



BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**Notice of Location Change**

**REGULAR CLOSED SESSION  
and  
REGULAR BUSINESS MEETINGS  
Tuesday, June 28, 2022  
*\*\*Virtual\*\****

In accordance with Government Code section 54953(e), the Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., **will be conducted via webinar and teleconference only**. A physical location will not be provided for these meetings.

Dated: June 23, 2022

A handwritten signature in blue ink that reads "Rischa S. Cole".

Rischa S. Cole  
Secretary of the District

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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA  
REGULAR CLOSED SESSION**

**Tuesday, June 28, 2022**

**11:00 a.m.**

***\*Virtual\****

**Location**

In accordance with Government Code section 54953(e), **this meeting will be conducted by webinar and teleconference only**. A physical location will not be provided for this meeting.

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

**ROLL CALL:**

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

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *Waste Management of Alameda County, Inc. v. East Bay Municipal Utility District*  
Alameda County Superior Court, Case No. RG21094336
2. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): one matter.

***(The Board will discuss Closed Session agenda items in the Training Resource Center)***

## **REGULAR BUSINESS MEETING**

**1:15 p.m.**

***\*Virtual\****

### **Location**

In accordance with Government Code section 54953(e), **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

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

### **ROLL CALL:**

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

- Pledge of Allegiance

### **PRESENTATION:**

- California Society of Municipal Finance Officers Excellence in Budgeting Award
- The Government Finance Officers Association Distinguished Budget Presentation Award
- 4<sup>th</sup> Anniversary of State Wild and Scenic Designation of the Mokelumne River

### **ANNOUNCEMENTS FROM CLOSED SESSION:**

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

**CONSENT CALENDAR:** (Single motion and vote approving 13 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of June 14, 2022.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder Papé Machinery, Inc., for supplying one John Deere tractor with cab and flail mower configuration for the District's fleet to support mowing operations for fire abatement, beginning on or after June 28, 2022 for a total cost, after the addition of taxes, not to exceed \$120,907 under Request for Quotation No. 2211.
4. Award a contract to the lowest responsive/responsible bidder CNC Solutions, Inc., for supplying one TRAK TMC10 with Proto TRAK RMX CNC milling machine, beginning on or after June 28, 2022 for a total cost, after the addition of taxes, not to exceed \$105,906 under Request for Quotation No. 2216.
5. Authorize an agreement beginning on or after June 28, 2022 with Aspen Technology, Inc., for five years in an amount not to exceed \$204,785 for software for the District's operations network data historian system which will gather, store, and display operational data.

**CONSENT CALENDAR:** (Continued)

6. Authorize agreements with Denali Water Solutions LLC and Synagro-WWT, Inc. for biosolids handling services during the period July 1, 2022 to June 30, 2024, with three options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$24,240,000.
7. Authorize an agreement beginning on or after June 28, 2022 with Fox Corporation dba KTVU, Inc. in an amount not to exceed \$100,300 for television and online drought advertising services.
8. Authorize an amendment to the agreement previously authorized under Board Motion No. 056-18 with AECOM Technical Services, Inc. to increase the agreement amount by \$961,460, to a total amount not to exceed \$2,018,863 for additional design and engineering services during construction for the Lafayette Reservoir Tower Retrofit.
9. Authorize an amendment to the agreement previously authorized under Board Motion No. 114-20 with Industrial Employers and Distributors Association to increase the agreement amount by \$241,186 to a total amount not to exceed \$473,091 for labor relations negotiating and consulting services until June 30, 2024.
10. Authorize actions for COVID-19 related contact tracing and testing administration services.
  - 10.1. Authorize an additional amount of \$500,000, to a total amount not to exceed \$1,800,000, to the agreement authorized under Board Resolution No. 35171-20 with Axiom Medical Consulting, LLC for COVID-19 contact tracing services, employee interviews, return to work clearance, and recordkeeping for COVID-19 positive employees.
  - 10.2. Authorize an additional amount of \$150,000, to a total amount not to exceed \$900,000, to the agreement authorized under Board Resolution No. 35171-20 with WorkCare, Inc. for services to support the District's COVID-19 response by providing testing kits, health care professionals to perform on-site testing, physician oversight, and assistance with case management.
11. Authorize actions related to DocuSign electronic signature services.
  - 11.1. Ratify the extension of the contract and payment of \$5,231.27 to Carahsoft Technology Corp., for DocuSign electronic signature services rendered between April 15, 2022 and June 28, 2022.
  - 11.2. Authorize an amendment to a direct award contract previously awarded under Purchase Order Nos. 256-43880-A and 256-45162-AY with Carahsoft Technology Corp., to increase the contract amount by \$68,957.53 for one year, beginning on or after June 28, 2022, with two options to renew for additional one-year periods, to a total cost, after the addition of taxes, including option years, not to exceed \$133,574.40 for supplying electronic signature services.

**CONSENT CALENDAR:** (Continued)

12. Approve the May 2022 Monthly Investment Transactions Report.
13. Approve revisions to Policy 4.13 – Establishing Water and Wastewater Rates and Policy 9.05 – Non-potable Water. (Resolution)

**DETERMINATION AND DISCUSSION:**

14. Appoint Director of Human Resources. (Resolution)
15. Adopt the Fiscal Year 2022 Equal Employment Opportunity Program/Affirmative Action Program Report.
16. General Manager's Report:
  - 2022 Drought Update

**REPORTS AND DIRECTOR COMMENTS:**

17. Committee Reports:
  - Planning
  - Legislative/Human Resources
  - Finance/Administration
18. Other Items for Future Consideration.
19. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, July 12, 2022.***

**Disability Notice**

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

**Document Availability**

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

## BOARD CALENDAR

*Meeting dates, times, and locations are subject to change*

Date	Meeting	Time/Location	Topics
Tuesday, June 28	Finance/Administration Committee	10:00 a.m. Virtual	<ul style="list-style-type: none"> <li>Monthly Investment Transactions Report</li> <li>Annual Employees' Retirement System Update</li> <li>Revisions to District Policies</li> <li>Foreign Owned Business Policy</li> </ul>
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
Monday, July 4	Independence Day		<ul style="list-style-type: none"> <li><i>District offices closed</i></li> </ul>
Tuesday, July 12	Planning Committee	TBD	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	Legislative/Human Resources Committee	TBD	
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	
Tuesday, July 26	Finance/Administration Committee		<ul style="list-style-type: none"> <li><i>Canceled</i></li> </ul>
	Board of Directors		<ul style="list-style-type: none"> <li><i>Canceled</i></li> </ul>
Tuesday, August 9	Planning Committee	TBD	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	Legislative/Human Resources Committee	TBD	
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	
Tuesday, August 23	Finance/Administration Committee	TBD	<ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
	Board of Directors	11:00 a.m. TBD 1:15 p.m. TBD	

### 2022 Board Committee Members

Finance/Administration	Patterson {Chair}, Coleman, Katz
Legislative/Human Resources	McIntosh {Chair}, Coleman, Patterson
Planning	Young {Chair}, McIntosh, Mellon
Sustainability/Energy	Young {Chair}, Katz, Mellon



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**Closed Session and Regular Business Meetings**  
**Tuesday, June 28, 2022**  
**11:00 a.m. and 1:15 p.m.**

EBMUD public Board meetings will be conducted via Zoom.  
*Please note that Board meetings are recorded, live-streamed, and posted on the District's website.*

*Please visit this page beforehand to familiarize yourself with Zoom.*  
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

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>

**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.

If you wish to provide public comment please:

- 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
- The Secretary will call each speaker in the order received
- 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
- 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 keep track of time and inform each speaker when the allotted time has concluded

**Submitting written comments or materials**

- Email written comments or other materials for the Board of Directors to [SecOffice@ebmud.com](mailto:SecOffice@ebmud.com)
- Please indicate the meeting date and agenda item number or non-agenda item in the subject 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.

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**To observe the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, please visit:** <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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## **MINUTES**

**Tuesday, June 14, 2022**  
**East Bay Municipal Utility District**  
**Board of Directors**  
***\*Virtual\****

### **Regular Closed Session Meeting**

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:04 a.m. and announced in accordance with Government Code section 54953(e), this meeting was being conducted by webinar and teleconference only. A physical location was not provided for this meeting.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz (via webinar) Lesa R. McIntosh, Frank Mellon, Marguerite Young, William B. Patterson, and President Doug A. Linney were present at roll call.

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Assistant General Counsel Jon D. Salmon (Item 1a), Attorney II George A. Croton (Item 1a), Director of Wastewater Eileen M. White (Items 1a and 2), Timothy S. Kline (Item 2), and Manager of Wastewater Treatment Glenn D. Dombeck (Item 2).

### **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Ivette Rivera, EBMUD ratepayer, commented on a Public Records Act request she submitted to the District, information in the District's Affirmative Action and Equal Opportunity FY03 Program Report and FY04 Affirmative Action Plan, and President Linney's request for information from staff in response to her public comments during the May 24, 2022 Board meeting; 2) George Cleveland, Chief Steward, AFSCME Local 2019 commented on management rights and management's administration of telecommuting for two Local 2019 members; and 3) Ross Spinner, EBMUD retiree commended General Manager Clifford C. Chan and Special Assistant to the General Manager Derry L. Moten for discussing Mr. Spinner's concerns regarding harassment experienced by probationary employees and for developing a plan to address future incidents.

Interim Director of Human Resources Winnie A. Anderson responded to questions regarding the incidents raised by George Cleveland for which the Board requested additional information.

### **ANNOUNCEMENT OF CLOSED SESSION AGENDA**

President Linney announced the closed session agenda and the Board convened to the Administration Building Training Resource Center for discussion.

### **Regular Business Meeting**

President Doug A. Linney called to order the Regular Business Meeting of the Board of Directors at 1:16 p.m. and announced in accordance with Government Code section 54953(e), this meeting was being conducted by webinar and teleconference only. A physical location was not provided for this meeting.

## **ROLL CALL**

Directors Andy Katz (via webinar), Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. Director John A. Coleman was absent (excused).

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 Linney led the Pledge of Allegiance.

## **ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

## **PUBLIC COMMENT**

- Addressing the Board were the following: 1) Nick Lawrence comment on a dangerous condition on Tappan Terrace in Orinda; and 2) Ivette Rivera, EBMUD ratepayer commented on Public Records Act requests she submitted to the District and her request for the Board to direct staff to grant an extension to respond to a determination letter from the Office of Diversity and Inclusion.

## **CONSENT CALENDAR**

- Items 16a-16b were pulled from the Consent Calendar for separate discussion.
  - Motion by Director Mellon, seconded by Director Young to approve the recommended actions for Items 1-15 and 17-20.3 on the Consent Calendar carried (6-0) by the following roll call vote: AYES (Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (Coleman).
1. **Motion No. 103-22** – Approved the Special and Regular Meeting minutes of May 24, 2022.
  2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Public Hearing Fiscal Year 2023 Proposed Non-Prop 218 Rates, Charges & Regulations,” dated June 14, 2022; **2)** Presentation entitled, “Drought Update,” dated June 14, 2022; **3)** Presentation entitled, “Strategic Communications Plan,” dated June 14, 2022; and **4)** Affirmative Action and Equal Opportunity FY03 Program Report and FY04 Affirmative Action Plan.
  3. **Motion No. 104-22** – Awarded a contract to the lowest responsive/responsible bidder, Garney Pacific, Inc. in an amount not to exceed \$7,000,000 for construction of the Main Wastewater Treatment Plant Power Generation Station Reliability Improvements Phase 3 Project under Specification SD-413.

4. **Motion No. 105-22** – Awarded a contract to the lowest responsive/responsible bidder, OBS Engineering, Inc., in an amount not to exceed \$662,000 for construction of the Main Wastewater Treatment Plant Site Enhancements Project under Specification SD-420.
5. **Motion No. 106-22** – Authorized an agreement beginning on or after July 1, 2022 with Amador County for three years with an option to renew for an additional three-year period for a total amount, including option years, not to exceed \$1,444,000 for law enforcement services at District Recreation Areas and on adjacent District watershed lands.
6. **Motion No. 107-22** – Authorized an agreement beginning on July 1, 2022 with Athens Administrators, Inc. for \$1,833,061 for three years with two options to renew for additional two-year periods for a total amount, including option years, not to exceed \$4,554,497 for serving as the District's third party administrator and providing claims administration and benefits to injured workers in support of the District's workers' compensation program.
7. **Motion No. 108-22** – Authorized an agreement beginning on or after July 1, 2022 with Civicorps for one year for an amount not to exceed \$599,000 to provide vegetation control and related services at various District properties.
8. **Motion No. 109-22** – Authorized an agreement with ENS Resources, Inc. for continued legislative and regulatory information-gathering, analysis, representation, and liaison services in Washington, D.C. for one year, beginning on July 1, 2022, with two options to renew for additional one-year periods for a total amount not to exceed \$430,000.
9. **Motion No. 110-22** – Authorized an agreement beginning on or after June 14, 2022 with GEI Consultants, Inc. in an amount not to exceed \$250,000 for consultant services to perform safety inspections and safety evaluation reports required under the District's license with the Federal Energy Regulatory Commission for Camanche and Pardee Dams.
10. **Motion No. 111-22** – Authorized an agreement beginning on or after June 14, 2022, between the Lower Mokelumne River Partnership and the University of California Santa Cruz in an amount not to exceed \$99,658 to be paid from the Lower Mokelumne River Partnership Fund for genetic research on Mokelumne River Fish Hatchery steelhead.
11. **Motion No. 112-22** – Authorized an agreement beginning on or after June 14, 2022 with NJB Soft, LLC for five years with one option to renew for an additional five-year period for a total amount, including option year, not to exceed \$422,846 for software development, service and support.
12. **Motion No. 113-22** – Authorized an agreement beginning on or after June 14, 2022 with Sequoia Ecological Consulting, Inc. in an amount not to exceed \$399,000 for the biological reconnaissance and monitoring of Oakland Inner Harbor Pipeline Crossing and Wildcat Pipeline Improvement projects.
13. **Motion No. 114-22** – Authorized an agreement beginning on or after June 14, 2022, with Terraphase Engineering, Inc. for two years in an amount not to exceed \$105,038 for groundwater monitoring services for select wells as required in the East Bay Plain Subbasin Groundwater Sustainability Plan previously adopted under Board Resolution No. 35259-21.

- 14.1. **Motion No. 115-22** – Authorized an agreement beginning on or after June 14, 2022 with Moore Iacofano Goltsman, Inc dba MIG Inc. in an amount not to exceed \$105,000 to develop and support implementation of the District’s centennial marketing campaign and social media plans and media buys.
- 14.2. **Motion No. 116-22** – Authorized an agreement beginning on or after June 14, 2022 with Stop Global Yawning, Inc. dba WHM Creative in an amount not to exceed \$259,000 for production of the District’s centennial video, logo, templates, and historical flipbook.
- 15a.- **Motion No. 117-22** – Authorized agreements with Badger Daylighting Corp.; Bess Test Lab  
15b. Inc.; EXARO Technologies Corporation; Pipe and Plant Solutions, Inc.; and Subtronic Corporation for utility locating and vacuum excavation potholing services beginning on or after July 1, 2022 for three years with two options to renew for additional one-year periods, in an aggregate amount, including options years, not to exceed \$2,500,000; and authorized additional agreements for utility locating and vacuum excavation potholing services, on an as-needed basis, 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.
- 16a.- **Authorize agreements with American Asphalt Repair & Resurfacing Co., Inc.; Carone &**  
16b. **Company, Inc.; J. J. Perez Paving Inc.; J. V. Lucas Paving, Inc.; MCK Services, Inc.; and Public Agencies for paving and other related services beginning on or after June 14, 2022 for one year in an aggregate amount not to exceed \$5,000,000; and authorize additional agreements for paving and other related services on an as-needed basis, 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.**

Planning Committee Chair Marguerite Young provided an overview of the discussion on this item during the Planning Committee meeting earlier in the day. The Committee voted to support the staff recommendation with stipulations for the District to continue discussions with Local 444; develop recommendations for staffing needs; and to consider other requirements for the paving contractors used by the District.

- Addressing the Board was Eric Larsen, President, AFSCME Local 444 who said the union objects to increasing the dollar amount for paving extensions and asked the Board to reject the request to increase the agreement by \$5 million.

General Manager Clifford C. Chan reviewed proposed expenditures and cost drivers for paving noting \$3 million in the proposed agreements is earmarked for tentative joint paving projects with cities in the service area. There was considerable Board discussion regarding paving costs, the proposed agreements, discussions with Local 444, long-term plans for more paving to be completed by District staff, and the language in the staff report that says services contracted for in the proposed agreements cannot be satisfactorily performed under the District civil service. General Manager Chan said staff will provide an update to the Planning Committee in the fall based on feedback from the Committee earlier in the day and continued discussions with Local 444.

- Motion by Director Young, seconded by Director McIntosh to approve the recommended actions for Items 16a-16b with the stipulations noted above carried (6-0) by the following roll call vote: AYES (Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (Coleman).

**Motion No. 121-22** – Authorized agreements with American Asphalt Repair & Resurfacing Co., Inc.; Carone & Company, Inc.; J. J. Perez Paving Inc.; J. V. Lucas Paving, Inc.; MCK Services, Inc.; and Public Agencies for paving and other related services beginning on or after June 14, 2022 for one year in an aggregate amount not to exceed \$5,000,000; and authorized additional agreements for paving and other related services on an as-needed basis, 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.

17. **Motion No. 118-22** – Authorized an amendment to the agreement previously authorized under the General Manager's authority with Wiss, Janney, Elstner Associates, Inc. to increase the agreement amount by \$80,000 to a total amount not to exceed \$160,000 for contractor design assessment services for the Digester Upgrade Phase 3 Project.
18. **Motion No. 119-22** – Authorized the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett, LLP, for specialized legal services related to construction, public contracts and procurement, claims, intellectual property and technology matters, tax, public pension law, labor and employment, and litigation matters in an additional amount not to exceed \$500,000.
19. **Motion No. 120-22** – Filed the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to Alameda County 2022-2023 Property Tax Roll.
- 20.1. **Resolution No. 35292-22** – Ordering, Calling, Providing For And Directing That Notice Be Given Of An Election To Be Held In Wards Of The East Bay Municipal Utility District, State Of California, On Tuesday, November 8, 2022, For The Purpose Of Electing Four Directors, And Consolidating Said Election With The General State Election To Be Held On The Same Date.
- 20.2. **Resolution No. 35293-22** – Requesting The Boards Of Supervisors Of Alameda And Contra Costa Counties To Consolidate With The General Election To Be Held On November 8, 2022, The East Bay Municipal Utility District Election To Be Held In Four Wards On The Same Date For The Election Of Directors.
- 20.3. **Resolution No. 35294-22** – Establishing Criteria For Candidates' Statements To Be Filed By Candidates For The 2022 Election To The East Bay Municipal Utility District's Board Of Directors And Authorizing The Secretary Of The District To Bill Candidates For Certain Costs.

## **PUBLIC HEARING**

21. **Conduct a public hearing to consider revisions to the water and wastewater system schedules of rates and charges, capacity charges and other fees recommended in the “Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2023,” submitted to the Board on May 10, 2022.**

President Linney opened the public hearing at 1:51 p.m.

Director of Finance Sophia D. Skoda reviewed actions related to the District’s mid-cycle budget and rates process and proposed revisions to the following rates, charges and fees for FY23: Account Establishment Charge (Schedule B); Charges for Special Services (Schedule C); Water Service Installation Charges (Schedule D); Private Fire Service Installation Charges (Schedule E); Public Fire Hydrant Installation Charges (Schedule F); Water Main Extension Charges (Schedule G); Water System Capacity Charges (Schedules H, J, and N); Public Records Act Fee Schedule; Real Property Use Application Fees; Recreation Use Fees; Wastewater Department Interceptor Inspection Fees (Schedule H); and Wastewater Department Capacity Fees (Schedule G). Updates are also proposed for the following Water System Regulations regarding service: Section 3 –Standard Service; Section 4 –Main Extensions; and Section 15 –Discontinuation of Service. She noted the

- Addressing the Board was Shawn Saleki, Out of Ordinary Development, who commented on the District’s charges for new water meter installations and requested a staff contact to discuss a payment plan for a new meter installation for a project in Oakland.

