open house included a media availability reception at Orinda Watershed Headquarters and site visit for EBMUD Board members, staff, project partners, regulatory agencies and invited members of the public to view the project site. Approximately 30 people attended.

On March 23, staff attended the Clean Air Community Emissions Reduction Plan Committee Meeting in Richmond to learn more about implementation of the Path To Clean Air Plan.

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

On March 23, the District continued its outreach to approximately 2,251 tenant occupied accounts with unpaid debt totaling $1.5 million. These customers will receive service interruption postcards. Service interruption notifications will be sent in batches of 1,000, and door hangers will be placed before installation of flow restrictors. For the owner-occupied accounts, there are approximately 1,184 accounts with unpaid debt at approximately $1.3 million. These customers will receive lien notification postcards, which will be issue in addition to formal lien notifications in advance of any lien filings.

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

On March 25, staff attended the Women in Civic Leadership meeting in Richmond to learn more about community issues.

On March 25, staff participated in Chavez Elementary School's Family STEAM (Science, Technology, Engineering, Arts and Mathematics) Night in Richmond. This event was organized by Scientific Adventures for Girls, a nonprofit that provides hands-on after-school and out-of-school STEM education to young girls to inspire curiosity and confidence in science, technology, engineering, and math. Staff provided information on the District's water system, stewardship, water treatment, and careers. Approximately 70 people attended.

On March 26, staff collaborated with PG&E and East Oakland Collective to host a Utilities Assistance Day in Oakland. Staff provided on-site enrollment for Customer Assistance Program and helped to answer billing questions. Approximately 50 people attended.

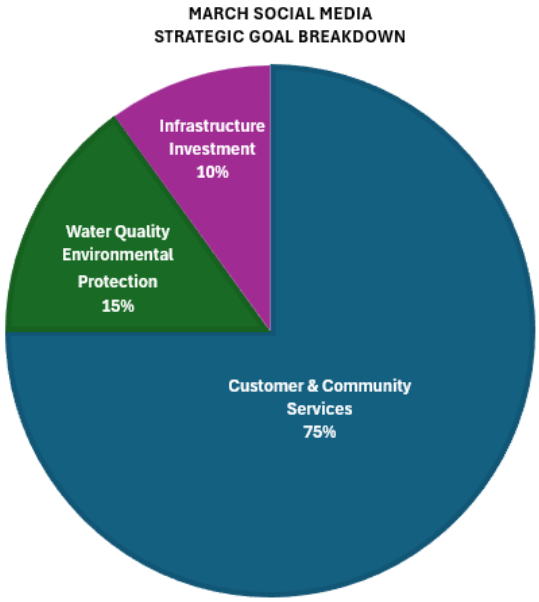
On March 30, staff attended the North San Joaquin Water Conservation District Board meeting to learn about regional issues and to network with stakeholders.

Media. The District issued a press release on March 23 and invited media to conduct interviews and tour the completed Tomato Stand Fish Passage project. (NBC11, ABC7, CBS5, KTVU2, KRON4, KCBS, California Sportsman. Recent warm weather and impact on water supplies were the focus of media inquiries (CalMatters, KTVU2, NBC11, KRON4, KCBS, Local News Matters). News outlets covered a successful animal rescue aided by EBMUD (Newsbreak, FOX40, KTXL). Other topics included the Lafayette Tower Seismic Retrofit project (Newsbreak); update on Siesta Valley operations (Einpresswire); call for Mokelumne Trail maintenance volunteers (Newsbreak), water trivia night at Drakes in Oakland (Newsbreak), pension fund and private credit allocation (Pitchbook), and Blackhawk Plaza filing for bankruptcy and owing EBMUD and others (Danville San Ramon).

Social Media

- **Platforms:** Facebook, Instagram, LinkedIn, X, YouTube, Nextdoor
- **Topics included:** Water wise plants, H2Flow in Spanish, Water Wednesday Purified Water, Infrastructure Investment, Biennial Report, East Bay trails, emergency water storage, firescaping, Fix a Leak Week, careers, PI Day, Luck on St. Patrick's Day infrastructure awareness, watershed appreciation, Tomato Stand Pinole Creek Fish Passage, architecture art exhibit, World Water Day,
- **Collaborations:** OakTown Nursery, Alphabet Rockers, East Bay Regional Parks and Recreations, Oakland Firesafe Council, Environmental Protection Agency, San Pablo Economic Development Council, Wildlife Conservation Board, artist Sudie Akossiwa Wentling.
- **Most impressions photo post:** Pi Day Infrastructure awareness with 6,527 views on Instagram and Facebook.
- **Most viewed video:** World Water Day with 3,464 views on Instagram, Facebook and YouTube.
- **Ads:**
    - Fix a Leak Week SherLEAK Homes campaign (multiple posts) $675 investment received 12,073 organic views on Facebook, Instagram, X, LinkedIn, Nextdoor and YouTube, and 72,784 paid views on Facebook and Instagram.

- Electrical engineer recruitment ongoing on Facebook, Instagram and LinkedIn.



