

RESOLUTION NO. 35493-26

ADOPTING REVISED WATER AND WASTEWATER SYSTEMS SCHEDULES OF RATES, CHARGES, AND OTHER FEES NOT SUBJECT TO PROPOSITION 218 FOR FISCAL YEAR 2027; CONFIRMING THE EXEMPTION DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION

Introduced by Director Young ; Seconded by Director Gómez.

WHEREAS, the Board of Directors (Board) of the East Bay Municipal Utility District (District) adopted certain rates, charges, and other fees not subject to Proposition 218 for Fiscal Year 2026 via Resolution Number 35454-25; and

WHEREAS, the Board seeks to revise certain rates, charges, and other fees not subject to Proposition 218 for Fiscal Year 2027 (FY 2027); and

WHEREAS, in April 2026, Stantec Consulting Services, Inc., completed a capacity charge study for the Water System (System Capacity Charge [SCC] Study); the SCC Study is attached hereto as Exhibit D and is incorporated herein by reference; and

WHEREAS, in April 2026, Stantec Consulting Services, Inc., completed a capacity charge study for the Wastewater System (Wastewater Capacity Charge [WCC] Study); the WCC Study is attached hereto as Exhibit E and is incorporated herein by reference; and

WHEREAS, in accordance with section 14401 of the California Public Utilities Code, on May 12, 2026, the General Manager filed with the Board the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater Schedules of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218 for Fiscal Year 2027 (GM Report and Recommendation), in which the General Manager recommends the Board adopt the proposed rates, charges, and other fees; the GM Report and Recommendation is incorporated herein by reference; and

WHEREAS, the rates, charges, and other fees, including the proposed revisions thereto, as described in this Resolution are not subject to article XIII D, section 6 of the California Constitution (Proposition 218); and

WHEREAS, to the extent that the rates, charges, and other fees, including the proposed revisions thereto, as described in this Resolution are subject to article XIII C, section 1 (Proposition 26), they fit within the stated exceptions; and

WHEREAS, the existing rates, charges, and other fees not subject to Proposition 218 that are not revised by this Resolution are unaffected and unchanged by this Resolution; and

WHEREAS, a public workshop on the District's budget and rates was conducted on May 26, 2026, and a public workshop on the District's infrastructure was conducted on October 28, 2025; and

WHEREAS, a public hearing, noticed in the manner and for the time required by law, was conducted by the Board on June 9, 2026, at which times all interested persons were afforded an opportunity to be heard on matters pertaining to the proposed water and wastewater rates, charges, and other fees; and

WHEREAS, all comments, objections, protests, and challenges pertaining to the GM Report and Recommendation and the recommendations therein have been given full opportunity to be heard by the Board; and

WHEREAS, the Board has fully considered the GM Report and Recommendation, and any and all of such aforesaid comments, objections, protests, and challenges; and

WHEREAS, the proposed rates, charges, and other fees as described above and as further set forth in this Resolution are subject to, and have been adopted in compliance with, Chapter 11.5 of the Municipal Utility District Act (Public Utilities Code section 14401, et seq.); and

WHEREAS, the Board now desires to adopt and to impose the proposed water and wastewater rates, charges, and other fees; and

WHEREAS, the District, as the lead agency under the California Environmental Quality Act (CEQA), in consultation with the District's legal counsel, has determined that adoption of the rates, charges, and fees set forth in this Resolution is exempt from CEQA review under Public Resources Code section 21080(b) and CEQA Guidelines section 15273 because the rates, charges, and fees are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the Water and Wastewater Systems and will not result in the expansion of the Water and Wastewater Systems. This exemption determination is supported by the GM Report and Recommendation and the foregoing Recitals. Further, the District has determined that the adoption of the rates, charges, and fees set forth in this Resolution is also exempt from the requirements of CEQA as an action with no possibility of causing a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District hereby finds and determines the following:

1. The foregoing Recitals are true and correct, and by this reference are incorporated herein and made a part hereof.
2. The rates, charges and other fees not subject to Proposition 218 adopted herein are imposed, where applicable, to recover the reasonable costs of providing the relevant services. The charges adopted herein are not imposed upon real property or upon a person as an incident of property ownership and were not calculated or developed on the basis of any parcel map, including an assessor's parcel map.
3. The purpose of the SCC is to recover the reasonable and proportional share of existing system infrastructure from new development or customers requiring additional capacity. The revisions to the SCC, as set forth in Water Schedule J – System Capacity Charges (SCC), which is attached hereto as part of Exhibit A, are based on the SCC Study, which

is attached hereto as Exhibit D, are implemented to reflect the reasonable costs for the District to provide capacity in the water system and the proportional benefit to new development or customers, and the manner in which those costs allocated to new development or customers requiring additional capacity bears a fair or reasonable relationship to the burdens on, or benefits received from, the governmental activity of providing capacity.