Ms. Skoda explained the District decreased its system capacity charges (SCC) in 2021 based on finding from the SCC cost of service study, but noted charges are scheduled to increase in FY23 to keep track with inflation and increased costs. Director of Customer and Community Services Andrew L. Lee advised Mr. Saleki to contact the District’s New Business Office to discuss payments.

President Linney asked for a motion to close the public hearing and closed the public hearing at 2.p.m.

- Motion by Director Patterson, seconded by Director Mellon to close the public hearing carried (6-0) by the following roll call vote: AYES (Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (Coleman).

**Motion No. 122-22** – Conducted a public hearing to consider revisions to the water and wastewater system schedules of rates and charges, capacity charges and other fees recommended in the “Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, Capacity Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2023,” submitted to the Board on May 10, 2022.

## **DETERMINATION AND DISCUSSION**

General Manager Clifford C. Chan provided an overview of key actions requested for Agenda Items 23 and 24. Item 23 includes an additional \$33.3 million in the FY23 Water System budget for drought contingency expenses. FY23 staffing levels were approved by the Board as part of the FY22/23 budget in June 2021. Under Item 24, proposed staffing changes for FY23 will result in a net increase of 3.5 full-time equivalent (FTE) positions bringing total staffing to 2159.25 FTEs. Item 24 also includes proposed actions to create the Water Reclamation Operator classification in FY23 to further provide lead direction in wastewater operations; equity increases for the following ten classifications: Contract Equity Administrator, Heavy Equipment Operator (if agreement is reached on updates to the job description), Human Resources Regulatory Administrator, Manager of Diversity and Inclusion, Manager of Employee and Organizational Development, Manager of Employee Relations, Manager of Employee Services, Manager of Recruitment and Classification, Manager of Risk Management, and Workers' Compensation Manager and Risk Specialist; and changes to some classification titles.

- Motion by Director Mellon, seconded by Director Patterson to approve the recommended actions for Items 22-24 carried (6-0) by the following roll call vote: AYES (Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (Coleman).
22. **Resolution No. 35295-22** – Adopting Revised Water And Wastewater System Schedules Of Rates And Charges And Other Fees Not Subject To Proposition 218 For Fiscal Year 2023, Including System Capacity Charge, Standard Participation Charge, Wastewater Capacity Charge, Public Records Act Fees, Real Property Use Application Fees, Recreation Use Fees, And Other Fees And Charges; Adopting Revised Regulations Governing Water Service And Approving An Exemption Under The California Environmental Quality Act And Directing Staff To File A Notice Of Exemption.
  23. **Resolution No. 35296-22** – Affirming And Amending The Budget Of The East Bay Municipal Utility District Water And Wastewater Systems For Fiscal Year 2023 And Establishing The Terms And Conditions For The Payment Of Demands Against The District.
  24. **Resolution No. 35297-22** – Mid-Cycle Resolution For Fiscal Year 2023 Authorizing The Number And Character Of Positions And Authorizing The General Manager To Take Action In Connection Therewith.
  25. **Make requisite findings and adopt a resolution to continue to hold meetings of the Board of Directors (Board) via teleconference under Government Code section 54953(e) until the State of Emergency resulting from the COVID-19 pandemic no longer impacts the ability of Board members to meet safely in person.**

General Manager Clifford C. Chan reported the number of COVID-19 positive cases in the service area remain high and provided an update on the number of employee positive COVID-19 cases to date. The Board is being asked to adopt the resolution to provide flexibility for conducting Board meetings in light of the uptick in COVID-19 cases. He clarified Board members would be expected to attend meetings in the Boardroom, but the public would participate by webinar or teleconference only. There was discussion on the attendance and noticing requirements in Government Code section 54953(e) and about Board members attending meetings in person. Director Katz announced he was currently attending a climate conference and planned to attend the June 28 Board meeting in the Boardroom.

- Motion by Director McIntosh, seconded by Director Mellon to approve the recommended actions for Item 25 carried (6-0) by the following roll call vote: AYES (Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (Coleman).

**Resolution No. 35298-22** – Authorizing The Utilization Of Teleconferencing For Meetings Of The East Bay Municipal Utility District Board Of Directors.

26. **Legislative Report.**

Special Assistant Jennifer B. Williams reported Legislative Report No. 04-22 contained three bills for Board consideration. She reviewed AB 2142 (Gabriel) Income Taxes: Exclusion: Turf Replacement Water Conservation Program which as amended on April 6, 2022, would reinstate the state income tax exemption for turf replacement water conservation rebate and voucher programs beginning on January 1, 2022, and extend it through 2026. Legislative/ Human Resources Committee Chair Lesa R. McIntosh reported the Committee met earlier in the day and supported the staff recommendations for the bills in the report. S. 4231 (Feinstein) Support To Rehydrate the Environment, Agriculture, and Municipalities (STREAM) Act is intended to provide enhanced funding to increase water supply and modernize water infrastructure in California and throughout the western United States. The STREAM Act would enhance ecosystem restoration grant opportunities; provide funding to supplement the Bipartisan Infrastructure Law and funding for drinking water assistance to disadvantaged communities; and extend authorization for Water Infrastructure Improvements for the Nation Act storage projects, among other provisions. S. 4279 (Padilla) Water Efficiency, Conservation, and Sustainability Act of 2022 would create three new programs at the United States Environmental Protection Agency and establish funding levels for each program over five years during fiscal years 2023 through 2028. Ms. Williams concluded with a brief update on the status of the state budget.

- Motion by Director McIntosh, seconded by Director Mellon to approve the recommended actions for Item 26 carried (6-0) by the following roll call vote: AYES (Katz, Linney, McIntosh, Mellon, Patterson, and Young,); NOES (None); ABSTAIN (None); ABSENT (Coleman).

**Motion No. 123-22** – Received Legislative Report No. 04-22 and approved positions on the following bills: SUPPORT AB 2142 (Gabriel) Income Taxes: Exclusion: Turf Replacement Water Conservation Program; SUPPORT S. 4231 (Feinstein) Support To Rehydrate the Environment, Agriculture, and Municipalities Act; and SUPPORT S. 4279 (Padilla) Water Efficiency, Conservation, and Sustainability Act of 2022.

27. **General Manager's Report.**

Drought Update

Director of Operations and Maintenance David A. Briggs reported the District diverted 33,915 acre-feet of water from the Central Valley Project (CVP) in 2021. The District's 2022 CVP allocation has been limited to public health and safety and the District will receive no water this year. Staff is preparing for the transfer of up to 20,000 acre-feet of water from Placer County Water Agency beginning in July.

Director of Water and Natural Resources Michael T. Tognolini provided an update on recent state and federal activities. District staff met with the governor on May 23 to discuss statewide



conservation. On May 24, the State Water Resources Control Board (SWRCB) adopted emergency drought regulations that went into effect around June 10. On June 7, the SWRCB reimposed curtailment on all water rights holders with a priority junior to 1900 in the San Joaquin River watershed effective on June 8 and curtailed EBMUD's Pardee and Camanche water rights. Staff requested an exception to the curtailment on June 8 and was informed today that the SWRCB granted a one-week exception. Mr. Tognolini responded to questions from the Board regarding the May 23 meeting with the governor and potential updates to statewide mandatory conservation goals.

Senior Community Affairs Representative Andrea A. Pook provided an update on customer and media outreach. The Board asked questions about conservation messaging to customers that have already reduced their water use, renters, non-bill payers, and homeowners' associations (HOAs). Staff was asked to develop drought messaging that recognizes those that are already efficient with their water use; continue outreach to HOAs and renters on conservation messaging; and to discuss the District's Super Saver program at the June 28 Board meeting.

Director of Water and Natural Resources Michael T. Tognolini concluded with an overview of upcoming actions including obtaining permits for transfer water purchases; providing updates on water supply and projections as well as proposed increases to some water conservation rebates at the June 28 Board meeting; continue implementing the District's Water Shortage Emergency Action Plan; and promoting and expanding drought messaging.

#### EBMUD Strategic Communications Plan

Special Assistant to the General Manager Kelly A. Zito presented the update. Staff began working with Katz and Associates in 2020 to evaluate the District's current outreach and communication practices, challenges, and opportunities to increase community understanding and trust. She discussed the findings from Katz's research noting the District's strengths include having a rich story to share with the public, a dedicated staff, and a strong reputation for providing high-quality water and wastewater services. Challenges include diffused messaging; a lack of a common "look and feel" for materials; decreasing public opinion and understanding of EBMUD; and several issues such as drought and climate change, emergency main breaks, budget and rates, infrastructure investments and others. Based on these findings, the team developed the plan and a communications vision statement "to engage and build trust with our diverse community through creative and authentic storytelling that supports our mission and highlights EBMUD as a key partner in protecting public health and the environment." Ms. Zito reviewed the plan's key themes as well as the objectives, strategies, tactics, and success metrics that will be employed to achieve the two overarching plan goals to raise awareness of EBMUD as a vital and innovative part of the community, and to unify and streamline communications across the District. Progress to date includes expanded education and research and work on the District's upcoming centennial commemoration in 2023. The plan will be launched in conjunction with centennial activities and will guide staff work with the aim of expanding understanding of EBMUD's vital work in the community through more focused messaging and enhanced internal coordination. Ms. Zito and General Manager Clifford C. Chan responded to questions from the Board regarding potential updates to the books "Its Name Was MUD" and "Plants and Landscapes for Summer-Dry Climates", the District's website and the "Snowflake to the Bay" video.

General Manager's Monthly Report

General Manager Clifford C. Chan announced he was available to answer questions regarding the monthly report and reminded the Board about the retirement event for Director of Wastewater Eileen M. White following the Board meeting on June 28.

**REPORTS AND DIRECTOR COMMENTS**

**28. Committee Reports.**

- Filed with the Board were the Minutes for the May 24, 2022 Finance/Administration Committee.
- Legislative/Human Resources Committee Chair Lesa R. McIntosh reported the Committee met earlier in the day and received updates on Legislative Report No. 04-22; the Diversity, Equity and Inclusion Strategic Plan, and the Fiscal Year 2022 Equal Employment Opportunity Program/Affirmative Action Program Report.
- Planning Committee Chair Marguerite Young reported the Committee met earlier in the day and received updates on the Private Sewer Lateral Program; the Education Program; and Paving and Other Related Services.

**29. Other Items for Future Consideration.**

None.

**30. Director Comments.**

- Director Coleman reported attending the following: Los Vaqueros JPA Finance Committee meeting on May 26 (remote); San Ramon Valley Real Estate Marketing Association meeting in Danville on June 2; Los Vaqueros JPA Board meeting on June 8 (remote); EBMUD Community Water Academy in Walnut Creek on June 8; and EBMUD Ward 2 briefing in Lafayette on June 9. He reported on plans to attend the San Ramon City Council meeting in San Ramon on June 14; East Bay Leadership Council Water Task Force meeting on June 21 (remote) and Los Vaqueros JPA Finance Committee meeting on June 23 (remote).
- Director Katz acknowledged Pride Month being recognized at the District.
- Director McIntosh acknowledged the upcoming Juneteenth holiday.
- Director Mellon reported participating in a charity golf tournament for veterans with District staff in Castro Valley on June 4 and the Castro Valley Sports Foundation's 2022 Lake Chabot Trail Challenge in Castro Valley on June 5.
- Director Patterson reported attending an NAACP meeting on June 11 and announced a BBQ hosted by the Oakland Police and Fire Departments at Defremery Park in Oakland on June 19 and the 15th Annual West Oakland Juneteenth Celebration and Festival on Brockhurst Street in Oakland on June 25.

- Director Young acknowledged Pride Month being recognized at the District and recognized EBMUD employee Jon Bauer for his work involving Temescal Creek.
- President Linney had no report.

### **ADJOURNMENT**

President Linney adjourned the meeting at 3:07 p.m.

SUBMITTED BY:

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Rischa S. Cole, Secretary of the District

APPROVED: June 28, 2022

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Doug A. Linney, President of the Board

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AGENDA NO. 3.  
MEETING DATE June 28, 2022

**TITLE PURCHASE JOHN DEERE TRACTOR WITH CAB AND FLAIL MOWER  
CONFIGURATION**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input checked="" type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER

<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE
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**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder Papé Machinery, Inc., for supplying one John Deere tractor with cab and flail mower configuration for the District's fleet to support mowing operations for fire abatement, beginning on or after June 28, 2022 for a total cost, after the addition of taxes, not to exceed \$120,907 under Request for Quotation (RFQ) No. 2211.

**SUMMARY**


This contract is for the purchase of a replacement tractor with cab assembly and a flail mower. One of the District's tractors is past its useful life and has a tier 1 engine. Tier 1 engines are mandated by the California Air Resources Board (CARB) to be phased out January 1, 2026.

**DISCUSSION**

This tractor, cab, and mower combination purchase will replace a tractor slated for replacement in FY22. The compact orchard type cab makes the tractor more maneuverable around trees and is used for mowing grasses in the local watershed to minimize grass fires. The existing tractor has surpassed the District's established replacement criteria for tractors of this type. While the District is allowed to operate the existing equipment until January 2026, it is not recommended due to increased maintenance and downtime. The District has been prioritizing replacement of equipment with Tier 0 and Tier 1 engines to ensure compliant equipment is available when retirement deadlines are reached. On average, due to supply chain issues, equipment purchases are taking between 12 and 18 months from time of order to time of delivery. Procurement of this equipment supports the District's Water Quality and Environmental Protection and Long-Term Infrastructure Investment Strategic Plan goals.

**VENDOR SELECTION**

An RFQ was posted on the District's website, sent to 16 potential bidders, and advertised in the Oakland Tribune. One bid was received from Papé Machinery, Inc.

Funds Available: FY22/23, CIP #000526; Page #51	Budget Coding: 756.0000.2014131.55470	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	 General Manager
Attachment(s): P-035; P-061		

## **SUSTAINABILITY**

### **Economic**

Funding for this purchase is available in the FY22/23 adopted capital budget for Vehicle Replacements.

## **ALTERNATIVES**

**Do not purchase this equipment.** This alternative is not recommended because the equipment has surpassed its useful life, is mandated by CARB to be phased out by January 1, 2026 and is needed for wildfire fuels management on District properties. The replacement tractor is a special order assembly and the build is currently between 12 and 18 months from the time of order to delivery.

**Reject received bid and re-bid.** This alternative is not recommended because the District engaged in a fair and competitive bid process. The bid received meets all specifications and is reasonable for the equipment being purchased.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>Materials and Supplies Contract - RFQ No.: 2211</b> John Deere 5100ML Tractor, Key Dollar PF8 Orchard Cab, and Rears 8' Pak Flail Mower						<b>DATE:</b> June 12, 2022							
<b>CONTRACTOR:</b> Pape Machinery, Inc. Elk Grove, CA 95624					<b>Sole Bidder / Local Business</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>			
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>			<b>White Men</b>		<b>25%</b>		<b>100.0%</b>				
		<b>Ethnicity</b>		<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
\$120,907 *		White		Men	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>													
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIME:</b> Pape Machinery, Inc.		\$120,907	White	X		100.0%							
<b>SUBS:</b> None													
<b>TOTAL</b>		\$120,907				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>													
			<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>			INFORMATION NOT PROVIDED										
<b>Percent of Total Employees:</b>													
<b>MSA Labor Market %:</b>													
<b>MSA Labor Market Location:</b>													
<b>COMMENTS</b>													
<b>Contract Equity Participation</b> - 100% White Men participation. <b>Contract Duration</b> : NA  *Total not to exceed: \$120,907													
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>					<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA					NA								

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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





AGENDA NO. 4.  
MEETING DATE June 28, 2022

**TITLE** PURCHASE CNC MILLING MACHINE

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input checked="" type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Award a contract to the lowest responsive/responsible bidder CNC Solutions, Inc., for supplying one TRAK TMC10 with Proto TRAK RMX CNC milling machine, beginning on or after June 28, 2022 for a total cost, after the addition of taxes, not to exceed \$105,906 under Request for Quotation (RFQ) No. 2216.

**SUMMARY**

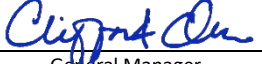
This contract is for the purchase of a TRAK TMC10 CNC milling machine to replace the existing outdated milling machine for the Central Machine Shop.

**DISCUSSION**

The machine to be replaced is an older knee mill with worn mechanicals that was retrofitted with a CNC package in the early 1990s. The milling machine is used for manufacturing repair parts for District pumps, electric motors, tools and parts for distribution system repairs and maintenance. The CNC control is no longer functional and the worn out mechanical portion no longer works properly. The new CNC milling machine will provide advanced safety features and will operate similarly to other CNC equipment utilized in the Central Machine Shop. This purchase supports the District's Long-Term Infrastructure Investment and Long-Term Financial Stability Strategic Plan goals.

**VENDOR SELECTION**

An RFQ was posted on the District's website, sent to 13 potential bidders, and advertised in the Oakland Tribune. Two bids were received. CNC Solutions, Inc. was the lowest responsive/responsible bidder.

Funds Available: FY22/23; CIP #2006310; Page 87	Budget Coding: 736.0000.2008884.55110	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	 General Manager
Attachment(s): P-035; P-061		

## **SUSTAINABILITY**

### **Economic**

Funding for this purchase is available in the FY22/23 adopted capital budget for the Small Capital Improvements.

## **ALTERNATIVES**

**Do not purchase this equipment.** This alternative is not recommended because the existing knee mill is at the end of its useful life and would likely require additional costly electrical and mechanical repairs to remain safe and operational.

**Reject received bid and re-bid.** This alternative is not recommended as the District engaged in a fair and competitive bid process. The bid received meets all specifications and is reasonable for the equipment being purchased.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>Materials and Supplies Contract - RFQ No.: 2216</b> <b>TRAK TMC10 with Proto TRAK RMX</b>						<b>DATE:</b> <b>June 12, 2022</b>					
<b>CONTRACTOR:</b> CNC Solutions, Inc. Milpitas, CA 95035					<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$105,906 *		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>100.0%</b>			
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>			
		White	Men	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>											
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> CNC Solutions, Inc.	\$105,906	White	X		100.0%						
<b>SUBS:</b> None											
<b>TOTAL</b>		\$105,906				100.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>											
		<b>White Men</b>	<b>White Women</b>	<b>Ethnic Minorities</b>	<b>Total Employees</b>						
<b>No. of Employees:</b>		5	0	1	6						
<b>Percent of Total Employees:</b>		83.3%	0.0%	16.7%							
<b>MSA Labor Market %:</b>		28.0%	23.6%	48.4%							
<b>MSA Labor Market Location:</b>		California									
<b>COMMENTS</b>											
<b>Contract Equity Participation</b> - 100% White Men participation. <b>Contract Duration</b> : NA *Total not to exceed: \$105,906											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
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:  <b>TRAK TMC10 with Proto TRAK RMX</b>		Ethnic Minority Percentages From U.S. Census Data							
				<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	
		<b>National</b>	10.5	10.7	3.7	0.7	27.3		
<b>Materials and Supplies Contract - RFQ No.: 2216</b>		DATE:	<b>9 Bay Area Counties</b>	5.5	16.2	14.2	0.4	39.9	
		<b>6/12/2022</b>	<b>Alameda/CC Counties</b>	10.7	15.6	15.4	0.5	46.2	
<b>R=Recmmd P=Prime S=Sub</b>	<b>Composition of Ownership</b>	<b>Number of Ethnic Minority Employees</b>							
<b>Company Name, Owner/Contact Person, Address, and Phone Number</b>			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>RP</b>	<b>WM</b>	<b>Company Wide</b>	0	1	0	0	1	16.7%	52.1%
CNC Solutions, Inc. Paul Riley 1011 Pecten Court Milpitas, CA 95035  510-301-0361		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		<b>Bay Area</b>	0	1	0	0	1	0.0%	39.9%
		AA Plan on File:	<b>NA</b>		Date of last contract with District:		<b>10/2/2020</b>		
		Co. Wide MSA:	<b>Santa Clara</b>		# Employees-Co. Wide:		<b>6</b>		Bay Area: <b>6</b>
<b>P</b>	<b>WM: SBE</b>	<b>Company Wide</b>	3	3	1	0	7	23.3%	48.4%
Aviate Enterprises, Inc. Timothy Devine 5844 Price Avenue McClellan, CA 95652  916-993-4000		Manager/Prof	1	2	1	0	4	23.5%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	1	0	0	2	66.7%	
		Semi/Unskilled	1	0	0	0	1	33.3%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	<b>California</b>		# Employees-Co. Wide:		<b>30</b>		Bay Area: <b>0</b>

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)



AGENDA NO. 5.  
MEETING DATE June 28, 2022

**TITLE** DATA HISTORIAN MAINTENANCE SUPPORT

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input checked="" type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER

<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE
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**RECOMMENDED ACTION**

Authorize an agreement beginning on or after June 28, 2022 with Aspen Technology, Inc., (AspenTech) for five years in an amount not to exceed \$204,785 for software for the District's operations network data historian system which will gather, store, and display operational data.