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

- 1st Ave & Marbi Lane Cluster Pipeline Replacement (Walnut Creek)
- Carter and Arroyo Reservoir Rehabilitation and Demolition (Moraga)
- Donna Ln Cluster Pipeline Replacement (Danville)
- East of Hills Facilities Demolition and Improvements (San Ramon, Danville, Alamo)
- Fay Hill, Rheem, Ridgewood, and Scenic East Pumping Plants and Pipeline Improvements (Moraga/Alamo)
- Lafayette Reservoir Tower Seismic Upgrade (Lafayette)
- Lafayette Water Treatment Plant Maintenance (Lafayette)
- Lilac Drive Cluster Pipeline Replacement (Walnut Creek)
- Oak Park Blvd. Cluster Pipeline Replacement (Pleasant Hill)
- Orinda Water Treatment Plant Disinfection Improvements (Orinda)
- Ranchitos Del Sol Phase 1 Pipeline Replacement (Diablo)
- Reliez Valley Road Pipeline Replacement (Lafayette)
- St David Drive Cluster Pipeline Replacement (Danville)
- Stone Valley Way Pipeline Replacement (Alamo)
- Tice Valley Pipeline Replacement (Walnut Creek)
- Walnut Creek Water Treatment Plant Pretreatment (Walnut Creek)
- Westside Pumping Plant Replacement (Orinda)

Contract Equity

- **On March 5, staff participated in the Greater Stockton Chamber of Commerce's Business Showcase & Tradeshow.** Staff provided information on how to do business with the District and upcoming contract opportunities. Approximately 400 people attended.
- **On March 24, staff participated in the San Francisco International Airport's Annual Business Resource Fair in Oakland.** Staff participated in the event's panel, presenting on the Contract Equity Program and highlighted upcoming contracting opportunities at the District. Additionally, staff provided information on employment opportunities, how to conduct business with the District, and upcoming contracting opportunities. Approximately 500 people attended.

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

- March 3 – Warriors Franchise Fund Small Business Cohort Graduation – 150 attendees
- March 4 – Chinese for Affirmative Action Leadership Circle Appreciation Reception – 80 attendees
- March 11 – Women Build California Summit – 150 attendees
- March 12 – Bay Area Supplier Diversity Small Business Networking Mixer – 75 attendees
- March 19 – Oakland Latino Chamber of Commerce Board of Directors Meeting – 12 attendees
- March 24 – Economic Impact Advisory Council – 50 attendees
- March 26 – 17th Annual Powerful Women of the Bay Awards – 200 attendees

Water Conservation

On March 4, staff presented to the Bay Area Water Supply and Conservation Agency and Valley Water on the District's "Water Use Efficiency Workshop No. 8: Commercial, Institutional, and Industrial (CII) Best Management Practices" webinar. Staff included information on the District's Commercial Water Conservation Guidebook, quarterly commercial newsletter, support of the CA Green Business Network, and other outreach efforts to the commercial customer sector. Approximately 35 people attended.

On March 4, the District hosted the District's Landscape Advisory Committee general meeting. Staff provided updates on District events, water supply, and rebates. Approximately 120 people attended.

On March 10, staff presented at the California Water Efficiency Partnership (CalWEP) Program Committee meeting. The presentation included updates from CalWEP's Tree Health subcommittee, including findings from the tree irrigation scheduling analysis, and highlights from the District's "Protecting Mature Trees Through Lawn Conversion" webinar. Additional topics included Watershed Progressive's tree health research in partnership with Department of Water Resources and CalWEP, and a panel preview discussion on mature trees and lawn conversion projects at CalWEP's Peer- to-Peer event in May 2026. Approximately 40 people attended. Approximately 40 people attended.

On March 17, staff participated in the Q1 California Water Efficiency Partnership (CalWEP) Board meeting at Irvine Ranch Water District in Irvine. Topics included Q4 finances, CalWEP initiatives for 2026, and sub-committee task forces updates.

On March 18, staff participated in Fix-a-Leak-Week events at two Ace Hardware stores in Oakland and Lafayette and Drake's Dealership in Oakland. Staff provided information on finding and fixing leaks at the locations and hosted an evening water-themed trivia night at Drake's Dealership in Oakland. Approximately 100 people attended.

On March 18, staff presented at California Water Efficiency Partnership's spring plenary in Irvine. Topics covered the District's Commercial Water Conservation Guidebook, weekly Advanced Metering Infrastructure leak report outreach, the quarterly commercial newsletter, and the Water Conservation Management System. Approximately 160 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

On March 13, the District hosted the East Bay Stewardship Network Quarterly Meeting the Orinda Watershed Headquarters. The East Bay Stewardship Network consists of local government agencies that manage open space in the East Bay. The topics included special status species, land management issues, opportunities for interagency cooperation and potential projects and grant funding opportunities and toured the Tomato Stand Fish Passage Project. Approximately 25 people attended.

Between March 16-18, staff attended the Interagency Ecological Program Annual Workshop. The workshop brought together multidisciplinary participants from agencies, academia, and other organizations to share research and discuss management of the Bay-Delta ecosystem. Approximately 100 people attended.

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

- **On March 4, staff attended Laney College's Internship and Employment Fair in Oakland.** Staff provided information on District careers, upcoming recruitments, internship programs, and the application process. Approximately 150 people attended.