4. The rescission of Water Schedule H – Standard Participation Charge (SPC), which is attached hereto as part of Exhibit A, is appropriate as there are no remaining circumstances in which it applies.
5. The purpose of the WCC is to recover the reasonable and proportional share of existing system infrastructure from new development or customers requiring additional capacity.
6. The revisions to the WCC, set forth in Wastewater Schedule G – Wastewater Capacity Charges (WCC), which is attached hereto as part of Exhibit B, are based on the WCC Study, which is attached hereto as Exhibit E, are implemented to revise the charges in this schedule to reflect the reasonable costs for the District to provide capacity in the wastewater system and the proportional benefit to new development or customers, and the manner in which those costs allocated to new development or customers requiring additional capacity bears a fair or reasonable relationship to the burdens on, or benefits received from, the governmental activity of providing capacity.
7. The revisions to Water Schedule B – Account Establishment Charge, Water Schedule C – Charges for Special Services, Water Schedule D – Water Service Installation Charges, Water Schedule E – Private Fire Service Installation Charges, Water Schedule F – Public Fire Hydrant Installation Charges, Water Schedule G – Water Main Extension Charges, and Water Schedule M – Water Service Estimate Application Fees, which are attached hereto as part of Exhibit A, are implemented to revise the charges in these schedules to reflect reasonable costs.
8. The revisions to Wastewater Schedule C – Industrial Permit Fees, Wastewater Schedule D – Other Fees, Wastewater Schedule E – Testing Fees, Wastewater Schedule F – Resource Recovery Fees and Prices, and Wastewater Schedule H – Wastewater Interceptor Connection Review, Coordination and Inspection Fee, which are attached hereto as part of Exhibit B, are implemented to revise the charges in these schedules to reflect reasonable costs.
9. The Public Records Act Fee Schedule, Real Property Use Application Fees, and Recreation Use Fees, which are attached hereto as Exhibit C, are imposed for specific products, services, benefits, and privileges provided, or for entrance to, use of, rental of, or lease of property and those rates, charges, and fees do not exceed the reasonable costs to the District of providing those products, benefits, privileges, and services to the payors, or in the case of fees for entrance to, use of, rental of, or lease of property, the fees do not exceed the reasonable value of the property interest provided. The revisions to these rates, charges, and fees were determined by the District based upon evidence regarding such costs, and the revisions thereto set forth herein are necessary to reflect reasonable

costs, as determined by the District based upon evidence regarding such costs.

BE IT FURTHER RESOLVED:

10. All objections and protests to the GM Report and Recommendation are hereby overruled and denied and said GM Report and Recommendation is hereby accepted and approved.
11. Water Schedule B – Account Establishment Charge, Water Schedule C – Charges for Special Services, Water Schedule D – Water Service Installation Charges, Water Schedule E – Private Fire Service Installation Charges, Water Schedule F – Public Fire Hydrant Installation Charges, Water Schedule G – Water Main Extension Charges, Water Schedule H – Standard Participation Charge (SPC), Water Schedule J – System Capacity Charges (SCC), and Water Schedule M – Water Service Estimate Application Fees, beginning FY 2027, all contained in Appendix A of the GM Report and Recommendation, and all attached hereto as Exhibit A, are hereby adopted and the charges and provisions therein contained are hereby fixed and established to be effective July 1, 2027 for services rendered on or after that date.
12. Wastewater Schedule C – Industrial Permit Fees, Wastewater Schedule D – Other Fees, Wastewater Schedule E – Testing Fees, Wastewater Schedule F – Resource Recovery Fees and Prices, Wastewater Schedule G – Wastewater Capacity Charges (WCC), and Wastewater Schedule H – Wastewater Interceptor Connection Review, Coordination and Inspection Fee beginning FY 2027, all contained in Appendix A of the GM Report and Recommendation, and all attached hereto as Exhibit B, are hereby adopted and the charges and provisions therein contained are hereby fixed and established to be effective July 1, 2027 for services rendered on or after that date.
13. The Public Records Act Fee Schedule and the Real Property Use Application Fees, all contained in Appendix A of the GM Report and Recommendation, and attached hereto as part of Exhibit C, are hereby fixed and established to be effective July 1, 2027 for services rendered on or after that date.
14. The Recreation Use Fees for Calendar Year 2027, contained in Appendix A of the GM Report and Recommendation, and attached hereto as part of Exhibit C, are hereby fixed and established to be effective January 1, 2027 unless otherwise specified for services rendered on or after that date.
15. As set forth more fully above and as evidenced by the GM Report and Recommendation, the aforesaid actions constitute modification and approval of rates and other charges for the purpose of meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or material; meeting financial reserve needs and requirements; or obtaining funds for capital projects necessary to maintain service in the existing service area; and the Board therefore confirms the District's determination that its aforesaid actions are exempt from the requirements of CEQA. The Board further confirms the District's determination that these actions are exempt from the requirements of CEQA because there is no possibility that adoption of the rates, charges, and other fees set forth herein will have a significant effect on the environment.

Therefore, the Board hereby directs the Secretary of the District to file a Notice of Exemption in accordance with applicable statutes and regulations with the County Clerks of Alameda, Amador, Calaveras, Contra Costa, and San Joaquin Counties.

BE IT FURTHER RESOLVED:

16. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby and shall remain in full force and effect until modified or superseded by action of the Board. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

BE IT FURTHER RESOLVED:

17. The appropriate officers of the District are hereby authorized and directed to take such actions as shall be necessary to impose, enforce and collect said rates, charges, and other fees.
18. This Resolution shall take effect immediately upon its adoption, provided that the revised rates, charges, and other fees shall take effect at the times stated herein.

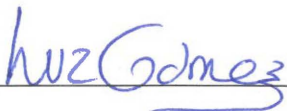
ADOPTED this 9th day of June, 2026 by the following vote:

AYES: Directors Chan, Katz, Oddie, Smith, Young, and President Gómez.

NOES: None.

ABSENT: None.

ABSTAIN: Director Lewis.



President

ATTEST:



Secretary

APPROVED AS TO FORM AND PROCEDURE:



General Counsel