**SUMMARY**

The District's data historian, supplied by AspenTech, is used to store data from the District's Supervisory Control and Data Acquisition (SCADA) system. The SCADA system is used to operate the District's water facilities. More than 200 staff use the data historian to plan, design, support, and maintain water operations. The software agreement with AspenTech is needed to ensure data is delivered promptly, reliably, and accurately to District staff.

**DISCUSSION**

In 1994, the District completed a one-year project to purchase and install hardware, software, and networking equipment for the SCADA system's data historian. In June 2000, the SCADA historian system was upgraded to the AspenTech software platform. In January 2008, the District entered into a software maintenance and support agreement with AspenTech.

The data historian provides readily accessible information on the status of the District's power generation, aqueducts, treatment plants, and water distribution facilities. District staff use this information for operations, engineering planning and design, facility outages, energy management, pump vibration analyses, water quality reviews, fire flow-engineering studies, and other applications. This agreement will provide system maintenance and support including software upgrades through June 2027. This agreement supports the District's Long-Term Infrastructure Investment and Long-Term Financial Stability Strategic Plan goals.

Funds Available: FY22/23	Budget Coding: 11.739.1585.8514100.52310.000000	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department  Operations and Maintenance	Department Director or Manager  David A. Briggs	Approved   General Manager
Attachment(s): P-035, P-061		

## **CONSULTANT SELECTION**

This agreement is sole sourced to AspenTech because the SCADA historian system is proprietary software developed by AspenTech. AspenTech is the only company capable of providing upgrades and software support services.

## **SUSTAINABILITY**

### **Economic**

The FY22/23 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

### **Social**

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

### **Environmental**

Maintaining the data historian will ensure the District has accurate and up-to-date water system data to meet or exceed all environmental goals.

## **ALTERNATIVES**

**Do not renew the software maintenance support agreement with AspenTech.** This alternative is not recommended because the District would not be eligible for product updates, software patches, and enhancements which are typically released annually.

**Use different software for the data historian.** This alternative is not recommended because the data historian system is routinely updated and has always been reliable.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <i>Professional Services Agreement</i> Data Historian Maintenance Support						<b>DATE:</b> May 25, 2022						
<b>CONTRACTOR:</b> Aspen Technology, Inc. Bedford, MA 01730				Sole Source		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>0.0%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
\$204,785 *		Publicly Held	-	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> Aspen Technology, Inc.		\$204,785	PHC							100.0%		
<b>SUBS:</b>												
<b>TOTAL</b>		\$204,785				0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>	<b>White Women</b>	<b>Ethnic Minorities</b>		<b>Total Employees</b>						
<b>No. of Employees:</b>		<b>INFORMATION NOT PROVIDED</b>										
<b>Percent of Total Employees:</b>												
<b>MSA Labor Market %:</b>												
<b>MSA Labor Market Location:</b>												
<b>COMMENTS</b>												
<b>Contract Equity Participation:</b> Zero Contract Equity participation since firm is a Publicly Held Corporation. <b>Contract Duration:</b> Five years  *Total not to exceed: \$204,785												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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





AGENDA NO. 6.  
MEETING DATE June 28, 2022

**TITLE** BIOSOLIDS HANDLING SERVICES

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**


Authorize agreements with Denali Water Solutions LLC (Denali) and Synagro-WWT, Inc. (Synagro) for biosolids handling services during the period July 1, 2022 to June 30, 2024, with three options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$24,240,000.

**SUMMARY**

These agreements provide biosolids hauling and management services for 76,000 wet tons per year (approximately nine truckloads per day) of biosolids produced at the Main Wastewater Treatment Plant. Consistent with District Policy 8.02 – Biosolids Management to promote the beneficial, sustainable, and cost-effective use of biosolids, the two agreements will provide the beneficial use of biosolids through a combination of land application, composting, and conversion to liquid fertilizer. This agreement was discussed at the January 25, 2022 Sustainability/Energy Committee meeting.

**DISCUSSION**

The previous agreements with Denali and Synagro began on January 1, 2018. They were originally scheduled to expire December 31, 2020, but were amended to extend through June 30, 2022. The new agreement with Denali is for dry weather seasons, with land application in Merced County as an end use. Land application is a beneficial use that returns valuable nutrients and organic matter to the soil and reduces reliance on chemical fertilizers. Under the new agreement with Synagro, services will be provided during wet weather seasons and biosolids will be composted, land-applied, or temporarily stored before land application. Unlike the former agreement with Synagro, biosolids will no longer be delivered to landfills for alternative daily cover. Additionally, both Denali and Synagro will haul ten percent of the District's biosolids to the Lystek Organic Matter Recycling Facility in Fairfield to be processed by thermal hydrolysis, which converts them into stable liquid fertilizer. These agreements support the District's Water Quality and Environmental Protection Strategic Plan goal, specifically to "ensure that management of biosolids is cost-effective and environmentally safe."

Funds Available: FY23	Budget Coding: 21/913/2150/9142300/53770	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department  Wastewater	Department Director or Manager  Eileen M. White	Approved   General Manager
Attachment(s): P-035; P-061		

## **SERVICE PROVIDER SELECTION**

A request for proposals was posted on the District website and sent to 190 potential proposers. Two service providers submitted proposals. Denali received the overall highest score of the submitted proposals for dry weather biosolids handling services. Synagro submitted the only proposal for wet weather biosolids handling services, and the only proposal for year-round services. The combined score for using Denali for dry weather services and Synagro for wet weather services exceeded the score for Synagro's year-round services, and this combination had the lowest cost for the District.

## **SUSTAINABILITY**

### **Economic**

The FY23 adopted operating budget includes funding for the first year of these multi-year agreements. Funding for the additional years will be considered as part of the associated budget development process.

These agreements provide both reliable and cost-effective services. The contracted pricing allows for quarterly adjustments for diesel fuel fluctuations and annual adjustments for the Consumer Price Index – Urban Consumers (CPI-U). In the bid prices, each provider indicated the percentage of price that would be subject to the diesel fuel index and CPI-U. For comparing bids and calculating total costs, staff assumed the quarterly diesel fuel fluctuations would increase the price by 3.5 percent per year, and the CPI-U would increase the price by 2.7 percent per year.

### **Social**

Local 444 was notified of this agreement on February 23, 2022 and did not raise any specific issues related to this agreement.

### **Environmental**

All biosolids end uses included in these agreements provide an environmental benefit by returning valuable nutrients and organic matter to the soil, either through direct land application, composting with woody material, or conversion into liquid fertilizer.

## **ALTERNATIVES**

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

**Reject all proposals and advertise the work again.** This alternative is not recommended because the selected proposals represent a reasonable cost, good overall value, and provide operational benefits.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Biosolids Handling Services						<b>DATE:</b> May 26, 2022						
<b>CONTRACTOR:</b> Various Firms (See Below)					<b>PERCENTAGE OF CONTRACT DOLLARS</b>							
					<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>			
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>97.1%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
\$24,240,000 *		See Below		-		<b>Ethnic Minorities</b>		<b>25%</b>		<b>2.9%</b>		
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>							
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>	
<b>PRIME:</b> Synagro-WWT, Inc.												
\$10,035,000												
White												
X												
41.4%												
<b>SUBS:</b> Jess Ranch Trucking												
\$950,000												
White												
X												
3.9%												
Lone Tree Trucking												
\$950,000												
White												
X												
3.9%												
S&S Trucking												
\$185,000												
Hispanic												
X												
0.8%												
<b>PRIME:</b> Denali Water Solutions LLC												
\$11,258,000												
White												
X												
46.4%												
<b>SUBS:</b> O. Navarro Transport Inc.												
\$345,000												
Hispanic												
X												
1.4%												
Reyes Trucking												
\$86,000												
Hispanic												
X												
0.4%												
Maldonado Trucking												
\$86,000												
Hispanic												
X												
0.4%												
Mel's Trucking												
\$345,000												
White												
X												
1.4%												
<b>TOTAL</b>		\$24,240,000			97.1%	0.0%	2.9%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		INFORMATION NOT PROVIDED										
<b>Percent of Total Employees:</b>												
<b>MSA Labor Market %:</b>												
<b>MSA Labor Market Location:</b>												
<b>COMMENTS</b>												
<b>Contract Equity Participation:</b> 97.1% White Men and 2.9% Ethnic Minority participation. <b>Contract Duration:</b> Two years with 3 One-year Renewal Options. *Total not to exceed: \$24,240,000												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
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: <b>Biosolids Handling Services</b>			Ethnic Minority Percentages From U.S. Census Data						
				<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	
			<b>National</b>	10.5	10.7	3.7	0.7	27.3	
<b>General Services Agreement</b>		DATE: 5/26/2022	<b>9 Bay Area Counties</b>	5.5	16.2	14.2	0.4	39.9	
			<b>Alameda/CC Counties</b>	10.7	15.6	15.4	0.5	46.2	
<b>R=Recmmd P=Prime S=Sub</b>	<b>Composition of Ownership</b>		<b>Number of Ethnic Minority Employees</b>						
<b>Company Name, Owner/Contact Person, Address, and Phone Number</b>			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>RP</b>	<b>WM</b>	<b>Company Wide</b>	98	133	1	5	237	30.3%	27.3%
Synagro-WWT, Inc. Angela Dicke 435 Williams Court, Suite 100 Baltimore, MD 21220 443-489-9000		Manager/Prof	17	13	0	1	31	14.4%	
		Technical/Sales	2	1	1	0	4	7.5%	
		Clerical/Skilled	21	17	0	0	38	30.6%	
		Semi/Unskilled	58	102	0	4	164	0.0%	
		<b>Bay Area</b>	0	0	0	0	0	0.0%	39.9%
		AA Plan on File:	<b>NA</b>		Date of last contract with District:		<b>7/2/2021</b>		
		Co. Wide MSA:	<b>Total USA</b>		# Employees-Co. Wide:		<b>783</b> Bay Area: <b>0</b>		
<b>S</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Jess Ranch Trucking  1886 Northgate Drive Manteca, CA 95336  209-825-4150		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Lone Tree Trucking  4001 East Camino Diablo Road Byron, CA 94514  925-634-4392		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>EMM: H - L/SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
S & S Trucking  477 Roland Way Oakland, CA 94621		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>RP</b>	<b>WM</b>	<b>Company Wide</b>	17	58	7	6	88	19.5%	27.3%
Denali Water Solutions LLC Savannah Vire 3308 Bernice Avenue Russellville, AR 72802 479-935-8771		Manager/Prof	5	17	3	1	26	11.5%	
		Technical/Sales	1	9	1	0	11	20.8%	
		Clerical/Skilled	4	20	0	0	24	24.2%	
		Semi/Unskilled	7	12	3	5	27	36.5%	
		<b>Bay Area</b>	2	1	1	0	4	57.1%	39.9%
		Co. Wide MSA:	<b>Total USA</b>		# Employees-Co. Wide:		<b>452</b> Bay Area: <b>7</b>		

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

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

<b>Title:</b>  <b>Biosolids Handling Services</b>			<b>Ethnic Minority Percentages From U.S. Census Data</b>						
					<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>
			<b>National</b>	10.5	10.7	3.7	0.7	27.3	
<b>General Services Agreement</b>		<b>DATE:</b> 5/26/2022	<b>9 Bay Area Counties</b>		5.5	16.2	14.2	0.4	39.9
			<b>Alameda/CC Counties</b>		10.7	15.6	15.4	0.5	46.2
<b>R=Recmmd</b> <b>P=Prime S=Sub</b>	<b>Composition of Ownership</b>	<b>Number of Ethnic Minority Employees</b>							
<b>Company Name, Owner/Contact Person, Address, and Phone Number</b>			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>S</b>	<b>EMM: H - SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
O. Navarro Transport Inc.  120 Clayton Court Los Banos, CA 93635  209-321-0319		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>EMM: H - SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Reyes Trucking  2430 Heartland Drive Riverbank, CA 95367  209-324-5497		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>EMM: H - SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Maldonado Trucking  9103 Spirit Court Delhi, CA 95315  209-226-5759		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>S</b>	<b>WM: L/SBE</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Mel's Trucking  2182 Photinia Drive Tracy, CA 95376  415-260-6454		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							

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

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AGENDA NO. 7.  
MEETING DATE June 28, 2022

**TITLE DROUGHT TELEVISION ADVERTISING**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an agreement beginning on or after June 28, 2022 with Fox Corporation dba KTVU, Inc. (KTVU) in an amount not to exceed \$100,300 for television and online drought advertising services.


**SUMMARY**

On April 26, 2022, the Board declared a Stage 2 Drought with a 10 percent mandatory water use reduction goal District-wide. As part of the Water Shortage Emergency Action Plan (WSEAP) approved by the Board on May 10, 2022, the District is launching an advertising campaign to educate its customers about the drought and the District's water use restrictions and to share information on how they can conserve water. This agreement provides three months of television broadcast and digital advertising in both English and Spanish. By launching the advertising campaign now, the District will be able to reach customers during the peak summer irrigation season.

**DISCUSSION**

The Board declared a Stage 2 Drought on April 26, 2022, calling for 10 percent mandatory water use reduction and adopting Section 28 restrictions on water use. On May 10, 2022, the Board approved the WSEAP that described a suite of messaging, tools, and programs to meet the 10 percent goal. Advertising and outreach are a key component of that WSEAP. The cost for the WSEAP outreach was also presented at the May 10, 2022 Board meeting.

Staff have been negotiating with local television station KTVU for drought advertising services. KTVU is based out of Oakland and provides news programming for the San Francisco Bay Area. Under the terms of the agreement, KTVU will produce three 30-second television advertisements for the District. The advertisements – two in English and one in Spanish – will cover home water use efficiency and conservation tips. KTVU will air the ads 10 times per week during the morning news, as well as shorter five-second messages four times a week. One week each month, a District drought message will run as the “ticker” on the bottom of the screen during the morning news. KTVU will also air these advertisements using its Fox Local Extension (FLX) “Over the Top” (OTT) television platform. OTT delivers content on affiliate channels via streaming services like Hulu, and ads can target specific demographic criteria. KTVU will guarantee one million views in English throughout the District's service

Funds Available: FY23	Budget Coding: 11.871.1420.8471900.52310.000000	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department  Customer and Community Services	Department Director or Manager  Andrew L. Lee	Approved   General Manager
Attachment(s): P-035; P-061		

area. KTVU's FLX system also has the capability to deliver advertising content to Spanish-speaking households in the Bay Area on stations like Univision, Fox Deportes, and Telemundo. KTVU will guarantee one million views in Spanish. In addition, KTVU will create a dedicated drought microsite on KTVU.com where the District can post content alongside related news reporting. This agreement supports the District's Long-Term Water Supply Strategic Plan goal by ensuring a reliable, high quality water supply for the future by educating customers about water conservation and drought.

## **SERVICE PROVIDER SELECTION**

Over the past year, staff reviewed proposals from several television and Connected/OTT advertising services. KTVU's proposal offers the best package of services, including the production of advertisements in both English and Spanish and promotion via live television, streaming services, and KTVU's website. KTVU is also headquartered in downtown Oakland and focuses largely on the East Bay.

## **SUSTAINABILITY**

### **Economic**

The FY22/23 adopted operating budget does not include funding for this unplanned expense. This fiscal impact associated with this action will be paid from the FY23 Drought Contingency Budget, which was adopted by the Board at its June 14, 2022 meeting.

### **Social**

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

This agreement will help educate customers throughout the service area about the drought and how they can save water. It includes outreach to customers in both English and Spanish.

### **Environmental**

This agreement will provide customers with information on how to use water more efficiently, thereby leading to increased water conservation.

## **ALTERNATIVE**

**Do not authorize this agreement.** This alternative is not recommended because the District needs to conduct broad outreach to its customers about the drought.





# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Drought Television Advertising						<b>DATE:</b> June 22, 2022					
<b>CONTRACTOR:</b> Fox Corporation dba KTVU, Inc. Oakland, CA 94607				Direct Award / Local Business		<b>PERCENTAGE OF CONTRACT DOLLARS</b>					
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>0.0%</b>			
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>			
\$100,300 *		Publicly Held		-		<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>	
<b>CONTRACT EQUITY PARTICIPATION</b>											
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>					
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>
<b>PRIMES:</b> Fox Corporation dba KTVU, Inc.		\$100,300	Publicly Held							100.0%	
<b>SUBS:</b> None											
<b>TOTAL</b>		\$100,300				0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>											
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>			
<b>No. of Employees:</b>		68		32		74		174			
<b>Percent of Total Employees:</b>		39.1%		18.4%		42.5%					
<b>MSA Labor Market %:</b>		28.0%		24.2%		47.8%					
<b>MSA Labor Market Location:</b>		Oakland									
<b>COMMENTS</b>											
<b>Contract Equity Participation:</b> Zero Contract Equity participation since the firm is a Publicly Held Corporation. <b>Contract Duration:</b> NA *Total not to exceed: \$100,300											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				NA							

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



AGENDA NO. 8.  
MEETING DATE June 28, 2022

**TITLE AMEND AGREEMENT FOR DESIGN OF LAFAYETTE RESERVOIR  
TOWER RETROFIT**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input checked="" type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER

<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE
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**RECOMMENDED ACTION**

Authorize an amendment to the agreement previously authorized under Board Motion No. 056-18 with AECOM Technical Services, Inc. (AECOM) to increase the agreement amount by \$961,460, to a total amount not to exceed \$2,018,863 for additional design and engineering services during construction for the Lafayette Reservoir Tower Retrofit.

**SUMMARY**

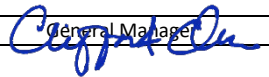
This amendment provides additional civil, mechanical, electrical, and environmental services to complete design and engineering services during construction for the Lafayette Reservoir Tower Retrofit. During a comprehensive potential failure mode analysis performed as part of the tower retrofit design process, it was determined a seismic retrofit to the outlet conduit would also be required along with improvements to the valve controls.

**DISCUSSION**

Lafayette Reservoir is located in the City of Lafayette south of Mount Diablo Boulevard. The reservoir and its appurtenances, including the outlet tower and conduits were constructed between 1927 and 1933. The reservoir provides an emergency water supply, and together with the surrounding watershed, it provides a recreational resource for the public and an environmental habitat for a variety of species.

Although the dam itself is seismically safe, an evaluation determined the tower will be damaged during a major earthquake. To ensure safe condition, the District has operated the reservoir under a restricted level, with concurrence from the California Department of Water Resources Office of Division of Safety of Dams (DSOD).