Tuition Reimbursement

	March 2026	FY 2026 Total
# of Employees	13	109
# of Classes	18	160
Total Reimbursed	$16,989.58	$117,820.62

Employment Information

	March 2026	FY 2026 Total
Retirements – Regular	6	47
Retirements – Vested	1	7
Hires/Rehires	21	120
Other Separations	4	82

FINANCIAL STABILITY

The construction contract with Flatiron Dragados for the Orinda Water Treatment Plant Disinfection and Chemical Systems Safety Improvements under Spec 2139 requires an increase in the change order contingency. Costs increased due to several issues, including electrical/structural/piping conflicts, differing site conditions, and adverse weather conditions. It is estimated that the change order contingency will need to be raised to $18,740,479 or seven percent of the original contract amount of $267,721,132.

On March 5, the District submitted a $32,606.23 payment to the California Department of Fee and Tax Administration for water rights fees assessed by the State Water Resources Control Board. The payment is associated with the District's Notice of Intent to renew its Federal Energy Regulatory Commission license for hydropower operations Pardee and Camanche dams.

The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station's surplus power sales for March is $41,630. The District sold renewable power and related Renewable Energy Certificates (RECs) to the Port of Oakland. The sale of RECs generated $24,366 from the Port of Oakland. Earned revenue for FY 2026 is estimated at $776,264 or 111 percent of the total FY 2026 budget of $700,000.

The estimated earned revenue from Mokelumne power sales for March is $701,935. The District sold renewable power and related Renewable Energy Certificates (RECs) to Silicon Valley Clean Energy (SVCE). Sales of RECs generated $400,114 from SVCE. Resource Adequacy capacity sales to Shell Energy North America (US), L.P. earned $42,980. Estimated earned revenue to date through March is $8,977,833 or 98 percent of the budgeted revenue for FY 2026 of $9,200,000. The forecasted revenue for FY 2026 is $11,085,836.

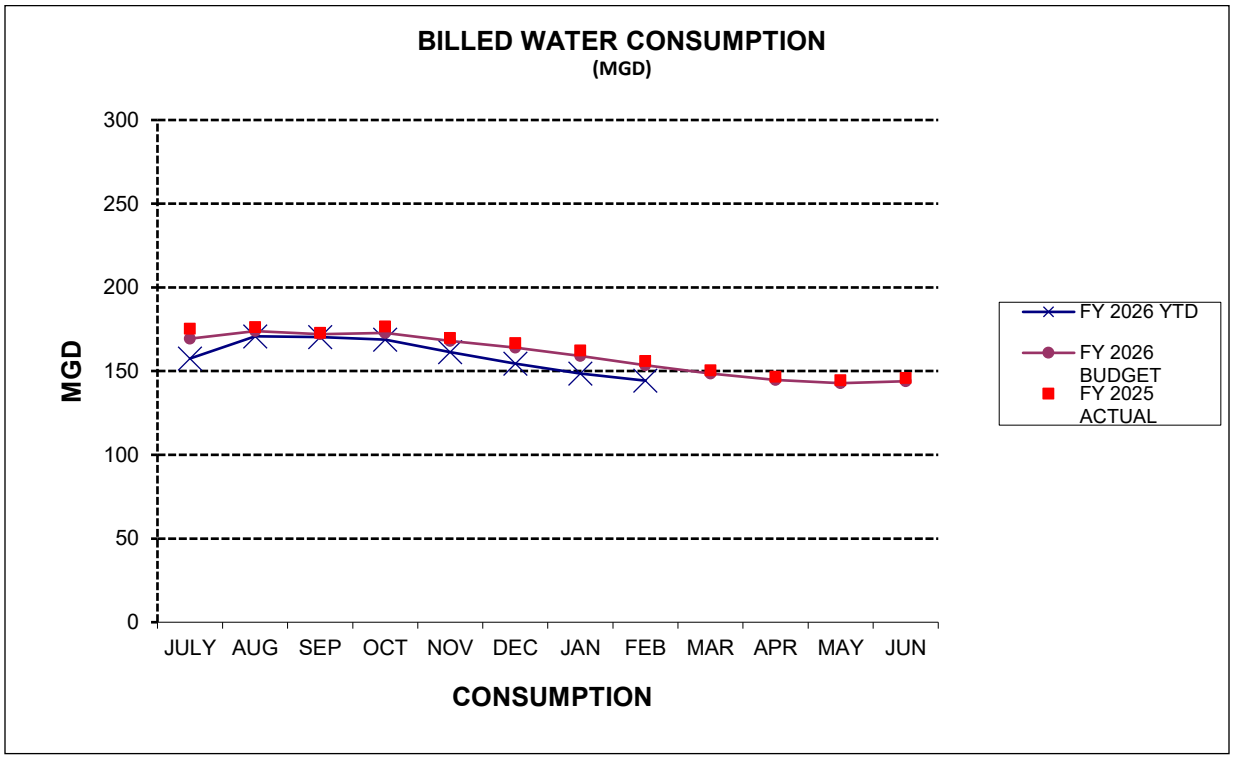
There were no material, supply, or construction contracts from $80,001 to $100,000 and one general and professional service agreement from $30,001 up to $80,000 approved by the General Manager in March 2026.

VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Crown Worldwide Moving and Storage, LLC	3/2/2026	White Men	Moving services for tenant-related workspaces at the District's Administration Building	N/A	N/A	$78,000

Water Sales (Billed Consumption)

The following consumption information is the average water consumption in millions of gallons per day (MGD) for the first eight months of FY 2026[1]. Budgeted average daily water consumption for FY 2026 is 143.9 MGD, noting that summer month consumption is generally higher due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY 2025 data for the same period of time.

Fiscal Year-to-Date Billed Water Consumption			
Usage Type	**FY 2026 (MGD)**	**FY 2025 (MGD)**	**Year-over-Year (% change)**
Residential	72.1	76.4	-5.6%
Commercial	47.8	52.9	-9.6%
Industrial	17.8	19.9	-10.6%
Public Authority	6.6	6.8	-2.9%
Total Billed Water Consumption	**144.3**	**156.0**	**-7.5%**

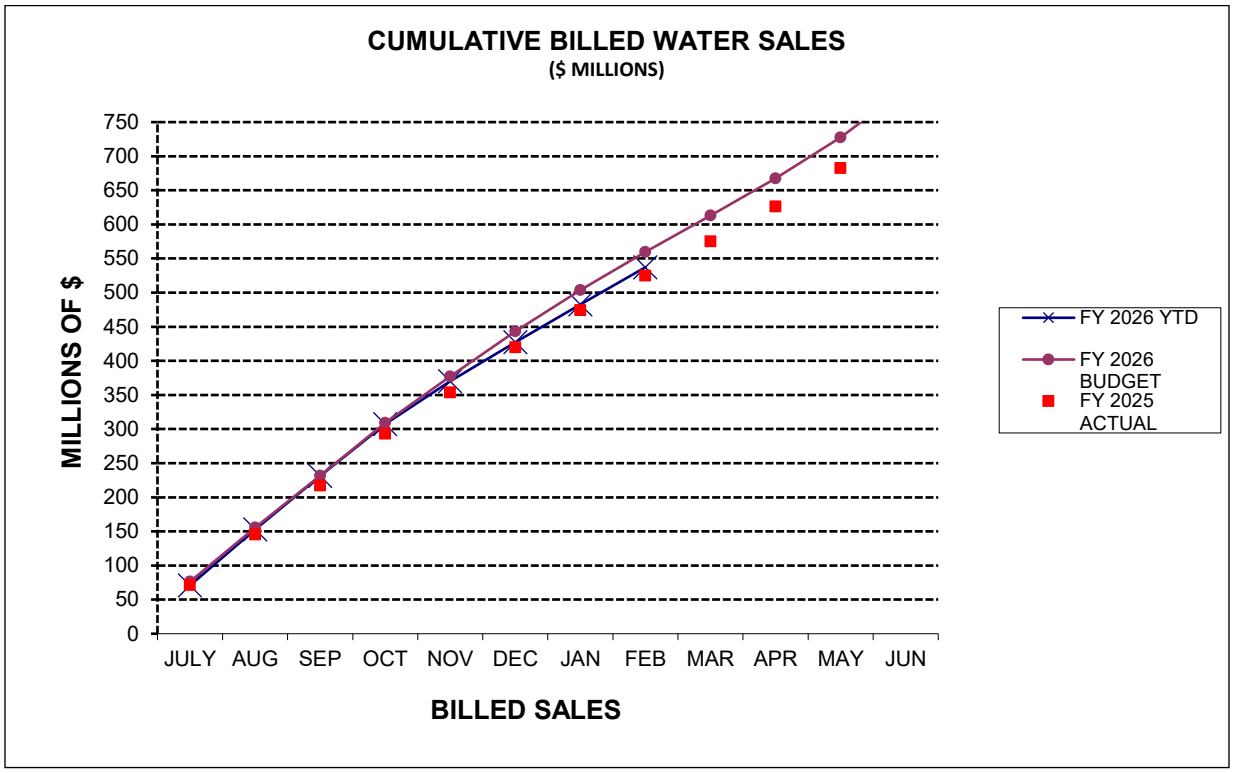


Source: Customer Information System

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

Water Sales (Expected Revenue)

Water revenues billed through the end of February were $537.3 million[2] or 2.4% more than the FY 2025 revenue for the same period of $524.8 million. This increase in water revenues is a result of a 6.5% average rate increase (effective July 1, 2025), partially offset by lower consumption. Total FY 2026 water revenues through February are $22.3 million (4.0%) less than the budgeted water revenue of $559.6 million.



Source: Customer Information System

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

	March 2026 MAIN BREAK REPAIRS									
City	Pre	Street	Suf	Ward	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
ALAMEDA		5TH	ST	5	CAST IRON	4	1881	0	3/10/2026	3/10/2026	Y
ALAMEDA		PACIFIC	AVE	5	NON METALLIC / PLASTIC	4	1982	2,880	3/16/2026	3/17/2026	Y
ALAMO		WILD FLOWER	PL	2	ASBESTOS CEMENT	6	1984	0	3/16/2026	3/24/2026	Y
ALBANY		RAMONA	AVE	4	CAST IRON	6	1927	0	3/9/2026	3/18/2026	Y
ALBANY		WASHINGTON	AVE	4	ASBESTOS CEMENT	8	1948	27,000	3/2/2026	3/2/2026	Y
BERKELEY		ADDISON	ST	4	CAST IRON	6	1950	17,280	3/20/2026	3/25/2026	Y
BERKELEY		CRESTON	RD	4	CAST IRON	4	1938	2,250	3/19/2026	3/19/2026	Y
BERKELEY		FAIRLAWN	DR	4	CAST IRON	6	1930	9,000	3/19/2026	3/19/2026	Y
BERKELEY		SHATTUCK	AVE	4	CAST IRON	10	1925	0	3/16/2026	3/26/2026	Y
BERKELEY		THOUSAND OAKS	BL	4	CAST IRON	6	1925	54,000	3/24/2026	3/24/2026	Y
CASTRO VALLEY		CARLTON	AVE	7	REINFORCED CONCRETE CYLINDER	12	1957	0	3/5/2026	3/5/2026	Y
CASTRO VALLEY		HEYER	AVE	7	STEEL	12	1963	0	2/26/2026	3/4/2026	Y
CASTRO VALLEY		REDWOOD	RD	7	ASBESTOS CEMENT	8	1962	11,520	3/5/2026	3/12/2026	Y
CROCKETT		DOWRELIO	DR	1	STEEL	6	1944	5,760	3/20/2026	3/23/2026	Y
DANVILLE		DIABLO	RD	2	STEEL	8	2014	0	3/10/2026	3/10/2026	Y
DANVILLE		ILO	LN	2	ASBESTOS CEMENT	6	1956	9,000	3/18/2026	3/19/2026	Y
DANVILLE		MISSION	DR	2	ASBESTOS CEMENT	6	1981	8,640	3/17/2026	3/18/2026	Y
EL CERRITO		CENTRAL	AVE	4	CAST IRON	6	1939	4,500	3/6/2026	3/7/2026	Y
EL CERRITO		RICHMOND	ST	4	CAST IRON	6	1925	0	3/18/2026	3/26/2026	Y
EL CERRITO		SCOTT	ST	4	CAST IRON	4	1950	20,160	3/5/2026	3/11/2026	Y
EL SOBRANTE		ARCHERY	WAY	3	ASBESTOS CEMENT	6	1956	17,280	3/17/2026	3/20/2026	Y
HAYWARD		FOOTHILL	BL	7	CAST IRON	6	1934	10,080	3/5/2026	3/11/2026	Y
HAYWARD		HAVILAND	AVE	7	CAST IRON	4	1941	4,320	3/23/2026	3/25/2026	Y
KENSINGTON		FRANCISCAN	WAY	4	STEEL	8	2002	4,500	3/5/2026	3/6/2026	Y
LAFAYETTE		BROOKWOOD	DR	2	ASBESTOS CEMENT	6	1963	45,000	3/9/2026	3/9/2026	Y
LAFAYETTE		LANCASTER	DR	2	ASBESTOS CEMENT	4	1956	2,700	3/24/2026	3/25/2026	Y
LAFAYETTE		MT DIABLO	BL	5	CAST IRON	12	1956	0	2/20/2026	3/4/2026	Y
LAFAYETTE		RELIEZ VALLEY	RD	2	STEEL	6	1941	14,400	3/9/2026	3/13/2026	Y