AECOM is under an agreement authorized by Motion No. 056-18 to provide design services for the retrofit of the tower. During the design process, a global potential failure mode analysis found the

Funds Available: FY22/23, CIP #000672; Page 31	Budget Coding: 562/2012193/2012210: 22/700034	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department  Engineering and Construction	Department Director or Manager  Olujimi O. Yoloeye	Approved   General Manager
Attachment(s): Location Map, P-035; P-061		

conduits connected to the base of the tower need also to be retrofitted to ensure continued safe dam operations following the postulated earthquake. DSOD also requires improvement to the valves so that they can be operated remotely in the event of an emergency. This amendment will provide additional services to design and support the construction of the retrofit conduits and remote valve operation. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

## **CONSULTANT SELECTION**

A request for proposals for the original agreement was posted on the District's website and sent to 56 firms on the District's Professional Services Roster, including several minority-owned firms. Two firms submitted proposals. AECOM was awarded the agreement based on its teams' qualifications, technical skills, project understanding, and experience in underwater construction and in designing tower retrofit projects similar to the Lafayette Reservoir Outlet Tower.

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

## **SUSTAINABILITY**

### **Economic**

Funding for this item is included in the FY22/23 adopted capital budget for the Reservoir Tower Modifications Project.

### **Social**

Locals 2019 and 21 were notified of the amendment to the agreement on April 5, 2022 and did not raise any specific issues related to the amendment.

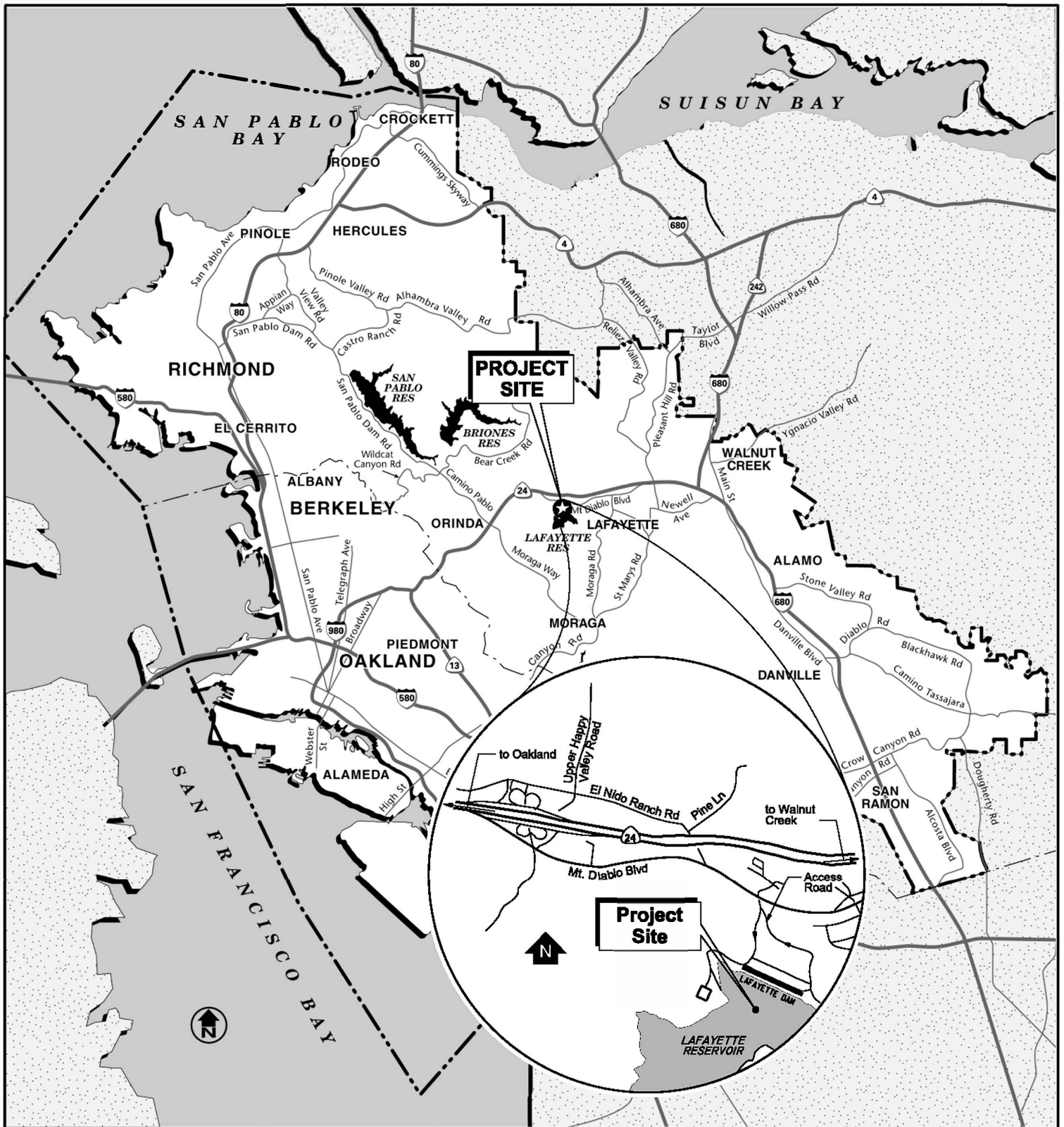
### **Environmental**

Staff is developing the California Environmental Quality Act documentation for the tower retrofit and is expected to be completed in August 2022.

## **ALTERNATIVES**

**Perform the work with District forces.** This alternative is not recommended because District staff does not have the experience and resources to perform the additional work.

**Do not perform the work.** This alternative is not recommended because Lafayette Reservoir is a component of the District's emergency local water storage system and the retrofit of the conduits are required for the overall tower seismic retrofit, which is required for dam safety and has been mandated by DSOD.



**PROJECT SITE  
LOCATION MAP**

NOT TO SCALE

**EAST BAY MUNICIPAL UTILITY DISTRICT**

**LAFAYETTE RESERVOIR  
TOWER RETROFIT - DESIGN  
SERVICES**

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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)

<b>TITLE</b> <b>Professional Services Agreement - Amendment</b> Amend Agreement for Design of Lafayette Reservoir Tower Retrofit						<b>DATE:</b> June 21, 2022						
<b>CONTRACTOR:</b> AECOM Technical Services, Inc. Oakland, CA 94612					<b>Local Business</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>		
						<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>		
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>65.2%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>12.7%</b>				
\$961,460 *		White		Men		<b>Ethnic Minorities</b>		<b>25%</b>		<b>22.1%</b>		
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> AECOM Technical Services, Inc.		\$611,185	White	X		63.6%						
<b>SUBS:</b> A3GEO, Inc.		\$122,000	White		X		12.7%					
Beyaz & Patel, Inc.		\$40,780	A/PI	X				4.2%				
Infrastructure & Marine Consultants, LLC		\$15,495	White	X		1.6%						
Underwater Resources Inc.		\$72,000	A/PI		X			7.5%				
YEI Engineers, Inc.		\$100,000	A/PI	X				10.4%				
<b>TOTAL</b>		\$961,460				65.2%	12.7%	22.1%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		9,722		4,359		4,061		18,142				
<b>Percent of Total Employees:</b>		53.6%		24.0%		22.4%						
<b>MSA Labor Market %:</b>		32.3%		27.8%		39.9%						
<b>MSA Labor Market Location:</b>		9 Bay Area Counties										
<b>COMMENTS</b>												
<b>Contract Equity Participation:</b> 65.2% White Men participation, 12.7% White Women participation, and 22.1% Ethnic Minority participation. <b>Contract Duration:</b> NA												
*Total not to exceed: \$2,018,863 = \$1,057,403 (Multiple previous amendments) + \$961,460 (Amendment)												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				YES								



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Amend Agreement for Design of Lafayette Reservoir Tower Retrofit</b>		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement - Amendment		DATE: 6/21/2022	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
								MSA %
RP	WM: LBE	Company Wide	814	1,183	1,745	49	3,791	20.9%
AECOM Technical Services, Inc. Lisa Boecker 300 Lakeside Drive, Suite 400 Oakland, CA 94612 (Local office) 717-766-0576		Manager/Prof	458	804	1,509	32	2,803	19.5%
		Technical/Sales	141	181	134	10	466	21.3%
		Clerical/Skilled	211	189	101	6	507	33.0%
		Semi/Unskilled	4	9	1	1	0	0.0%
		Bay Area	21	50	237	1	309	36.0%
		AA Plan on File:	NA		Date of last contract with District:		9/13/2019	
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		18,142 Bay Area: 859	
S	WW: L/SBE	Company Wide	0	0	0	0	0	0.0%
A3GEO, Inc. Dona Mann 1331 Seventh Street, Unit E Berkeley, CA 94710 415-425-0247		Manager/Prof	0	0	0	0	0	0.0%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	0	0	0	0	0	0.0%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	0	0	0	0	0.0%
		Co. Wide MSA:	Alameda County, CA		# Employees-Co. Wide:		7 Bay Area: 7	
S	EMM: A/PI - L/SBE	Company Wide	0	0	8	0	8	57.1%
BEYAZ & PATEL, INC. Subhash Pate 1280 Civic Drive, Suite 204 Walnut Creek, CA 94596 858-451-0374		Manager/Prof	0	0	7	0	7	100.0%
		Technical/Sales	0	0	1	0	1	25.0%
		Clerical/Skilled	0	0	0	0	0	0.0%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	0	6	0	6	75.0%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		14 Bay Area: 8	
S	WM	Company Wide	0	0	0	0	0	0.0%
Infrastructure & Marine Consultants, LLC David B. Gilson 2043 Berkeley Avenue St. Paul, MN 55105 650-653-1235		Manager/Prof	0	1	0	0	1	50.0%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	0	0	0	0	0	0.0%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	0	0	0	0	0.0%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		2 Bay Area: 0	
S	EMW: A/PI - LBE	Company Wide	5	14	12	0	31	29.8%
Underwater Resources Inc. Antoine Megevand 1798 University Avenue Berkeley, CA 94703 510-900-2100		Manager/Prof	0	1	3	0	4	36.4%
		Technical/Sales	0	1	0	0	1	100.0%
		Clerical/Skilled	5	12	9	0	26	28.3%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	14	12	0	0	0.0%
		Co. Wide MSA:	Alameda County, CA		# Employees-Co. Wide:		104 Bay Area: 104	
S	EMM: A/PI - L/SBE	Company Wide	2	1	16	0	19	76.0%
YEI Engineers, Inc. Patrick Mallillin 7677 Oakport Street, Suite 200 Oakland, CA 94621 510-957-1613		Manager/Prof	1	0	14	0	15	83.3%
		Technical/Sales	0	0	1	0	1	33.3%
		Clerical/Skilled	1	1	1	0	3	75.0%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	2	1	16	0	19	76.0%
		Co. Wide MSA:	Alameda County, CA		# Employees-Co. Wide:		25 Bay Area: 25	

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)





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AGENDA NO. 9.  
MEETING DATE June 28, 2022

**TITLE** AMEND LABOR RELATIONS NEGOTIATING AND CONSULTING SERVICES

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input checked="" type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an amendment to the agreement previously authorized under Board Motion No. 114-20 with Industrial Employers and Distributors Association (IEDA) to increase the agreement amount by \$241,186 to a total amount not to exceed \$473,091 for labor relations negotiating and consulting services until June 30, 2024.

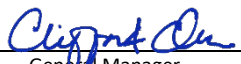
**SUMMARY**

In June 2020, the Board approved a two-year agreement with IEDA under Board Motion No. 114-20 in the amount of \$231,905 with an option to extend the agreement for an additional two years. The amount approved only covered costs for the first two years. This action will increase the amount of the agreement by \$241,186 to cover costs through June 30, 2024.

**DISCUSSION**

The District has retained the services of IEDA, a non-profit firm specializing in labor relations, since 1996. IEDA successfully served as the District's chief negotiators in the meet-and-confer process with all four District Unions in 1997, 2000, 2003, 2007, 2013 (in 2011, the Memoranda of Understanding [MOUs] were extended for two years), 2017 and 2021, achieving multi-year MOUs within Board parameters each time. Between MOU negotiations, IEDA provides specialized labor relations consulting and training to District staff on a variety of matters as needed.

Continued use of IEDA allows the District to benefit from their broad labor relations experience, provide continuity and consistency in the negotiations process, build on past experiences and relationships, and readily access relevant information about other comparable public agencies. In addition, IEDA represents approximately 150 private sector and 50 public sector employers in labor relations activities with over 140 union locals. Public sector clients include Alameda County, San Mateo County, Contra Costa County, Mendocino County, Marin Municipal Water District, Union Sanitary District, Dublin San Ramon Services District, and the cities of El Cerrito and Half Moon Bay.

Funds Available: FY23	Budget Coding: 368-885120-52310	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Human Resources	Vincent L. James	 General Manager
Attachment(s): P-035; P-061		

This agreement supports the District's Workforce Planning and Development Strategic Plan goal by creating an environment that attracts, retains and engages a high-performing, diverse workforce.

## **CONSULTANT SELECTION**

The Board authorized a direct award for the retention of IEDA on June 23, 2020 for continued expert labor relations negotiating and consulting services. IEDA is uniquely qualified due to their long history of negotiating at the District, familiarity with staff and the Board of Directors, and understanding of labor relations issues specific to District operations and the Unions representing District employees.

## **SUSTAINABILITY**

### **Economic**

The FY22/23 adopted operating budget includes funding for the first year of this multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

## **ALTERNATIVE**

**Do not increase the amount of IEDA's agreement.** This alternative is not recommended because additional funds are required in order to extend IEDA's agreement for an additional two years. In June 2020, the Board approved a two-year agreement with an option to extend for two more years, however, the amount approved was not sufficient to cover the additional two years.



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>Professional Services Agreement - Amendment</b> Amend Labor Relations Negotiation and Consulting Services						<b>DATE:</b> June 15, 2022					
<b>CONTRACTOR:</b> Industrial Employers and Distributors Association Emeryville, CA 94608					<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>			<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>		
Direct Award / Local / Small Business		Ethnicity      Gender			White Men		25%		100.0%		
\$241,186 *		White      Men			White Women		6%		0.0%		
		Ethnic Minorities			25%		0.0%				
<b>CONTRACT EQUITY PARTICIPATION</b>											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER M      W		CONTRACTING PARTICIPATION					
PRIME: Industrial Employers and Distributors Association  SUBS: None		\$241,186	White	X		100.0%					
TOTAL		\$241,186			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		3		2		4		9			
Percent of Total Employees:		33.3%		22.2%		44.4%					
MSA Labor Market %:		33.3%		8.2%		38.5%					
MSA Labor Market Location:		Alameda County									
<b>COMMENTS</b>											
<b>Contract Equity Participation:</b> 100% White Men participation. <b>Contract Duration:</b> Two-years with 2 One-year Renewal Options  *Total not to exceed: \$473,091 = \$231,095 (Original) + \$241,186 (Amendment)											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				NA							

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



AGENDA NO. 10.1.  
MEETING DATE June 28, 2022

**TITLE** AMEND AGREEMENT FOR COVID-19 CONTACT TRACING SERVICES

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an additional amount of \$500,000, to a total amount not to exceed \$1,800,000, to the agreement authorized under Board Resolution No. 35171-20 with Axiom Medical Consulting, LLC (Axiom) for COVID-19 contact tracing services, employee interviews, return to work clearance, and recordkeeping for COVID-19 positive employees.


**SUMMARY**

This amendment provides COVID-19 contact tracing services, employee interviews, return to work clearance, and recordkeeping for COVID-19 positive employees.

**DISCUSSION**

On March 17, 2020, the District declared an emergency in response to the COVID-19 pandemic. The emergency declaration was later ratified under Board Resolution No. 35171-20. Under delegated authority, and consistent with Policy 7.03 – Emergency Preparedness/Business Continuity, the General Manager executed an emergency contract not to exceed \$500,000 with Axiom to provide COVID-19 employee contact tracing and case management support without bids or notice. On January 25, 2022, an additional \$400,000 was authorized under Board Motion No. 027-22. On April 26, 2022, an additional \$400,000 was authorized under Board Motion No. 076-22.

Axiom was first used by the District in January 2021 to provide contact tracing, employee interviews, and recordkeeping for COVID-19 positive employees during a high infection period of the pandemic. Contact tracing is needed to slow the spread of COVID-19 and to comply with Cal/OSHA, Centers for Disease Control and Infection, the California Department of Public Health, and county regulations and guidance. Contact tracing and the required quarantine period reduces the likelihood of employee-to-employee transmission of the coronavirus. The cost of the program through May 2022 was \$1,245,515. This agreement supports the District's Workforce Planning and Development Strategic Plan goal.

Funds Available: FY22/23	Budget Coding: 11.790. 8859200.53120	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Operations and Maintenance	David A. Briggs	 General Manager
Attachment(s): P-035; P-061		

## **CONSULTANT SELECTION**

Axiom was selected based on their ability to provide the unique service with enough resources to handle high-volume workload with the required response time.

## **SUSTAINABILITY**

### **Economic**

Funding for this work is available in the FY22/23 adopted operating budget.

### **Social**

This amendment will provide COVID-19 contact tracing services to protect employees, customers, visitors, and the community at large.

## **ALTERNATIVES**

**Do not amend the agreement to provide COVID-19 contact tracing services.** This alternative is not recommended because contact tracing is required by regulations and guidance to help slow the spread of COVID-19.

**Provide contact tracing services utilizing District resources.** This alternative is not recommended because the District does not have the resources to perform this type of work.





## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement - Amendment</b> Amend Covid-19 Contact Tracing Services						<b>DATE:</b> June 15, 2022						
<b>CONTRACTOR:</b> Axiom Medical Consulting , LLC Woodlands, TX 77381					<b>Direct Award</b>					<b>PERCENTAGE OF CONTRACT DOLLARS</b>		
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>			<b>White Men</b>		<b>25%</b>		<b>100.0%</b>			
		<b>Ethnicity</b>	<b>Gender</b>		<b>White Women</b>		<b>6%</b>		<b>0.0%</b>			
\$500,000 *		White	Men		<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIMES:</b> Axiom Medical Consulting , LLC		\$500,000	White	X		100.0%						
<b>SUBS:</b> None												
<b>TOTAL</b>		\$500,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
			<b>White Men</b>	<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>			INFORMATION NOT PROVIDED									
<b>Percent of Total Employees:</b>												
<b>MSA Labor Market %:</b>												
<b>MSA Labor Market Location:</b>												
<b>COMMENTS</b>												
<b>Contract Equity Participation:</b> 100% White Men participation. <b>Contract Duration:</b> NA												
*Total not to exceed: \$1,800,000 = \$1,300,000 (Multiple previous amendments) + \$500,000 (Amendment)												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



AGENDA NO. 10.2.  
MEETING DATE June 28, 2022

**TITLE** AMEND AGREEMENT FOR COVID-19 RESPONSE SERVICES

<b>TYPE</b>	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Authorize an additional amount of \$150,000, to a total amount not to exceed \$900,000, to the agreement authorized under Board Resolution No. 35171-20 with WorkCare, Inc. (Workcare) for services to support the District's COVID-19 response by providing testing kits, health care professionals to perform on-site testing, physician oversight, and assistance with case management.

**SUMMARY**

This amendment provides for the purchase of COVID-19 testing kits, health professionals to perform employee testing, physician oversight, and assistance with ongoing COVID-19 case management.


**DISCUSSION**

On March 17, 2020, the District declared an emergency in response to the COVID-19 pandemic. The emergency declaration was later ratified under Board Resolution No. 35171-20. Under delegated authority, and consistent with Policy 7.03 – Emergency Preparedness/Business Continuity, the General Manager executed an emergency contract not to exceed \$500,000 with WorkCare to provide employee COVID-19 testing without bids or notice. On October 12, 2021, an additional \$250,000 was authorized under Board Motion No. 175-21.

WorkCare was first used by the District in January 2021 to test employees during a high infection period of the pandemic. In January 2022, during the Omicron surge, the District began offering on-site testing to employees to manage COVID-19 cases due to the difficulty of obtaining testing at public testing locations. In May 2022, WorkCare personnel began assisting the District's COVID-19 Hotline with recordkeeping for cases due to this recent surge. The cost of the program through May 2022 was \$721,891. This work supports the District's Workforce Planning and Development Strategic Plan goal.