KPI = turn around time to repair the leak

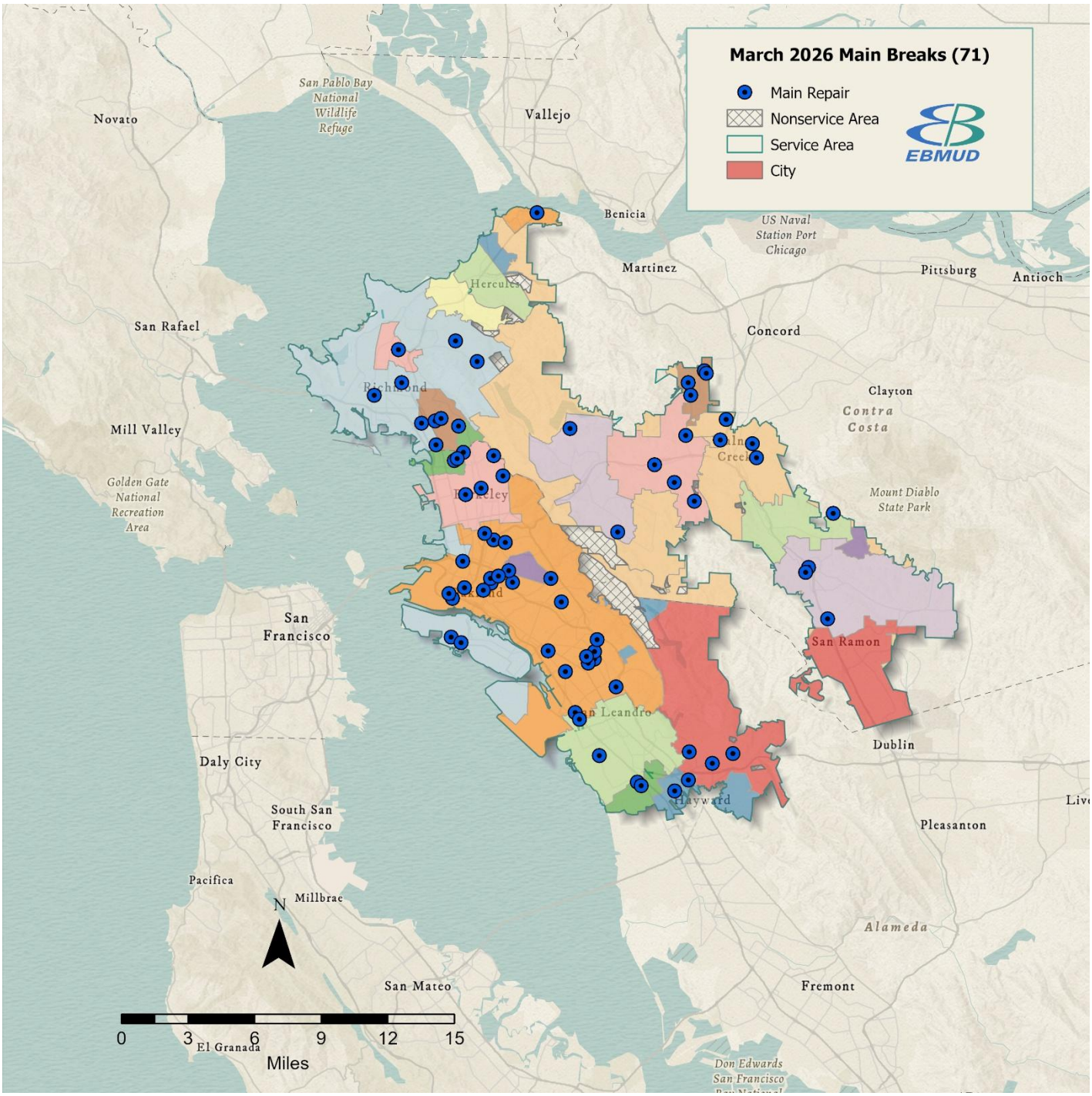
March 2026 MAIN BREAK REPAIRS											
City	Pre	Street	Suf	Ward	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
LAFAYETTE		RELIEZ VALLEY	RD	2	CAST IRON	6	1941	1,800	3/20/2026	3/20/2026	Y
LAFAYETTE		SWEET	DR	2	ASBESTOS CEMENT	4	1955	2,250	3/12/2026	3/13/2026	Y
OAKLAND		5TH	ST	5	CAST IRON	20	1954	0	2/26/2026	3/9/2026	Y
OAKLAND		7TH	ST	5	CAST IRON	8	1894	0	3/5/2026	3/12/2026	Y
OAKLAND		49TH	AVE	5	CAST IRON	6	1932	17,280	2/26/2026	3/3/2026	Y
OAKLAND		59TH	ST	4	CAST IRON	8	1949	1,350	3/8/2026	3/9/2026	Y
OAKLAND		71ST	AVE	5	CAST IRON	4	1927	2,700	3/29/2026	3/29/2026	Y
OAKLAND		73RD	AVE	6	STEEL	24	1930	1,350	3/20/2026	3/22/2026	N
OAKLAND		ARTHUR	ST	6	CAST IRON	4	1927	7,200	3/23/2026	3/27/2026	Y
OAKLAND		BELGRAVE	PL	3	CAST IRON	4	1914	18,000	3/3/2026	3/3/2026	Y
OAKLAND		DELMONT	AVE	6	CAST IRON	6	1954	4,320	3/10/2026	3/12/2026	Y
OAKLAND		EMPIRE	RD	5	CAST IRON	6	1944	2,700	3/9/2026	3/9/2026	Y
OAKLAND		GARFIELD	AVE	6	CAST IRON	6	1934	10,080	3/24/2026	3/30/2026	Y
OAKLAND		HARRISON	ST	3	CAST IRON	6	1933	0	3/3/2026	3/6/2026	Y
OAKLAND		HARRISON	ST	3	CAST IRON	6	1926	0	3/10/2026	3/16/2026	Y
OAKLAND		KRAUSE	AVE	6	CAST IRON	6	1928	40,320	3/19/2026	3/25/2026	Y
OAKLAND		LAKESHORE	AVE	6	CAST IRON	12	1938	0	3/17/2026	3/24/2026	Y
OAKLAND		LEIMERT	BL	3	CAST IRON	6	1940	17,280	3/9/2026	3/11/2026	Y
OAKLAND		MACARTHUR	BL	3	STEEL	12	1928	10,080	2/26/2026	3/4/2026	Y
OAKLAND		MAGNOLIA	ST	5	STEEL	8	1967	0	3/19/2026	3/25/2026	Y
OAKLAND		MILES	AVE	3	WROUGHT IRON	14	1926	11,520	3/23/2026	3/30/2026	Y
OAKLAND		MONTECITO	AVE	3	CAST IRON	6	1929	28,800	3/16/2026	3/19/2026	Y
OAKLAND		PERALTA	ST	5	CAST IRON	10	1926	22,500	3/10/2026	3/10/2026	Y
OAKLAND		SYLVAN	AVE	3	CAST IRON	4	1939	27,000	3/17/2026	3/18/2026	Y
OAKLAND		TRUMAN	AVE	6	CAST IRON	6	1938	8,640	3/18/2026	3/23/2026	Y
ORINDA		BEAR RIDGE	RD	3	STEEL	8	1958	900	3/1/2026	3/2/2026	Y
ORINDA		VALENCIA	RD	3	CAST IRON	6	1947	288,000	3/5/2026	3/6/2026	Y
PIEDMONT		GRAND	AVE	3	CAST IRON	6	1938	0	3/5/2026	3/10/2026	Y
PLEASANT HILL		PLEASANT HILL	RD	2	CAST IRON	6	1947	17,280	3/2/2026	3/5/2026	Y