**SERVICE PROVIDER SELECTION**

WorkCare was selected in 2020 when the District procured COVID-19 self-collection kits for early 2021 testing for a select group of employees. Examinetics and Mobile-Med were also contacted in 2020 and WorkCare was selected based on price and ability to provide the number of kits needed.

Funds Available: FY22/23	Budget Coding: 784-8859200-1015654-5312	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Operations and Maintenance	David A. Briggs	 General Manager
Attachment(s): P-035; P-061		

## **SUSTAINABILITY**

### **Economic**

Funding for this work is available in the FY22/23 adopted operating budget.

### **Social**

This amendment will provide COVID-19 testing and other services for employees to protect employees, customers, visitors, and the community at large.

## **ALTERNATIVE**

### **Do not amend the agreement to purchase COVID-19 testing kits and COVID-19 case management.**

This alternative is not recommended because employee COVID-19 cases are rising and proper case management is needed to ensure the coronavirus not spread from worker to worker.



# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement - Amendment</b> Amend Covid-19 Services						<b>DATE:</b> May 31, 2022					
<b>CONTRACTOR:</b> WorkCare, Inc. Anaheim, CA 92805					<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$150,000 *		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>100.0%</b>			
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>			
		White	Men	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>			
<b>CONTRACT EQUITY PARTICIPATION</b>											
<b>COMPANY NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
			<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIMES:</b> WorkCare, Inc.	\$150,000	White	X		100.0%						
<b>SUBS:</b> None											
<b>TOTAL</b>		\$150,000				100.0%	0.0%	0.0%	0.0%	0.0%	
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>											
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>			
<b>No. of Employees:</b>		INFORMATION NOT PROVIDED									
<b>Percent of Total Employees:</b>											
<b>MSA Labor Market %:</b>											
<b>MSA Labor Market Location:</b>											
<b>COMMENTS</b>											
<b>Contract Equity Participation:</b> 100% White Men participation <b>Contract Duration:</b> NA *Total not to exceed: \$900,000 = \$750,000 (Multiple previous amendments) + \$150,000 (Amendment)											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
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: <b>Amend Covid-19 Services</b>			<b>Ethnic Minority Percentages From U.S. Census Data</b>						
				<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	
			<b>National</b>	10.5	10.7	3.7	0.7	27.3	
<b>General Services Agreement - Amendment</b>		DATE: 5/31/2022	<b>9 Bay Area Counties</b>		5.5	16.2	14.2	0.4	39.9
			<b>Alameda/CC Counties</b>		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership		<b>Number of Ethnic Minority Employees</b>						
Company Name, Owner/Contact Person, Address, and Phone Number			<b>B</b>	<b>H</b>	<b>A/PI</b>	<b>AI/AN</b>	<b>TOTAL</b>	<b>PERCENT</b>	<b>MSA %</b>
<b>RP</b>	<b>WM</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
WorkCare, Inc. Karen Johnson 300 S. Harbor Blvd., Suite 600 Anaheim, CA 92805 714-978-7488 ext. 2468		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		AA Plan on File:							
		Co. Wide MSA:							
<b>P</b>	<b>WM</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Examinetics Steve Gay 10561 Barkley Place, Suite 400 Overland Park, KS 66212 913-748-2055		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							
<b>P</b>	<b>EMW: B</b>	<b>Company Wide</b>	INFORMATION NOT PROVIDED						
Heshmat Pain Management Clinic Dr. Leticia Heshmat 220 California Avenue, Suite 100 Palo Alto, CA 94306 650-470-0008		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		<b>Bay Area</b>							
		Co. Wide MSA:							

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



AGENDA NO. 11.1.-11.2.  
MEETING DATE June 28, 2022

**TITLE RATIFY CONTRACT EXTENSION AND PAYMENTS AND EXTEND CONTRACT FOR ELECTRONIC SIGNATURE SERVICES**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input checked="" type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

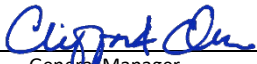
1. Ratify the extension of the contract and payment of \$5,231.27 to Carahsoft Technology Corp., for DocuSign electronic signature services rendered between April 15, 2022 and June 28, 2022.
2. Authorize an amendment to a direct award contract previously awarded under Purchase Order Nos. 256-43880-A and 256-45162-AY with Carahsoft Technology Corp., to increase the contract amount by \$68,957.53 for one year, beginning on or after June 28, 2022, with two options to renew for additional one-year periods, to a total cost, after the addition of taxes, including option years, not to exceed \$133,574.40 for supplying electronic signature services.

**SUMMARY**

The District's existing electronic signature services contract with Carahsoft Technology Corp. expired on April 14, 2022. Staff continued to use services offered under the terms of the prior contract, and the vendor agreed to continue providing service while negotiations of an amended contract were ongoing to ensure there would be no disruption to electronic signature services. This service is used for processing legal agreements between the District and third-party entities. The requested ratification would authorize payment for services rendered between April 15, 2022 through June 28, 2022. The requested extension to April 14, 2025 would secure updated price reductions.

**DISCUSSION**

In April 2020, an agreement with DocuSign via Carahsoft Technology Corp. was awarded under Purchase Order No. 256-43880-A to provide electronic signature capability for legal agreements between the District and third-party entities. This allowed for more efficient signing processes that are standardized across the District and provide better IT security management and support. The contract was renewed in April 2021 under Purchase Order No. 256-45162-AY.

Funds Available: FY22/23	Budget Coding: 256/8876200/52430	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Information Systems	Patrick Cho	 General Manager
Attachment(s): P-035, P-061		

In light of the ongoing need for these services, staff requests the Board:

1. Ratify the payment of \$5,231.27 for electronic signature services from April 15, 2022 to June 28, 2022 to Carahsoft Technology Corp.

Although staff worked with the vendor to amend the contract well before April 14, 2022, contract negotiations and obtaining insurance requirements took longer than expected. Carahsoft allowed the District to continue to receive services during negotiations. Extending this contract will allow the District to continue to execute legal agreements securely and efficiently.

2. Authorize an amendment to the direct award contract with Carahsoft Technology Corp. for electronic signature services beginning on or after June 28, 2022 for three years in an amount not to exceed \$133,574.40.

Because the maximum total expenditure on this procurement would exceed staff's approval authority, staff is requesting the Board ratify and extend the contract and allow for the payment of services through June 28, 2022, and additionally authorize up to three more years of electronic signature services from Carahsoft Technology Corp.

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

## **VENDOR SELECTION**

This contract is a direct award under the authority of Public Contract Code sections 10298 and 10299, which expressly allow local public agencies, including the District, to purchase directly through the State of California on competitively awarded contracts without pursuing separate competitive bidding. Carahsoft Technology Corp.'s terms of service are under NASPO ValuePoint Master Agreement #AR2472, of which the State of California has a Participating Addendum. District staff has confirmed state pricing is the lowest pricing available to the District.

## **SUSTAINABILITY**

### **Economic**

The FY22/23 adopted operating budget includes funding for the first year of this multi-year contract. Funding for the additional years will be considered as part of the associated budget development process.

### **Social**

DocuSign via Carahsoft Technology Corp. allows for improved customer service and efficiency when managing new business applications, and contracts with District customers and third-party vendors.



### **Environmental**

DocuSign via Carahsoft Technology Corp. facilitates the movement towards zero waste by providing an alternative to paper processing of legal documents.

### **ALTERNATIVE**

**Do not ratify or extend the contract for electronic signature services.** This alternative is not recommended because DocuSign via Carahsoft Technology Corp. has proven to be effective in optimizing processing of legal documents, provides cost savings in staff time, reduce paper waste and processing, and securely integrates with other District information systems.

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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)

<b>TITLE</b> <b>Materials and Supplies Contract - Amendment</b> Ratify Contract Extension and Payments and Extend Agreement for Electronic Signature Service						<b>DATE:</b> May 20, 2022						
<b>CONTRACTOR:</b> Carahsoft Technology Corp. Reston, VA 20190				Direct Award		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
				<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>				
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		<b>White Men</b>		<b>25%</b>		<b>100.0%</b>				
		<b>Ethnicity</b>	<b>Gender</b>	<b>White Women</b>		<b>6%</b>		<b>0.0%</b>				
\$133,574.40 *		White	Men	<b>Ethnic Minorities</b>		<b>25%</b>		<b>0.0%</b>				
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> Carahsoft Technology Corp.		\$133,574.40	White	X		100.0%						
<b>SUBS:</b> None												
<b>TOTAL</b>		\$133,574.40				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		718		736		444		1,898				
<b>Percent of Total Employees:</b>		37.8%		38.8%		23.4%						
<b>MSA Labor Market %:</b>		38.6%		34.0%		27.4%						
<b>MSA Labor Market Location:</b>		Virginia										
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - 100% White Men participation. <b>Contract Duration</b> : One-year with 2 One-year renewal options. *Total not to exceed: \$133,574.40 = \$59,385.60 (Original) + \$74,188.80 (Amendment)												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								

## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

[illegible]

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



AGENDA NO. 12.  
MEETING DATE June 28, 2022

**TITLE MONTHLY INVESTMENT TRANSACTIONS REPORT**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Approve the May 2022 Monthly Investment Transactions Report.

**SUMMARY**


In accordance with Policy 4.07 – Investment Policy, staff prepares a monthly transactions report for the Finance/Administration Committee to review and for the Board to consider each month. The May 2022 report is being brought to the Board for consideration. This report was reviewed at the June 28, 2022 Finance/Administration Committee meeting.

**DISCUSSION**

Pursuant to Policy 4.07, staff generates a monthly report of investment transactions (buys, sales, deposits, withdrawals) as well as transactions that occur as a feature of the securities held (interest, calls, maturities). Information on portfolio performance, balances, and other factors is presented in the quarterly investment report.

In May 2022, the portfolio decreased from \$788.7 million to \$642.3 million. Net transactions decreased the total by \$149.3 million and include one of two large annual payments on the District's outstanding debt. Interest received added approximately \$2.9 million to the portfolio. Deposits into short-term liquidity funds totaled \$114.8 million, and \$225.5 million was withdrawn. The District purchased \$102.0 million in securities, and \$141.5 million in securities matured. No securities were called or sold. Net transactions at the District's commercial bank resulted in an increase of \$1.0 million.

I:\Sec\2022 Board Related Items\062822 Board Agenda Items\FIN - Monthly Investment Transactions Report May 2022.docx

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	 General Manager
Attachment(s): May 2022 Monthly Investment Transactions Report		

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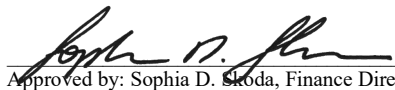
## **Monthly Investment Transactions Report**

### **May 2022**

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

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

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

  
Approved by: Sophia D. Skoda, Finance Director

06/09/2022  
Date

SDS:AMM:mr



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Transactions Summary**  
**May 2022**

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	621,149,980.97	(116,377,081.00)	43,847.76	504,816,747.73
007 - Wastewater Consolidated	123,406,103.74	(31,846,823.00)	11,231.89	91,570,512.63
049 - Ferc Partnership	2,000,000.00	-	-	2,000,000.00
009 - BACWA	2,262,600.00	-	-	2,262,600.00
015 - DERWA	1,000,000.00	-	-	1,000,000.00
002 - FRWA	1,000,000.00	-	-	1,000,000.00
014 - IICP	150,500.00	-	-	150,500.00
010 - UMRWA	64,000.00	-	-	64,000.00
003 - Employees Retirement	10,846,313.05	(2,046,000.00)	-	8,800,313.05
099 - Wells Fargo**	26,790,583.62	996,986.31	2,813,553.00	30,601,122.93
<b>Total</b>	<b>788,670,081.38</b>	<b>(149,272,917.69)</b>	<b>2,868,632.65</b>	<b>642,265,796.34</b>

\* Portfolio balance presented at face value.

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

Matthew Raimondi  
 Prepared by: Matt Raimondi, Accounting Technician

Kevin Ma  
 Reviewed by: Kevin Ma, Accounting Supervisor

Andrea Miller  
 Approved by: Andrea M. Miller, Controller

06/07/2022  
 Date

06/07/2022  
 Date

6/8/2022  
 Date





**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Activity**  
**May 2022**

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	89,000,000.00	84,000,000.00	(120,091,000.00)	-	-	(169,286,081.00)	-	(116,377,081.00)
007 - Wastewater Consolidated	13,000,000.00	21,000,000.00	(21,400,000.00)	-	-	(44,446,823.00)	-	(31,846,823.00)
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	9,760,000.00	-	-	-	(11,806,000.00)	-	(2,046,000.00)
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
<b>Investment Activity Total</b>	<b>102,000,000.00</b>	<b>114,760,000.00</b>	<b>(141,491,000.00)</b>	<b>-</b>	<b>-</b>	<b>(225,538,904.00)</b>	<b>-</b>	<b>(150,269,904.00)</b>
<b>099 - Wells Fargo</b>	<b>(102,000,000.00)</b>	<b>(114,760,000.00)</b>	<b>141,491,000.00</b>	<b>-</b>	<b>-</b>	<b>225,538,904.00</b>	<b>(149,272,917.69)</b>	<b>996,986.31</b>
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(149,272,917.69)</b>	<b>(149,272,917.69)</b>

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

*Steven Goodman-Leibof*

Reviewed by: Steven Goodman-Leibof, Principal Mgmt Analyst

6/9/2022

Date

6/9/2022

Date

Approved by: Robert L. Hannay, Treasury Manager



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
May 2022

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Buys</b>										
001 - Water System Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/6/2022	5/9/2022	5/15/2024	89,000,000.00	84,762,070.32	107,562.15	84,869,632.47
					<b>Total</b>		<b>89,000,000.00</b>			
007 - Wastewater Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/6/2022	5/9/2022	5/15/2024	13,000,000.00	12,380,976.56	15,711.33	12,396,687.89
					<b>Total</b>		<b>13,000,000.00</b>			

102,000,000.00	97,143,046.88	123,273.48	97,266,320.36
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**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Activity**  
**May 2022**

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Deposits</b>										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	5/13/2022	5/13/2022	N/A	4,945,000.00	4,945,000.00	0.00	4,945,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	5/27/2022	5/27/2022	N/A	4,815,000.00	4,815,000.00	0.00	4,815,000.00
					<b>Total</b>		<b>9,760,000.00</b>			
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	5/16/2022	5/16/2022	N/A	20,000,000.00	20,000,000.00	0.00	20,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	5/19/2022	5/19/2022	N/A	64,000,000.00	64,000,000.00	0.00	64,000,000.00
					<b>Total</b>		<b>84,000,000.00</b>			
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	5/16/2022	5/16/2022	N/A	5,000,000.00	5,000,000.00	0.00	5,000,000.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley MM	MVRXX	5/19/2022	5/19/2022	N/A	16,000,000.00	16,000,000.00	0.00	16,000,000.00
					<b>Total</b>		<b>21,000,000.00</b>			
							<b>114,760,000.00</b>	<b>114,760,000.00</b>	<b>0.00</b>	<b>114,760,000.00</b>



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Activity**  
**May 2022**

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Matured</b>										
001 - Water System Consolidated	Medium Term Notes	Apple Inc 2.3 5/11/2022	037833CQ1	5/11/2022	5/11/2022	5/11/2022	4,444,000.00	4,444,000.00	0.00	4,444,000.00
001 - Water System Consolidated	Medium Term Notes	Apple Inc 2.7 5/13/2022	037833BF6	5/13/2022	5/13/2022	5/13/2022	5,845,000.00	5,845,000.00	0.00	5,845,000.00
001 - Water System Consolidated	Medium Term Notes	Apple Inc 2.7 5/13/2022	037833BF6	5/13/2022	5/13/2022	5/13/2022	9,802,000.00	9,802,000.00	0.00	9,802,000.00
001 - Water System Consolidated	US Treasuries	T-Bill 0 5/19/2022	912796H44	5/19/2022	5/19/2022	5/19/2022	20,000,000.00	20,000,000.00	0.00	20,000,000.00
001 - Water System Consolidated	US Treasuries	T-Bill 0 5/19/2022	912796H44	5/19/2022	5/19/2022	5/19/2022	40,000,000.00	40,000,000.00	0.00	40,000,000.00
001 - Water System Consolidated	US Treasuries	T-Bill 0 5/5/2022	912796P45	5/5/2022	5/5/2022	5/5/2022	40,000,000.00	40,000,000.00	0.00	40,000,000.00
					<b>Total</b>		<b>120,091,000.00</b>			
007 - Wastewater Consolidated	Medium Term Notes	Apple Inc 2.3 5/11/2022	037833CQ1	5/11/2022	5/11/2022	5/11/2022	1,000,000.00	1,000,000.00	0.00	1,000,000.00
007 - Wastewater Consolidated	Medium Term Notes	Apple Inc 2.7 5/13/2022	037833BF6	5/13/2022	5/13/2022	5/13/2022	400,000.00	400,000.00	0.00	400,000.00
007 - Wastewater Consolidated	US Treasuries	T-Bill 0 5/19/2022	912796H44	5/19/2022	5/19/2022	5/19/2022	20,000,000.00	20,000,000.00	0.00	20,000,000.00
					<b>Total</b>		<b>21,400,000.00</b>			
							<b>141,491,000.00</b>	<b>141,491,000.00</b>	<b>0.00</b>	<b>141,491,000.00</b>



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
May 2022

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

\*No Transactions this Period\*

0.00	0.00	0.00	0.00
------	------	------	------



EAST BAY MUNICIPAL UTILITY DISTRICT  
Monthly Investment Activity  
May 2022

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

\*No Transactions this Period\*

0.00	0.00	0.00	0.00
------	------	------	------



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Investment Activity**  
**May 2022**

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Withdrawals</b>										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	5/27/2022	5/27/2022	N/A	11,806,000.00	11,806,000.00	0.00	11,806,000.00
					<b>Total</b>		<b>11,806,000.00</b>			
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	5/6/2022	5/6/2022	N/A	7,941,900.00	7,941,900.00	0.00	7,941,900.00
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	5/5/2022	5/5/2022	N/A	25,218,400.00	25,218,400.00	0.00	25,218,400.00
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley	MVRXX	5/6/2022	5/6/2022	N/A	12,125,781.00	12,125,781.00	0.00	12,125,781.00
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	5/24/2022	5/24/2022	N/A	29,325,209.00	29,325,209.00	0.00	29,325,209.00
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley	MVRXX	5/25/2022	5/25/2022	N/A	84,000,000.00	84,000,000.00	0.00	84,000,000.00
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley	MVRXX	5/31/2022	5/31/2022	N/A	10,674,791.00	10,674,791.00	0.00	10,674,791.00
					<b>Total</b>		<b>169,286,081.00</b>			
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	5/5/2022	5/5/2022	N/A	6,304,600.00	6,304,600.00	0.00	6,304,600.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley	MVRXX	5/6/2022	5/6/2022	N/A	7,700,197.00	7,700,197.00	0.00	7,700,197.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	5/6/2022	5/6/2022	N/A	2,110,326.00	2,110,326.00	0.00	2,110,326.00
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	5/6/2022	5/6/2022	N/A	7,331,700.00	7,331,700.00	0.00	7,331,700.00
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley	MVRXX	5/25/2022	5/25/2022	N/A	21,000,000.00	21,000,000.00	0.00	21,000,000.00
					<b>Total</b>		<b>44,446,823.00</b>			
							<b>225,538,904.00</b>	<b>225,538,904.00</b>	<b>0.00</b>	<b>225,538,904.00</b>



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**May 2022**

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	2,559,313.26	(2,515,465.50)	43,847.76
007 - Wastewater Consolidated	309,319.39	(298,087.50)	11,231.89
049 - Ferc Partnership	-	-	-
009 - BACWA	-	-	-
015 - DERWA	-	-	-
002 - FRWA	-	-	-
014 - IICP	-	-	-
010 - UMRWA	-	-	-
003 - Employees Retirement	-	-	-
065 - Water S2008A DSRF	-	-	-
068 - Water 2010A DSRF	-	-	-
<b>Interest Transactions Total</b>	<b>2,868,632.65</b>	<b>(2,813,553.00)</b>	<b>55,079.65</b>
<b>099 - Wells Fargo</b>	<b>-</b>	<b>2,813,553.00</b>	<b>2,813,553.00</b>
<b>Total</b>	<b>2,868,632.65</b>	<b>-</b>	<b>2,868,632.65</b>

\*Coupon and other interest received; reinvestment unavailable.