KPI = turn around time to repair the leak

March 2026 MAIN BREAK REPAIRS											
City	Pre	Street	Suf	Ward	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On	KPI Met?
PLEASANT HILL		PLEASANT HILL	RD	2	CAST IRON	6	1947	23,040	3/16/2026	3/23/2026	Y
RICHMOND		12TH	ST	1	CAST IRON	6	1933	28,800	2/28/2026	3/3/2026	Y
RICHMOND		BAYVIEW	AVE	1	ASBESTOS CEMENT	6	1955	2,700	3/18/2026	3/18/2026	Y
RICHMOND		CLINTON	AVE	1	CAST IRON	6	1913	0	3/3/2026	3/6/2026	Y
RICHMOND		SANTA RITA	RD	3	STEEL	6	1956	2,250	3/1/2026	3/2/2026	Y
SAN LEANDRO	W	AVE 140TH		5	ASBESTOS CEMENT	12	1957	10,080	3/10/2026	3/16/2026	Y
SAN LEANDRO		CASCADE	RD	5	CAST IRON	4	1947	0	3/3/2026	3/6/2026	Y
SAN LORENZO		GRANT	AVE	5	CAST IRON	6	1944	5,760	3/9/2026	3/12/2026	Y
SAN LORENZO		VIA PUNTA		5	CAST IRON	2	1944	0	3/21/2026	3/24/2026	Y
SAN PABLO		ABELLA	CIR	1	STEEL	8	2003	0	3/2/2026	3/16/2026	Y
WALNUT CREEK		2ND	AVE	2	CAST IRON	6	1958	4,500	3/23/2026	3/23/2026	Y
WALNUT CREEK		MARSHALL	DR	2	ASBESTOS CEMENT	6	1963	8,640	3/16/2026	3/17/2026	Y
WALNUT CREEK		NOB HILL	DR	2	ASBESTOS CEMENT	10	1955	0	2/26/2026	3/9/2026	Y
WALNUT CREEK		OVERLOOK	DR	2	ASBESTOS CEMENT	6	1959	0	3/14/2026	3/19/2026	Y
							Total	**897,390**			

Non-surfacing leaks discovered by leak detection technologies	13
Breaks caused by contractors or other agencies	1
Other main breaks	57
Total water main repairs	**71**

KPI = turn around time to repair the leak


March 2026 Main Breaks (71)
Main Repair
Nonservice Area
Service Area
City
EBMUD
Novato
San Pablo Bay National Wildlife Refuge
Vallejo
Benicia
US Naval Station Port Chicago
Martinez
Pittsburg
Antioch
Hercules
San Rafael
Concord
Clayton
Contra Costa
Mill Valley
Golden Gate National Recreation Area
Mount Diablo State Park
San Francisco
San Ramon
Dublin
Daly City
South San Francisco
Pleasanton
Pacifica
Millbrae
Alameda
San Mateo
Fremont
El Granada
0 3 6 9 12 15
Miles
N

Customer Account Delinquency Information
March 2026

(Data collection began September 1, 2017 - CAP applications processed through March 31, 2026)

CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	Oct 25	Nov 25	Dec 25	Jan 26	Feb 26	Mar 26 [69]	Totals (since 9/1/2017)
New CAP Participants	310	233	246	221	243	233	19,879
CAP Renewals	209	131	221	245	234	268	19,762
CAP Departures	408	371	362	476	386	586	29,827
Total Active CAP Participants w/Active Accounts	11,257	11,320	11,418	11,381	11,416	11,391	-
PAYMENT PLANS	**Oct 25**	**Nov 25**	**Dec 25**	**Jan 26**	**Feb 26**	**Mar 26**	**Totals**
Approved Payment Plans	3,528	2,837	3,631	3,795	2,955	3,163	296,047
SERVICE INTERRUPTIONS - RESIDENTIAL	**Oct 25**	**Nov 25**	**Dec 25**	**Jan 26**	**Feb 26**	**Mar 26**	**Totals** (since 9/1/2017)
15-day Final Collection Notices[51]	17,000	13,633	19,560	14,464	15,149	17,899	1,656,982
48-hr Service Interruptions Notices[352]	10,863	9,774	12,168	9,522	9,976	10,117	1,004,095
TENANT OCCUPIED - FLOW RESTRICTORS	**Oct 25**	**Nov 25**	**Dec 25**	**Jan 26**	**Feb 26**	**Mar 26**	**Totals** (since 9/1/2024)
Service Interruption Orders/Door Hangers Generated	20	174	324	104	396	3	4,648
Service Interruptions Completed (Flow Restrictor Installed)	144	64	106	140	147	147	2,970
Number of Flow Restrictors Removed/Service Restored	127	68	120	138	144	150	2,477
Flow Restrictors Remain Installed as of End of Month	462	458	444	446	449	446	
Shutoff Subsequent to FR (Payment Plan Defaults)	-	-	-	409	65	45	519
Shutoff Subsequent to FR (Water Waste)	-	-	-	13	1	-	14
OWNER OCCUPIED - SINGLE-FAMILY LIENS	**Oct 25**	**Nov 25**	**Dec 25**	**Jan 26**	**Feb 26**	**Mar 26**	**Totals** (since 11/1/2024)
Liens Filed	498	-	78	150	89	168	2,266
Released	513	-	-	-	2	-	850
Transferred to Alameda Cty.	-	-	-	-	-	-	329
Transferred to Contra Costa Cty.	-	-	-	-	-	-	194
Total Transactions/Month	**1,011**	**-**	**78**	**150**	**91**	**168**	3,116
FLOW RESTRICTOR TAMPERING	**Oct 25**	**Nov 25**	**Dec 25**	**Jan 26**	**Feb 26**	**Mar 26**	**Totals**
Flow Restrictor Tampered	7	3	1	4	3	1	76
WATER THEFT	**Oct 25**	**Nov 25**	**Dec 25**	**Jan 26**	**Feb 26**	**Mar 26**	**Totals** (since 9/1/2017)
No. of Incidents	39	52	43	53	56	65	1,069
No. of 2nd or 3rd Occurrences	-	-	-	-	-	-	41
No. Water Theft Penalties Issued	-	-	-	-	-	-	228
No. of Appeals Received	-	-	-	-	-	-	10
No. of 1st Appeals Approved	-	-	-	-	-	-	5
No. of 1st Appeals Denied	-	-	-	-	-	-	8
MULTI-FAMILY LIENS[1]	**Oct 25**	**Nov 25**	**Dec 25**	**Jan 26**	**Feb 26**	**Mar 26**	**Totals** (since 9/1/2017)
Liens Filed	-	-	29	29	-	-	7,902
Released	39	-	331	300	50	-	7,352
Transferred to Alameda Cty.	-	-	114	300	-	-	3,310
Transferred to Contra Costa Cty.	-	-	217	-	-	-	724
Total Transactions/Month	**39**	**-**	**360**	**329**	**50**	**-**	18,116
BAD DEBT - WRITE OFFS[2]	**Oct 25**	**Nov 25**	**Dec 25**	**Jan 26**	**Feb 26**	**Mar 26**	**Totals** (since 9/1/2017)
Total Referred to Collection Agency	$688,230	$438,528	$823,240	$592,360	$578,114	TBD	$ 29,105,112.00
Write-Off % to Billed Revenue	0.79%	0.55%	1.25%	0.92%	0.92%	TBD	

[1] Liens filed monthly represent delinquent accounts 4-6 months in arrears.
[2] Feb 25 collection agency totals will be updated in Mar 25. Write-off revenue for Feb 25 will be finalized when the final revenue reports are posted by Accounting.
[3] 48-hour notices were generated, but not mailed to customers since 03-23-20. Customers are receiving payment reminders in-lieu of 48-hours notices.
[51] Total Final Collection Notices sent to all Single Family Residence Accounts (Renter and Owner occupied).
[52] Total Interruption/Lien Notices sent to all Single Family Residence Accounts (Renter and Owner occupied).
[69] Report as of 4/2/26. Pending: Final CAP data pending (data processed through 3/30/26) Pending: Bad Debt Write Off Percentage for March. Updated the Bad Debt Write-off % for February.

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

Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Emeryville	Hayward	Hercules	Kensington	Lafayette
Meter	14	2	6	56	10	3	4	6	7	4	12	8	1	5
Illegal Connection	0	1	0	4	0	0	1	0	0	0	0	0	0	0
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	0	0	0	0	0	0	0	0	0	1	0	0	0
Total	**15**	**3**	**6**	**60**	**10**	**3**	**5**	**6**	**7**	**4**	**13**	**8**	**1**	**5**

Water Theft Type/City	Moraga	Oakland	Orinda	Piedmont	Pinole	Pleasant Hill	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Walnut Creek	Total as of 9/1/2017
Meter	3	682	1	2	9	1	138	9	2	22	14	7	9	1037
Illegal Connection	0	11	1	0	0	0	1	1	0	0	0	1	1	22
Hydrant	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	4	0	0	0	0	3	0	0	1	0	0	0	10
Total	**3**	**697**	**2**	**2**	**9**	**1**	**142**	**10**	**2**	**23**	**14**	**8**	**10**	**1069**

As of: 4/3/2026

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