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

*Matthew Raimondi*  
 Prepared by: Matt Raimondi, Accounting Technician  
*Kevin Ma*  
 Reviewed by: Kevin Ma, Accounting Supervisor  
*Andrea Miller*  
 Approved by: Andrea M. Miller, Controller

06/07/2022  
 Date  
06/07/2022  
 Date  
6/8/2022  
 Date





**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**May 2022**

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Interest Received (Transferred to Wells Fargo)</b>										
001 - Water System Consolidated	Medium Term Notes	MICROSOFT CORP 2.375 5/1/2023-23	594918AT1	5/1/2022	5/1/2022	5/1/2023	0.00	0.00	49,459.38	49,459.38
001 - Water System Consolidated	Medium Term Notes	APPLE INC 2.4 5/3/2023	037833AK6	5/3/2022	5/3/2022	5/3/2023	0.00	0.00	60,000.00	60,000.00
001 - Water System Consolidated	Medium Term Notes	Apple Inc 2.7 5/13/2022	037833BF6	5/13/2022	5/13/2022	5/13/2022	0.00	0.00	211,234.50	211,234.50
001 - Water System Consolidated	Medium Term Notes	Apple Inc 2.3 5/11/2022	037833CQ1	5/11/2022	5/11/2022	5/11/2022	0.00	0.00	51,106.00	51,106.00
001 - Water System Consolidated	US Treasuries	T-Note 0.25 11/15/2023	91282CAW1	5/15/2022	5/15/2022	11/15/2023	0.00	0.00	27,500.00	27,500.00
001 - Water System Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/15/2022	5/15/2022	5/15/2024	0.00	0.00	131,250.00	131,250.00
001 - Water System Consolidated	US Treasuries	T-Note 1.625 11/15/2022	912828TY6	5/15/2022	5/15/2022	11/15/2022	0.00	0.00	446,875.00	446,875.00
001 - Water System Consolidated	US Treasuries	T-Note 1.75 5/15/2023	912828VB3	5/15/2022	5/15/2022	5/15/2023	0.00	0.00	1,120,000.00	1,120,000.00
001 - Water System Consolidated	US Treasuries	T-Note 2.75 11/15/2023	912828WE6	5/15/2022	5/15/2022	11/15/2023	0.00	0.00	467,500.00	467,500.00
<b>Total</b>										<b>2,564,924.88</b>
007 - Wastewater Consolidated	Medium Term Notes	Microsoft Corp 2.65 11/3/2022	594918BH6	5/3/2022	5/3/2022	11/3/2022	0.00	0.00	9,937.50	9,937.50
007 - Wastewater Consolidated	Medium Term Notes	Apple Inc 2.3 5/11/2022	037833CQ1	5/11/2022	5/11/2022	5/11/2022	0.00	0.00	11,500.00	11,500.00
007 - Wastewater Consolidated	Medium Term Notes	Apple Inc 2.7 5/13/2022	037833BF6	5/13/2022	5/13/2022	5/13/2022	0.00	0.00	5,400.00	5,400.00
007 - Wastewater Consolidated	US Treasuries	T-Note 0.25 11/15/2023	91282CAW1	5/15/2022	5/15/2022	11/15/2023	0.00	0.00	10,000.00	10,000.00
007 - Wastewater Consolidated	US Treasuries	T-Note 0.25 5/15/2024	91282CCC3	5/15/2022	5/15/2022	5/15/2024	0.00	0.00	21,250.00	21,250.00
007 - Wastewater Consolidated	US Treasuries	T-Note 1.625 11/15/2022	912828TY6	5/15/2022	5/15/2022	11/15/2022	0.00	0.00	65,000.00	65,000.00
007 - Wastewater Consolidated	US Treasuries	T-Note 1.75 5/15/2023	912828VB3	5/15/2022	5/15/2022	5/15/2023	0.00	0.00	175,000.00	175,000.00
<b>Total</b>										<b>298,087.50</b>
							<b>0.00</b>	<b>0.00</b>	<b>2,863,012.38</b>	<b>2,863,012.38</b>



**EAST BAY MUNICIPAL UTILITY DISTRICT**  
**Monthly Interest Activity**  
**May 2022**

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
<b>Interest Received (Reinvested)</b>										
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	5/2/2022	5/2/2022	N/A	0.00	0.00	3,070.37	3,070.37
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley IMVRXX		5/2/2022	5/2/2022	N/A	0.00	0.00	8,006.11	8,006.11
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	5/31/2022	5/31/2022	N/A	0.00	0.00	32,771.28	32,771.28
<b>Total</b>										<b>43,847.76</b>
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	GOFXX	5/2/2022	5/2/2022	N/A	0.00	0.00	783.61	783.61
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley IMVRXX		5/2/2022	5/2/2022	N/A	0.00	0.00	2,256.52	2,256.52
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	5/31/2022	5/31/2022	N/A	0.00	0.00	8,191.76	8,191.76
<b>Total</b>										<b>11,231.89</b>
							<b>0.00</b>	<b>0.00</b>	<b>55,079.65</b>	<b>55,079.65</b>



AGENDA NO. 13.  
MEETING DATE June 28, 2022

**TITLE REVISIONS TO DISTRICT POLICIES**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input type="checkbox"/> MOTION	<input checked="" type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Approve revisions to the following District policies:

- Policy 4.13 – Establishing Water and Wastewater Rates
- Policy 9.05 – Non-Potable Water

**SUMMARY**

To ensure District operations and business practices remain consistent with Board objectives and priorities, the District reviews policies every two years to consider whether any organizational, regulatory, or other changes necessitate their modification. All proposed policy modifications are forwarded to the Board for consideration and approval. Two policy modifications are recommended for consideration and approval. These policies were reviewed at the June 28, 2022 Finance/Administration Committee meeting.

**DISCUSSION**


Policies Recommended for Revision

**1. Policy 4.13 – Establishing Water and Wastewater Rates**

This policy was revised to make minor grammatical changes and add references.

**2. Policy 9.05 – Non-Potable Water**

This policy was revised to include cooling towers on the list of commercial activities that may be required to use non-potable water considerations.

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Barry N. Gardin	 General Manager
Attachment(s): Policy 4.13, Policy 9.05; Resolution		

## **SUSTAINABILITY**

### **Economic**

Policy 4.13 promotes economic sustainability by establishing rates that recover costs and enhance ability to provide safe, reliable, and sufficient water supply and wastewater treatment services to its customers over the long term.

### **Environmental**

Policy 9.05 promotes environmental stewardship by requiring customers to use non-potable water for non-domestic purposes.

## **ALTERNATIVE**

**Do not update these policies.** This alternative is not recommended because it would leave in place policies that do not reflect current operating practices and are not consistent with Board directives.



# Policy 4.13<sup>R</sup>

EFFECTIVE [28 JUNE 22](#)

[26 APR 16](#)

SUPERSEDES [26 APR 16](#)

[24 APR 12](#)

## ESTABLISHING WATER AND WASTEWATER RATES

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

Establish water and wastewater rates that recover costs included in the District's operating and capital budgets, meet the District's policy goals and comply with applicable law, including Proposition 218 and the Municipal Utility District ([MUD](#)) Act (~~“MUD” Act~~). Rates should also enhance the District's ability to provide safe, reliable, and sufficient water supply and wastewater treatment services to its customers over the long term. The District ~~will~~ provides a customer assistance program, that is in compliance with state law, to help low income customers obtain water and wastewater at a reasonable price.

**Rate Methodology** The District's water and wastewater rates are developed and structured in conformance with all applicable laws including the MUD Act and Proposition 218 (California Constitution article XIII D, section 6) and consistent with best management practice.

To ensure compliance with [the MUD Act and Proposition 218](#) ~~these requirements~~, a cost-of-service study of the District's water and wastewater service fees and charges is to be completed at least every ten years.

**Water Rate Design** To the extent authorized by law, the District's water rates will be designed to encourage conservation, water use efficiency and resource management, and enhance reliability and supply. The District's water rates will be designed to recover the operating and capital costs of the water facilities in order to ensure reliable delivery of water.

**Wastewater Rate Design** To the extent authorized by law, the ~~e~~District's wastewater rates will be designed to encourage conservation and resource management. The District's wastewater rates will be designed to recover the operating and capital costs of the wastewater facilities to ensure reliable treatment services and to protect public health and the environment.

**Public Involvement in Rate Setting** In accordance with MUD Act Section 14401, prior to the Board's consideration of new or revised water and wastewater rates, a staff report presenting rate recommendations will be filed with the Board of Directors and made available to the public. Within 40 days of the filing of the report, [the District](#) ~~EBMUD~~ will conduct a public hearing on the report and its rate recommendations.

**Authority** Resolution No. 32985-96, May 14, 1996  
Amended by Motion 143-96, June 25, 1996  
Amended by Resolution 33550-06, July 25, 2006  
Amended by Resolution 33763-10, April 27, 2010  
Amended by Resolution No. 33871-12, April 24, 2012  
Amended by Resolution No. 34080-16, April 26, 2016  
[Amended by Resolution No. XXXXX-22, June 28, 2022](#)

**References** [MUD Act \(Public Utilities Code, § 14401, et seq.\)](#)  
[Proposition 218 \(Cal. Const., art. XIII D, § 6.\)](#)



# Policy 4.13

EFFECTIVE 28 JUNE 22

SUPERSEDES 26 APR 16

## ESTABLISHING WATER AND WASTEWATER RATES

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

Establish water and wastewater rates that recover costs included in the District's operating and capital budgets, meet the District's policy goals and comply with applicable law, including Proposition 218 and the Municipal Utility District (MUD) Act. Rates should also enhance the District's ability to provide safe, reliable, and sufficient water supply and wastewater treatment services to its customers over the long term. The District provides a customer assistance program, that is in compliance with state law, to help low income customers obtain water and wastewater at a reasonable price.

<b>Rate Methodology</b>	<p>The District's water and wastewater rates are developed and structured in conformance with all applicable laws including the MUD Act and Proposition 218 (California Constitution article XIII D, section 6) and consistent with best management practice.</p> <p>To ensure compliance with the MUD Act and Proposition 218, a cost-of-service study of the District's water and wastewater service fees and charges is to be completed at least every ten years.</p>
<b>Water Rate Design</b>	<p>To the extent authorized by law, the District's water rates will be designed to encourage conservation, water use efficiency and resource management, and enhance reliability and supply. The District's water rates will be designed to recover the operating and capital costs of the water facilities in order to ensure reliable delivery of water.</p>
<b>Wastewater Rate Design</b>	<p>To the extent authorized by law, the District's wastewater rates will be designed to encourage conservation and resource management. The District's wastewater rates will be designed to recover the operating and capital costs of the wastewater facilities to ensure reliable treatment services and to protect public health and the environment.</p>
<b>Public Involvement in Rate Setting</b>	<p>In accordance with MUD Act Section 14401, prior to the Board's consideration of new or revised water and wastewater rates, a staff report presenting rate recommendations will be filed with the Board of Directors and made available to the public. Within 40 days of the filing of the report, the District will conduct a public hearing on the report and its rate recommendations.</p>
<b>Authority</b>	<p>Resolution No. 32985-96, May 14, 1996 Amended by Motion 143-96, June 25, 1996 Amended by Resolution 33550-06, July 25, 2006 Amended by Resolution 33763-10, April 27, 2010 Amended by Resolution No. 33871-12, April 24, 2012 Amended by Resolution No. 34080-16, April 26, 2016 Amended by Resolution No. XXXXX-22, June 28, 2022</p>
<b>References</b>	<p>MUD Act (Public Utilities Code, § 14401, <i>et seq.</i>) Proposition 218 (Cal. Const., art. XIII D, § 6.)</p>



# Policy 9.05R

EFFECTIVE [28 JUNE 22](#)

[24 MAR 20](#)

SUPERSEDES [24 MAR 20](#)

[22 SEP 15](#)

## NON-POTABLE WATER

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

Require that customers of the East Bay Municipal Utility District (EBMUD) use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. When non-potable water satisfying these conditions is made available to the customer, the use of potable water for non-domestic purposes may constitute a waste and unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution and is prohibited.

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#### Findings Related To Use Of Non-potable Water

The Board of Directors of EBMUD has determined that existing potable water supplies alone will not adequately accommodate existing and future demand within the EBMUD's Ultimate Service Boundary. Non-potable water resources, including treated wastewater discharged to the San Francisco Bay from EBMUD and other Bay Area treatment plants, and other alternative water sources that could provide a safe and effective alternative water supply for certain non-potable purposes, increase the availability of the limited water supplies of EBMUD, generally assure non-potable water customers of a more reliable water supply during periods of drought, reduce wastewater discharges to the Bay, and provide EBMUD with greater flexibility to meet instream needs in the Mokelumne River. The State Legislature has determined that the use of potable domestic water for certain non-potable uses may constitute a waste or unreasonable use of water if recycled water is available which meets specified conditions, and meets the appropriate level of treatment (Water Code Section 13550 et seq. and the Water Quality Control Policy for Recycled Water by the State Water Resources Control Board).

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#### Definitions

Non-potable Water - All reclaimed, recycled, reused, untreated, or alternative water supplies that meet the conditions set forth in the California Water Code, Section 13550, and are determined by EBMUD to be suitable for non-domestic purposes and feasible for the particular intended use.

Non-domestic Uses - For purposes of this policy, "non-domestic uses" shall mean all applications except drinking, culinary purposes and the processing of products intended for direct human consumption. Non-domestic uses include irrigation of food crops intended for human consumption, which is an allowable recycled water use with appropriate treatment to meet water quality standards.

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#### Mandated Uses Of Non-potable Water

Customers may be required to use non-potable water consistent with non-potable water service regulations and non-potable/recycled water rate schedule for their non-domestic uses which may include, but are not limited to, the following:

- Irrigation of cemeteries, golf courses, playing fields, parks, residential and nonresidential landscaped areas, and food crops;
- Commercial and industrial process uses including but not limited to [cooling towers](#), vehicle, window, and sidewalk washing, construction activities, and toilet and urinal flushing in nonresidential buildings.

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**Determination Of Feasibility Of Non-potable Water** In determining whether non-potable water is feasible for a particular non-domestic use, EBMUD shall consider the following factors:

- Whether the non-potable water may be furnished for the intended use at a reasonable cost to the customer and EBMUD.
- Whether the non-potable water is of adequate quality for the intended use.
- Whether the non-potable water is of adequate quantity for the intended use.
- Whether the use of non-potable water is consistent with all applicable federal, state, and local laws and regulations.
- Whether the use of non-potable water will not be detrimental to the public health and will not adversely affect plant life, fish and wildlife.

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**Regulations Governing Non-potable Service** The regulations and rates governing non-potable water service, including recycled water, shall be determined by the Board of Directors and published in the Regulations Governing Water Service and Schedule of Rates and Charges for Customers of East Bay Municipal Utility District.

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**Water Reuse Zones** EBMUD designates Water Reuse Zones within EBMUD's service area where non-potable water service has been determined to be reasonably available.

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**Non-potable Water Service Agreements** Where implementation of this Policy requires agreements, such agreements shall, wherever possible, have a term of 20 or more years and shall include applicable provisions governing responsibilities for planning, design and construction, and facilities operation and maintenance. Upon termination or expiration of an agreement, customers receiving non-potable water service, including recycled water, pursuant to that agreement shall be governed by the non-potable water service regulations and non-potable/recycled water rate schedule, unless a new agreement is established.

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**Authority** Resolution No. 32981-96, April 9, 1996  
As amended by Resolution No. 33443-04, September 28, 2004  
As amended by Resolution No. 33564-06, November 14, 2006  
As amended by Resolution No. 33919-13, March 26, 2013  
As amended by Resolution No. 34052-15, September 22, 2015  
As amended by Resolution No. 35168-20, March 24, 2020  
[As amended by Resolution No. XXXXX-22, June 28, 2022](#)

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**References** Regulations Governing Water Service and Schedule of Rates and Charges for Customers of East Bay Municipal Utility District  
Policy 7.05 – Sustainability and Resilience

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# Policy 9.05

EFFECTIVE 28 JUNE 22

## NON-POTABLE WATER

SUPERSEDES 24 MAR 20

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

Require that customers of the East Bay Municipal Utility District (EBMUD) use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. When non-potable water satisfying these conditions is made available to the customer, the use of potable water for non-domestic purposes may constitute a waste and unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution and is prohibited.

---

#### Findings Related To Use Of Non-potable Water

The Board of Directors of EBMUD has determined that existing potable water supplies alone will not adequately accommodate existing and future demand within the EBMUD's Ultimate Service Boundary. Non-potable water resources, including treated wastewater discharged to the San Francisco Bay from EBMUD and other Bay Area treatment plants, and other alternative water sources that could provide a safe and effective alternative water supply for certain non-potable purposes, increase the availability of the limited water supplies of EBMUD, generally assure non-potable water customers of a more reliable water supply during periods of drought, reduce wastewater discharges to the Bay, and provide EBMUD with greater flexibility to meet instream needs in the Mokelumne River. The State Legislature has determined that the use of potable domestic water for certain non-potable uses may constitute a waste or unreasonable use of water if recycled water is available which meets specified conditions, and meets the appropriate level of treatment (Water Code Section 13550 et seq. and the Water Quality Control Policy for Recycled Water by the State Water Resources Control Board).

---

#### Definitions

Non-potable Water - All reclaimed, recycled, reused, untreated, or alternative water supplies that meet the conditions set forth in the California Water Code, Section 13550, and are determined by EBMUD to be suitable for non-domestic purposes and feasible for the particular intended use.

Non-domestic Uses - For purposes of this policy, "non-domestic uses" shall mean all applications except drinking, culinary purposes and the processing of products intended for direct human consumption. Non-domestic uses include irrigation of food crops intended for human consumption, which is an allowable recycled water use with appropriate treatment to meet water quality standards.

---

#### Mandated Uses Of Non-potable Water

Customers may be required to use non-potable water consistent with non-potable water service regulations and non-potable/recycled water rate schedule for their non-domestic uses which may include, but are not limited to, the following:

- Irrigation of cemeteries, golf courses, playing fields, parks, residential and nonresidential landscaped areas, and food crops;
- Commercial and industrial process uses including but not limited to cooling towers, vehicle, window, and sidewalk washing, construction activities, and toilet and urinal flushing in nonresidential buildings.

**Determination Of Feasibility Of Non-potable Water**

In determining whether non-potable water is feasible for a particular non-domestic use, EBMUD shall consider the following factors:

- Whether the non-potable water may be furnished for the intended use at a reasonable cost to the customer and EBMUD.
- Whether the non-potable water is of adequate quality for the intended use.
- Whether the non-potable water is of adequate quantity for the intended use.
- Whether the use of non-potable water is consistent with all applicable federal, state, and local laws and regulations.
- Whether the use of non-potable water will not be detrimental to the public health and will not adversely affect plant life, fish and wildlife.

**Regulations Governing Non-potable Service**

The regulations and rates governing non-potable water service, including recycled water, shall be determined by the Board of Directors and published in the Regulations Governing Water Service and Schedule of Rates and Charges for Customers of East Bay Municipal Utility District.

**Water Reuse Zones**

EBMUD designates Water Reuse Zones within EBMUD's service area where non-potable water service has been determined to be reasonably available.

**Non-potable Water Service Agreements**

Where implementation of this Policy requires agreements, such agreements shall, wherever possible, have a term of 20 or more years and shall include applicable provisions governing responsibilities for planning, design and construction, and facilities operation and maintenance. Upon termination or expiration of an agreement, customers receiving non-potable water service, including recycled water, pursuant to that agreement shall be governed by the non-potable water service regulations and non-potable/recycled water rate schedule, unless a new agreement is established.

**Authority**

Resolution No. 32981-96, April 9, 1996  
As amended by Resolution No. 33443-04, September 28, 2004  
As amended by Resolution No. 33564-06, November 14, 2006  
As amended by Resolution No. 33919-13, March 26, 2013  
As amended by Resolution No. 34052-15, September 22, 2015  
As amended by Resolution No. 35168-20, March 24, 2020  
As amended by Resolution No. XXXXX-22, June 28, 2022

**References**

Regulations Governing Water Service and Schedule of Rates and Charges for Customers of East Bay Municipal Utility District  
Policy 7.05 – Sustainability and Resilience

RESOLUTION NO. \_\_\_\_\_

ADOPTING REVISED POLICY 4.13, ESTABLISHING WATER AND WASTEWATER  
RATES; AND REVISED POLICY 9.05, NON-POTABLE WATER

Introduced by Director \_\_\_\_\_ ; Seconded by Director \_\_\_\_\_

WHEREAS, it is the intention and desire of the Board of Directors of the East Bay Municipal Utility District to update and revise Policy 4.13, entitled “Establishing Water and Wastewater Rates”; and Policy 9.05, entitled “Non-Potable Water”;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that Revised Policy 4.13 and Revised Policy 9.05, attached hereto as Exhibits A and B, are hereby adopted.

ADOPTED this 28th day of June, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM AND PROCEDURE:

\_\_\_\_\_  
General Counsel

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# Policy 4.13<sup>R</sup>

EFFECTIVE [28 JUNE 22](#)

[26 APR 16](#)

SUPERSEDES [26 APR 16](#)

[24 APR 12](#)

## ESTABLISHING WATER AND WASTEWATER RATES

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

Establish water and wastewater rates that recover costs included in the District's operating and capital budgets, meet the District's policy goals and comply with applicable law, including Proposition 218 and the Municipal Utility District ([MUD](#)) Act (~~("MUD" Act)~~). Rates should also enhance the District's ability to provide safe, reliable, and sufficient water supply and wastewater treatment services to its customers over the long term. The District ~~will~~ provides a customer assistance program, that is in compliance with state law, to help low income customers obtain water and wastewater at a reasonable price.

**Rate Methodology** The District's water and wastewater rates are developed and structured in conformance with all applicable laws including the MUD Act and Proposition 218 (California Constitution article XIII D, section 6) and consistent with best management practice.

To ensure compliance with [the MUD Act and Proposition 218](#) ~~these requirements~~, a cost-of-service study of the District's water and wastewater service fees and charges is to be completed at least every ten years.

**Water Rate Design** To the extent authorized by law, the District's water rates will be designed to encourage conservation, water use efficiency and resource management, and enhance reliability and supply. The District's water rates will be designed to recover the operating and capital costs of the water facilities in order to ensure reliable delivery of water.

**Wastewater Rate Design** To the extent authorized by law, the ~~e~~District's wastewater rates will be designed to encourage conservation and resource management. The District's wastewater rates will be designed to recover the operating and capital costs of the wastewater facilities to ensure reliable treatment services and to protect public health and the environment.

**Public Involvement in Rate Setting** In accordance with MUD Act Section 14401, prior to the Board's consideration of new or revised water and wastewater rates, a staff report presenting rate recommendations will be filed with the Board of Directors and made available to the public. Within 40 days of the filing of the report, [the District](#) ~~EBMUD~~ will conduct a public hearing on the report and its rate recommendations.

**Authority** Resolution No. 32985-96, May 14, 1996  
Amended by Motion 143-96, June 25, 1996  
Amended by Resolution 33550-06, July 25, 2006  
Amended by Resolution 33763-10, April 27, 2010  
Amended by Resolution No. 33871-12, April 24, 2012  
Amended by Resolution No. 34080-16, April 26, 2016  
[Amended by Resolution No. XXXXX-22, June 28, 2022](#)

**References** [MUD Act \(Public Utilities Code, § 14401, et seq.\)](#)  
[Proposition 218 \(Cal. Const., art. XIII D, § 6.\)](#)



# Policy 4.13

EFFECTIVE 28 JUNE 22

SUPERSEDES 26 APR 16

## ESTABLISHING WATER AND WASTEWATER RATES

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

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<b>Rate Methodology</b>	<p>The District's water and wastewater rates are developed and structured in conformance with all applicable laws including the MUD Act and Proposition 218 (California Constitution article XIII D, section 6) and consistent with best management practice.</p> <p>To ensure compliance with the MUD Act and Proposition 218, a cost-of-service study of the District's water and wastewater service fees and charges is to be completed at least every ten years.</p>
<b>Water Rate Design</b>	<p>To the extent authorized by law, the District's water rates will be designed to encourage conservation, water use efficiency and resource management, and enhance reliability and supply. The District's water rates will be designed to recover the operating and capital costs of the water facilities in order to ensure reliable delivery of water.</p>
<b>Wastewater Rate Design</b>	<p>To the extent authorized by law, the District's wastewater rates will be designed to encourage conservation and resource management. The District's wastewater rates will be designed to recover the operating and capital costs of the wastewater facilities to ensure reliable treatment services and to protect public health and the environment.</p>
<b>Public Involvement in Rate Setting</b>	<p>In accordance with MUD Act Section 14401, prior to the Board's consideration of new or revised water and wastewater rates, a staff report presenting rate recommendations will be filed with the Board of Directors and made available to the public. Within 40 days of the filing of the report, the District will conduct a public hearing on the report and its rate recommendations.</p>
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<b>References</b>	<p>MUD Act (Public Utilities Code, § 14401, <i>et seq.</i>) Proposition 218 (Cal. Const., art. XIII D, § 6.)</p>



# Policy 9.05R

EFFECTIVE [28 JUNE 22](#)

[24 MAR 20](#)

SUPERSEDES [24 MAR 20](#)

[22 SEP 15](#)

## NON-POTABLE WATER

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

Require that customers of the East Bay Municipal Utility District (EBMUD) use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. When non-potable water satisfying these conditions is made available to the customer, the use of potable water for non-domestic purposes may constitute a waste and unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution and is prohibited.

#### Findings Related To Use Of Non-potable Water

The Board of Directors of EBMUD has determined that existing potable water supplies alone will not adequately accommodate existing and future demand within the EBMUD's Ultimate Service Boundary. Non-potable water resources, including treated wastewater discharged to the San Francisco Bay from EBMUD and other Bay Area treatment plants, and other alternative water sources that could provide a safe and effective alternative water supply for certain non-potable purposes, increase the availability of the limited water supplies of EBMUD, generally assure non-potable water customers of a more reliable water supply during periods of drought, reduce wastewater discharges to the Bay, and provide EBMUD with greater flexibility to meet instream needs in the Mokelumne River. The State Legislature has determined that the use of potable domestic water for certain non-potable uses may constitute a waste or unreasonable use of water if recycled water is available which meets specified conditions, and meets the appropriate level of treatment (Water Code Section 13550 et seq. and the Water Quality Control Policy for Recycled Water by the State Water Resources Control Board).

#### Definitions

Non-potable Water - All reclaimed, recycled, reused, untreated, or alternative water supplies that meet the conditions set forth in the California Water Code, Section 13550, and are determined by EBMUD to be suitable for non-domestic purposes and feasible for the particular intended use.

Non-domestic Uses - For purposes of this policy, "non-domestic uses" shall mean all applications except drinking, culinary purposes and the processing of products intended for direct human consumption. Non-domestic uses include irrigation of food crops intended for human consumption, which is an allowable recycled water use with appropriate treatment to meet water quality standards.

#### Mandated Uses Of Non-potable Water

Customers may be required to use non-potable water consistent with non-potable water service regulations and non-potable/recycled water rate schedule for their non-domestic uses which may include, but are not limited to, the following:

- Irrigation of cemeteries, golf courses, playing fields, parks, residential and nonresidential landscaped areas, and food crops;
- Commercial and industrial process uses including but not limited to [cooling towers](#), vehicle, window, and sidewalk washing, construction activities, and toilet and urinal flushing in nonresidential buildings.

---

**Determination Of Feasibility Of Non-potable Water** In determining whether non-potable water is feasible for a particular non-domestic use, EBMUD shall consider the following factors:

- Whether the non-potable water may be furnished for the intended use at a reasonable cost to the customer and EBMUD.
- Whether the non-potable water is of adequate quality for the intended use.
- Whether the non-potable water is of adequate quantity for the intended use.
- Whether the use of non-potable water is consistent with all applicable federal, state, and local laws and regulations.
- Whether the use of non-potable water will not be detrimental to the public health and will not adversely affect plant life, fish and wildlife.

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**Regulations Governing Non-potable Service** The regulations and rates governing non-potable water service, including recycled water, shall be determined by the Board of Directors and published in the Regulations Governing Water Service and Schedule of Rates and Charges for Customers of East Bay Municipal Utility District.

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**Water Reuse Zones** EBMUD designates Water Reuse Zones within EBMUD's service area where non-potable water service has been determined to be reasonably available.

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**Non-potable Water Service Agreements** Where implementation of this Policy requires agreements, such agreements shall, wherever possible, have a term of 20 or more years and shall include applicable provisions governing responsibilities for planning, design and construction, and facilities operation and maintenance. Upon termination or expiration of an agreement, customers receiving non-potable water service, including recycled water, pursuant to that agreement shall be governed by the non-potable water service regulations and non-potable/recycled water rate schedule, unless a new agreement is established.

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[As amended by Resolution No. XXXXX-22, June 28, 2022](#)

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**References** Regulations Governing Water Service and Schedule of Rates and Charges for Customers of East Bay Municipal Utility District  
Policy 7.05 – Sustainability and Resilience

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# Policy 9.05

EFFECTIVE 28 JUNE 22

## NON-POTABLE WATER

SUPERSEDES 24 MAR 20

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**References**

Regulations Governing Water Service and Schedule of Rates and Charges for Customers of East Bay Municipal Utility District  
Policy 7.05 – Sustainability and Resilience



AGENDA NO. 14.  
MEETING DATE June 28, 2022

**TITLE APPOINTMENT OF DIRECTOR OF HUMAN RESOURCES**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input type="checkbox"/> MOTION	<input checked="" type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Appoint Cindy R. Charan to the position of Director of Human Resources effective August 15, 2022.

**SUMMARY**

Following a comprehensive recruitment by the District, Cindy Charan is recommended for appointment as the Director of Human Resources. This position is exempt from the civil service provisions of the Municipal Utility District Act in accordance with Section 12055(b), which excludes officers, assistant officers and other persons and employees appointed by the Board of Directors.

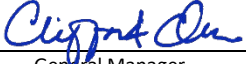
**DISCUSSION**

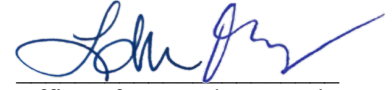
Ms. Charan is a seasoned professional with over 20 years of experience in human resources management, including labor/employee relations, talent management, succession planning, contract negotiations, health and safety, and workforce planning and development.

Ms. Charan is the current Chief of People and Leadership at the Alameda County Office of Education in Hayward where she develops and implements a human resources strategic plan, maintains a competitive approach to recruiting and assimilating high-potential talent, provides HR guidance on diversity and inclusion, oversees HR staffing, training and development, works with labor organizations to foster a positive working relationship, and leads collective bargaining and negotiations. Prior to her current role with the Alameda County Office of Education, Ms. Charan was the Human Resources Director for the San Francisco Public Utilities Commission where she managed Labor/Employee Relations, EEO/ADA matters, Recruitment, Onboarding, and Health and Wellness.

Ms. Charan has a Bachelor of Science degree in Business Management and a Masters degree in Human Resources and Organizational Development.

I:\Sec\2022 Board Related Items\062822 Board Agenda Items\HRD\Appointment of Director of Human Resources.docx

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Human Resources	Vincent L. James	 General Manager
Attachment(s): Resolution		



RESOLUTION NO. \_\_\_\_\_

APPOINTING CINDY R. CHARAN AS DIRECTOR OF HUMAN RESOURCES

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors has heretofore established the position of Director of Human Resources, and such position has been assigned a salary range under the Management Salary Plan heretofore established for District officers, assistant officers, civil service exempt and certain civil service classes; and

WHEREAS, the Director of Human Resources position is exempt from the District civil service pursuant to State of California Public Utilities Code section 12055; and

WHEREAS, the General Manager has recommended that Cindy R. Charan be appointed to serve as Director of Human Resources;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that it hereby appoints Cindy R. Charan to serve as Director of Human Resources effective August 15, 2022.

ADOPTED this 28<sup>th</sup> day of June, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM AND PROCEDURE:

\_\_\_\_\_  
General Counsel



AGENDA NO. 15.  
MEETING DATE June 28, 2022

**TITLE FISCAL YEAR 2022 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM /  
AFFIRMATIVE ACTION PROGRAM REPORT**

<b>TYPE</b>	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
<b>ACTION</b>	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

**RECOMMENDED ACTION**

Adopt the Fiscal Year 2022 (FY22) Equal Employment Opportunity Program/Affirmative Action Program (EEOP/AAP) Report.

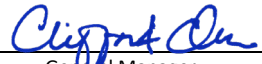
**SUMMARY**

As a federal contractor, the District is mandated by federal regulations to annually update and adopt a written EEOP/AAP Report that complies with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act, and Section 503 of the Rehabilitation Act. The EEOP/AAP report was presented at the June 14, 2022, Legislative/Human Resources Committee meeting.

**DISCUSSION**

Pursuant to federal regulations, the District annually establishes placement goals (by job group) for minorities and women. These placement goals are based on a utilization analysis comparing District incumbency to availability in the District's recruitment area. The District also analyzes its hires against a customized hiring benchmark for Protected Veterans, currently set at 3 percent for FY22, and analyzes its workforce by job group against the national utilization goal of 7 percent for qualified individuals with disabilities (IWDs). The District makes good faith efforts toward reaching its minority and/or female placement goals and evaluates the success of its outreach activities to meet the Protected Veteran hiring benchmark and IWD utilization goal. The District analyzes program effectiveness and recommends action items/action-oriented programs (AOPs) to improve performance. The FY22 EEOP/AAP Report provides a summary of workforce data and program performance for FY21, and actions items/AOPs for FY22.

While the EEOP/AAP complies with federal regulations, it is only one element of the District's efforts to achieve its strategic goal of building a high-performing, diverse, and inclusive workforce. The EEOP/AAP also supports and informs the District's Diversity, Equity, and Inclusion Strategic Plan (DEISP) Workforce Development goal to attract and retain applicants from diverse and underrepresented groups for a workforce that is equitably representative across levels and functions. The District has a

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department Office of Diversity, Equity, and Culture	Department Director or Manager Derry L. Moten	Approved  General Manager
Attachment(s): FY22 EEOP/AAP Report		

number of action items which are AOPs and are discussed in detail in the DEISP. Furthermore, the DEISP identifies more actions the District intends to take in order to enhance previous AOP efforts.

## **SUSTAINABILITY**

### **Economic**

The costs for implementing the FY22 EEOP/AAP are available in the FY22/23 adopted operating budget.

### **Social**

The EEOP/AAP supports diversity for the District's current and future generation of employees, communities, and customers.

## **ALTERNATIVE**

**Do not adopt the FY22 EEOP/AAP Report.** This alternative is not recommended because not adopting the report would be inconsistent with federal regulations.

# Equal Employment Opportunity Program/Affirmative Action Program

**FY2021 REPORT (JULY 1 2020 – JUNE 30, 2021)**  
**FY2022 GOALS (JULY 1, 2021 – JUNE 30, 2022)**

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# I. Executive Summary

EBMUD is an equal employment opportunity (EEO) employer. As a federal contractor, the District is required by federal regulations to annually update and adopt a written EEO/Affirmative Action Plan (EEO/AAP) for minorities, women, Protected Veterans, and individuals with disabilities (IWDs). Federal regulations specifically require the District to:

- Establish placement goals by job group for minorities and/or women based on the results of a statistical utilization analysis comparing District incumbency to availability.
- Establish action-oriented programs (AOPs) to address problem areas hindering the employment of minorities or women at availability rates.
- Analyze its progress and the effectiveness of its outreach efforts in reaching benchmarks for the hiring of Protected Veterans and utilization goal for IWDs.

The Board of Directors' adoption of the FY2022 EEO/AAP complies with these regulations. Furthermore, the District's EEO/AAP also serves to support the Workforce Planning goal of the District's Strategic Plan to attract and hire quality candidates that reflect the diversity of our community. The EEO/AAP also supports the District's Diversity, Equity, and Inclusion Strategic Plan (DEISP) Workforce Development goal to attract and retain applicants from diverse and underrepresented groups for a workforce that is equitably representative across levels and functions.

Of the 22 District job groups, during Fiscal Year (FY) 2021, efforts were focused on eight job groups for which the District had placement goals for minorities and/or women.

The District demonstrated an improvement over the incumbency rate for the following job groups:

- Supervising Engineering (minority)
- Electrical/Structural Maintenance (minority)
- Heavy Equipment/Truck Operators (minority)
- Technicians (women)

In addition to improving the incumbency rate, the District exceeded the placement rate for women in FY21 for Technicians. The District did not make progress on its placement goals (minority/women) for all other job groups.

The District did not make progress on its hiring rate for IWDs in FY2021, from 6.3% to 1.6%. The District did, however, improve on its Veterans' hiring rate (increasing from 1.8% to 3.1%), exceeding the 2.5% goal.

## II. Preface

### A. Background

EBMUD is a publicly-owned utility formed under the Municipal Utility District Act (MUD Act). The MUD Act, as codified by the Public Utilities Code of the State of California, authorizes the formation and governance of the District. The District has adopted a Civil Service system in accordance with the requirements of the MUD Act, Cal. Pub. Util. Code §12051. Under §12101, all employment appointments made at the District “*shall be made from lists of eligibles prepared by the general manager.*” This list of eligibles essentially becomes the pool from which the District can hire for a particular classification during the life of the list. Cal. Pub. Util. Code §12052 of the MUD Act requires the General Manager to adopt rules and regulations to carry out the provisions of the Civil Service system, which the District has done. The Civil Service rules, or portions thereof, have been incorporated into the memoranda of understanding (MOUs) of the unions contracted with the District.

The District has a federal contract, and therefore is subject to the affirmative action requirements of Executive Order 11246 (EO 11246), Section 503 of the Rehabilitation Act of 1973 as amended, (Section 503) and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), Section 4212. Because the District has \$50,000 or more in annual federal contracts, specifically the Long-Term Renewal Water Supply Contract with the Federal Bureau of Reclamation, and employs 50 or more employees, it is required to prepare an annual written equal employment opportunity program/affirmative action program (EEOP/AAP) for minorities and women, for Protected Veterans, and for individuals with disabilities (IWDs).

The District's EEOP/AAP was developed in accordance with and in reliance upon the Equal Employment Opportunity Commission's (EEOC) Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608. The EEOP/AAP, as defined under EO 11246, does not violate California's Proposition 209. Furthermore, the District does not believe any violation of Title VII of the Civil Rights Act of 1964 exists. Compliance with these laws and their implementing regulations is enforced by the Office of Federal Contract Compliance Programs (OFCCP), and failure to comply can result in debarment of the District from future contracts and subcontracts.

## ***B. Diversity, Equity, and Inclusion Strategic Plan (DEISP)***

The EBMUD Board of Directors approved the DEISP on February 22, 2022. The plan has five Strategic Pillars: Leadership Commitment, Workforce Diversity, Inclusive Culture, Supplier Diversity, and Social Responsibility. The Pillars encompass 11 goals, 36 five-year objectives, and 114 two-year actions.

## ***C. Changes from Previous EEO/AA Reports***

The District's EEO/AAP supports the District's Strategic Plan Workforce Planning goal of attracting and hiring quality candidates who reflect the diversity of our community. The DEISP's Strategic Pillar Two—Workforce Diversity, is an intentional and focused effort to attract and retain applicants from diverse and underrepresented groups to achieve and maintain a workforce that is equitably representative across levels and functions. Section G will provide further information on the DEISP Action Items/Action-Oriented Programs (AOPs).

In an effort to streamline the EEO/AAP Report (Report), the following charts/tables used by Biddle Consulting Group, Inc. (Biddle) to conduct the calculations/analyses for placement goals/identification of problem areas will be retained by the Diversity and Inclusion Office (DIO) rather than included in the Report's appendices. Data will still be maintained by the DIO as part of the administration of the District's EEO/AAP. Any charts/tables mentioned throughout the Report are available upon request to the DIO.

- Job Group Summary
- Job Group Analysis
- Internal Availability Analysis
- Availability Analysis
- Comparison of Incumbency to Availability and Placement Goals
- Summary of Personnel Transactions
- Workforce Analysis Table
- Hiring Benchmark and Utilization Goals Analyses

Data in this Report provides a retroactive snapshot of the District's progress and goals for FY2021. The DEISP will inform on current and future progress. With the development of a DEI Dashboard for the District to inform on numbers and overall progress/goals, supervisors/managers will have access to current data regarding department demographics, hiring goals, and progress on the DEISP.

The intent of this Report is for compliance purposes only. The DEISP is considered a complementary resource to the EEOP/AAP and can be referred to for additional information on our progress regarding action items/AOPs. The changes made to this Report do not impact the compliance requirements for the District and were made in consultation with Biddle, who is contracted to analyze and prepare the Report in compliance with all applicable state and federal laws and regulations for the District.

This EEOP/AAP consists of two reports:

1. Executive Order 11246 Equal Employment Opportunity/Affirmative Action Program for Minorities and Women;  
and
2. Vietnam Era Veterans' Readjustment Assistance Act and Section 503 Of the Rehabilitation Act Affirmative Action Program for Protected Veterans and Individuals with Disabilities

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## **EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)**

375 11th Street  
Oakland, CA 94607

Dun's #: 05-190-4423

Water EIN (tax) #: 94-6000590

EEO-4 #: 06505230

NAICS: 2213 Water, Sewage and Other Systems

MSA: 41860 San Francisco-Oakland-Fremont, CA

# **EXECUTIVE ORDER 11246 EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM FOR MINORITIES AND WOMEN**

July 1, 2020 – June 30, 2021

## **Equal Employment Opportunity (EEO)/Affirmative Action (AA) Contact:**

Derry Moten

Special Assistant to the General Manager for Diversity, Equity and Culture

East Bay Municipal Utility District

PO Box 24055, MS 601

Oakland, CA 94623-9979

Attn: Diversity and Inclusion Office

(510) 287-0710

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## ***A. Designation of Responsibility: 41 C.F.R. § 60-2.17(a)***

As part of the District's efforts to ensure EEO to all individuals, various staff have specific responsibilities to ensure that the EO 11246 EEO/AAP focuses on all components of the employment system. The Board of Directors, General Manager, Special Assistant to the General Manager for Diversity, Equity, and Culture, Diversity and Inclusion Officer, Director of Human Resources, supervisors and managers, and employees have undertaken the responsibilities described below.

### **1. Board of Directors (Board)**

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equitable treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal employment opportunity objectives of EBMUD (District Policy 6.04, Ethics Policy of the EBMUD Board). The Board adopts the EO 11246 EEO/AAP annually and the District's EEO policies (6.06 and 6.07), are updated and presented for adoption by the Board on a prescribed schedule.

### **2. General Manager (GM)**

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service system. Accordingly, the District's GM has the overall responsibility to implement the District's EEO/AAP and EEO policies. The GM has delegated the Civil Service system responsibilities to the Director of Human Resources. The GM has delegated the direct responsibility to implement and administer the EEO/AAP and EEO policies to the ODEC Special Assistant to the General Manager for Diversity, Equity, and Culture. The Director of Human Resources and the ODEC Special Assistant to the General Manager have the full support of and access to senior management officials.

### **3. Special Assistant to the General Manager for Diversity, Equity and Culture**

The Office of Diversity, Equity, and Culture (ODEC) Special Assistant to the General Manager is responsible for overall supervision of the EEO/AAP and EEO policies. The ODEC Special Assistant to the General Manager has delegated the EEO/AAP and EEO policies to the Diversity and Inclusion Officer. The ODEC Special Assistant to the General Manager ensures, through the Diversity and Inclusion Officer and department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of the EEO/AAP and EEO

policies is one of the elements considered in evaluating the work performance of the ODEC Special Assistant to the General Manager.

#### **4. Diversity and Inclusion Officer (D&I Officer)**

The D&I Officer provides leadership and direction in the development, implementation, and evaluation of an effective EEOP/AAP. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the EEOP/AAP and EEO policies are a basis for evaluating the D&I Officer's effective work performance. The D&I Officer's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policies, procedures, and work rules to enhance EEO and be in accordance with federal and state laws. Prepare the annual EEOP/AAP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO and AA and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure the effectiveness of the EEOP/AAP, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and EEOP/AAP are displayed properly.
- Serve as a liaison between the District and enforcement agencies.
- Serve as a liaison between the District and minority organizations, women's organizations, and community action groups concerned with the employment opportunities of minorities and women.
- Provide oversight and direction to District-sponsored Affinity Groups, Diversity Committee, and Equity Core Team, which support the DEISP initiatives.
- Keep managers/supervisors informed of the latest developments in the EEO area.

#### **5. Director of Human Resources**

The Director of Human Resources provides oversight to the divisions under their direction (Recruitment and Classification, Employee Relations, and Employee Services) and their compliance with the Civil Service system. The Director of Human Resources is responsible for ensuring appropriate resources are applied to diversifying the talent pools of all recruitments with intentional strategic effort applied to those positions identified in the EEOP/AAP.

## 6. Managers and Supervisors

Managers and supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following EEOP/AAP responsibilities:

- Monitor their work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policies.
- Familiarize themselves with District policies on discrimination and workplace harassment (Policies 6.06 and 6.07), to incorporate them into their own behavior, and to inform employees in the work unit to do the same.
- Enforce District EEO policies and adhere to them.
- Be familiar with the District's Procedure 614: Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals and be ready to assist employees (including those who do not report directly to them) who raise EEO-related complaints.
- Regard all complaints of EEO discrimination or workplace harassment seriously. Managers and supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with the EEOP/AAP and diversity programs and recruitment activities.
- Work with the D&I Officer to enhance the effectiveness of the EEOP/AAP and make good faith efforts by considering alternative methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

## 7. All District Employees

Employees at all levels are responsible for supporting the District's EEOP/AAP, as may be appropriate in the performance of their official duties, by assuring equal treatment, and equal access to service for all persons with whom they deal.

All District employees receive training and are required to adhere to the District EEO policies and encouraged to make positive contributions to creating an inclusive work environment. Employees are expected to demonstrate the District's Values of Stewardship, Integrity, Respect, and Teamwork in all aspects of their role at the District. Finally, all District employees are expected to adhere to Workforce Communications Policy 6.15, particularly in exercising

appropriate behavior in their communication with co-workers, taking the initiative to understand others and be understood, and embracing diversity of thought and ideas.

## **8. District EEO Policies**

Policy 6.06, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, hiring, placement, transfers, promotions, and training consistent with the principles of the District and in order to promote the full realization of EEO. It prohibits discrimination and workplace harassment based on race (including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals age forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and veterans status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition) pregnancy disability leave status, domestic violence victim status, political affiliation, and other protected categories.

In addition, the Policy prohibits retaliation against employees alleging discrimination and workplace harassment or involved as witnesses in a discrimination or workplace harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or workplace harassment are also protected against retaliation. Finally, it requires development and maintenance of an EEOP/AAP consistent with applicable laws, including any recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the qualified relevant labor.

Policy 6.07, Prevention of Workplace Harassment, provides for a workplace for all employees that is free from any form of workplace harassment, including sexual harassment. It affirmatively states that workplace harassment, including sexual harassment, will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging workplace harassment or involved as witnesses in a workplace harassment investigation. Employees who oppose and/or refuse to participate in workplace harassment are also protected against retaliation.

## ***B. Identification of Goals for Achieving Diversity: 41 C.F.R. § 60-2.17(b)***

### **1. Terminology Disclaimer**

The phrases “comparison of incumbency to availability,” and “problem area” appearing in this section are terms of art the District is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although the District will use the terms in good faith in connection with its EO 11246 EEOP/AAP, such use does not necessarily signify the District agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, or objectives. In addition, the establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical term used by EEO/AA planners who seek to apply good faith efforts to increase, in the future, the percentage employment of minorities and women in a workforce.

### **2. Background**

In addition to comparing incumbency to availability within job groups, EBMUD has conducted analyses to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). EBMUD will continue to monitor and update these analyses during each EEOP/AAP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the efforts described in Section D—DEISP Two-Year Actions/AOP.

#### ***i) EBMUD Demographic Data***

The District has approximately 2,000 employees. Approximately 51% are racial minorities and 49% are white/non-Hispanic.<sup>1</sup> Of the 51% of minorities, 20% self-identify as Asian, 13% Hispanic/Latino, 9% Black/African Americans, 7% “Two or more races,” just over 1% Native Hawaiian/Pacific Islanders, and just under 1% as Indigenous or American Indian/Alaskan Native.

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<sup>1</sup> Demographic data is effective June 30, 2021.

The District currently only collects sex and gender data for our workforce in terms of male and female. Approximately 74% of employees are male, and 26% are female.

## ***ii) FY2022 EEOP/AAP Goals***

In accordance with 41 C.F.R. § 60-2.17(b)(1), an analysis of minority and female utilization within each job group was accomplished by a thorough investigation of comparison of incumbency to availability. Placement goals are determined for each job group based on the current availability of minorities and/or women working in similar jobs within the District's recruitment area.

For each job group, if the occupational availability of minorities/women is significantly higher in our recruitment area compared to the District's incumbent workforce, a placement goal is established. The placement goal is always equivalent to the availability of minorities/women in our geographic recruitment area. The placement goal should not be mistaken as a quota. It is a "goal" percentage for minorities/women that the District should make good faith efforts to reach by increasing recruiting efforts to find a more diverse and qualified applicant pool.

## ***C. Definitions and Methodology for Determining Placement Goals***

### **1. Job Group Analysis: Job Titles & Placement of Incumbents in Job Groups: 41 C.F.R. §§ 60-2.12-2.13**

**Disclaimer:** *The grouping of job titles into given job groups does not suggest that the District believes the jobs so grouped are of comparable worth.*

Pursuant to 41 C.F.R. § 60-2.12, we maintain a listing of all job groups at this establishment listing each job title in each job group. Specifically, we have grouped those jobs having similar job content, wage rates and promotional opportunities.<sup>2</sup>

### **2. Availability Analysis: 41 C.F.R. § 60-2.14**

**Disclaimer:** *The comparison of incumbency to availability contained within this EEOP/AAP is required by government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with government regulations, as interpreted by government representatives. The use of certain geographic areas and sources of statistics does not indicate the District's agreement that the*

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<sup>2</sup> Job Group Summary table is retained by the DIO.



*geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this EEOP/AAP. Such statistics and geographic areas will be used, however, in total good faith with respect to this EEOP/AAP.*

"Availability" is an estimate of the proportion of each gender and racial group available and qualified for employment at the District for a given job group in the relevant labor market during the life of the EEOP/AAP. Availability indicates the approximate level at which each racial and gender group could reasonably be expected to be represented in a job group if the District's employment decisions are being made without regard to gender, race, or ethnic origin. Availability estimates, therefore, are a way of translating EEO into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for problem groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment,<sup>3</sup> identify problem areas or areas of deficiency, and establish goals to correct the problems.

### **3. Steps in Comparison of Incumbency to Availability**

#### ***i) Identify Availability Factors***

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the 2010 5-year EEO Tabulation, which is based on the 2006–2010 American Community Survey from the U.S. Census Bureau.<sup>4</sup>
  - a. Local Labor Area: An applicant/employee Zip Code Analysis was used to identify the most precise local labor area for EBMUD. The final local labor area met the following two conditions:
    - i. It includes all counties/county sets where 5% or more of the employees/applicants resided, and
    - ii. When summed, those counties/county sets accounted for at least 78% of the total applicants/employees within the at-issue workforce. Smaller

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<sup>3</sup> Job Group Analysis table is retained by the DIO.

<sup>4</sup> The OFCCP did not require the use of new Census data until January 2022. The 2014-2018 EEO Tabulation will be used for the FY23 EEOP/AAP.

contributing counties/county sets are removed (i.e., trimmed) unless they are necessary to reach 78%.

Once trimmed, the weights for the remaining counties/county sets were proportionately increased to reach 100%.

- b. Reasonable Labor Area: California and/or National depending on the job group.
2. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the District's organization.<sup>5</sup>

#### **ii) Identify Final Availability**

1. Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights; specifically, internal and external job posting trends were used. Weights are never assigned in an effort to hide or reduce problem areas.
2. Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each gender and race/ethnic group, as well as for minorities in the aggregate.<sup>6</sup>

#### **4. Placement Goals Analysis: 41 C.F.R. §§ 60-2.15-2.16**

Once final availability estimates were made for each job group, the District compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of June 30, 2021, and that group's final availability percentage.

**Disclaimer:** *The establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical term used by EEO/AA planners who seek to apply good faith efforts to increase in the future the percentage employment of minorities and women in a workforce.*

The District has established an annual percentage placement goal whenever it found that minority or female representation within a job group was less than would reasonably be

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<sup>5</sup> *Internal Availability Analysis* is retained by the DIO.

<sup>6</sup> *Availability Analysis* for the availability breakdown for each job group is retained by the DIO. In most cases, the final availability report (and most other technical reports in this EEOP/AAP) only include data/information for females and minorities in the aggregate.

expected given their availability. Biddle used the Exact Binomial Test to determine placement goals. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group.

Goals are not rigid inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying good faith efforts to make the entire EEOP/AAP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs. Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that the District hire a specified number of minorities or women.<sup>7</sup>

***i) Figure 1: FY2021 EBMUD Placement Goals***

Job Group	Minority Placement Goal	Female Placement Goal
Supervising Engineering	X	
Electrical/Structural Maintenance	X	X
Pipeline Maintenance	X	
Mechanical Maintenance	X	X
Rangers	X	
Heavy Equipment/Truck Operators	X	
Service Maintenance	X	
Technicians		X
<b>Total Goal Areas</b>	<b>7</b>	<b>3</b>

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<sup>7</sup> Comparison of Incumbency to Availability and Placement Goals table for each job group is available upon request to the DIO.

**ii) Figure 2: FY2021 EEOP/AAP Minority Placement Goals Progress Summary**

Job Group	FY2021 Minority Placement Rate (Goal)*	Minority Incumbency 6/30/21 (%)	FY2019 Actual Minority Placement Rate (%)	FY2020 Actual Minority Placement Rate (%)	FY2021 Actual Minority Placement Rate (%)
Supervising Engineering	56.3%	13/44 = 29.5%	2/5 = 40.0%	2/3 = 66.7%	4/10 = 40.0%
Electrical/Structural Maintenance	52.7%	32/107 = 29.9%	2/6 = 33.3%	3/7 = 42.9%	4/12 = 33.3%
Pipeline Maintenance	61.2%	95/201 = 47.3%	10/20 = 50.0%	10/19 = 52.6%	9/27 = 33.3%
Mechanical Maintenance	53.4%	58/159 = 36.5%	9/18 = 50.0%	5/12 = 41.7%	7/21 = 33.3%
Rangers	55.6%	5/31 = 16.1%	0/0 = N/A	0/0 = N/A	0/0 = N/A
Heavy Equipment/ Truck Operators	54.3%	54/126 = 42.9%	12/21 = 57.1%	10/24 = 41.7%	9/20 = 45.0%
Service Maintenance	71.8%	48/94 = 51.1%	17/22 = 77.3%	11/24 = 45.8%	6/14 = 42.9%
*Placement goals are established within each of the job groups at no less than the availability data for the job group					

- **Supervising Engineering:** The District had a placement rate for minorities that demonstrated an improvement over our incumbency rate but fell short of the overall placement rate goal. In addition, it should be noted that Asians are still underrepresented at the District compared to the demographics of our workforce recruitment area.
- **Electrical/Structural Maintenance:** The District had placement rates for minorities that demonstrated an improvement over our incumbency rate but fell short of the overall placement rate goal.
- **Pipeline Maintenance:** The District had placement rates for minorities that fell short of the overall placement rate goal.
- **Mechanical Maintenance:** The District had placement rates for minorities that fell short of the overall placement rate goal.
- **Rangers:** The District did not have any placements in FY2021; therefore, there was no opportunity to make progress on this placement goal. For years, the District has been unable to make progress on its minority placement goal for the Ranger job group. The primary reason is that there have been no selections during the past three years.

- **Heavy Equipment/Truck Drivers:** The District had placement rates for minorities that demonstrated an improvement over our incumbency rate but fell short of the overall placement rate goal.
- **Service Maintenance:** The District had placement rates for minorities that fell short of the overall placement rate goal.

***iii) Figure 3: Disaggregated Minority Placement Goals <sup>8</sup>***

For many of the job groups with “overall minority” goals, although there are not statistically significant disparities for every racial minority, the District’s diversity recruitment efforts will include outreach to all minorities. The District will also consider opportunities for outreach targeted to specific minority groups whenever:

- There are statistically significant disparities for that minority group in one or more job groups.
- There is a trend of declining incumbency representation for that minority group at the District.
- The minority group is significantly underrepresented in the relevant occupations/professions in the broader workforce outside of EBMUD (i.e. when there is low external availability) due to historical, external, and/or systemic barriers. This is especially true of African American participation in water/wastewater technical trades.

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<sup>8</sup> Number of goals areas/shortfalls per Job Group for each race group.

Job Group	Overall Minority	Hispanic/Latino	Asian	Native American	African American	Native Hawaiian or Pacific Islander	Two or More Races
Rangers	X	X					
Water Distribution Plumbing & Maintenance	X	X					
Heavy Equipment/ Truck Operators	X	X	X				
Electrical/ Structural Workers	X	X					
Mechanical Maintenance	X	X					
Service Maintenance	X	X					
Supervising Engineering	X		X				
General Clerical		X					
Customer Service		X					
Plant Operators Lead/Supervisors		X					
Plant Operators				X			
Total Goal Areas	7	9	2	1	0	0	0

Historically, the District has only considered placement goals for “overall minorities.” However, disaggregating our placements by minority subgroups (as demonstrated in the table above) allows for a more complete analysis of affirmative action issues and considerations. In this table, Hispanic/Latino stands out immediately as the minority subgroup with the most significant concern. Six out of the seven job groups with overall minority placement goals, also have a placement goal for Hispanic/Latino. The exception is the Supervising Engineering job group, for which Asians have their own specific placement goal.

There are also four job areas that will be targeted for placement goals for specific minority subgroups even though these job groups do not have goals for minorities overall. This means higher incumbency rates for other minority groups in each of these job groups may be masking the underrepresentation of Hispanic/Latinos and Native Americans in these areas. The District has a placement goal for Native American Plant Operators, and Hispanic/Latino placement goals for three job groups: General Clerical, Customer Service, and Plant Operator Leads/Supervisors.

This DEISP contains action items for the District to develop customized approaches for each minority group and across our various workforce recruitment areas.

**iv) Figure 4: FY2021 EEOP/AAP Female Placement Goals Progress Summary**

Job Group	FY2021 Female Placement Rate (Goal)	Female Incumbency (%)	FY2019 Actual Female Placement Rate (%)	FY2020 Actual Female Placement Rate (%)	FY2021 Actual Female Placement Rate (%)
Electrical/Structural Maintenance	8.6%	3/107 = 2.8%	0/6 = 0.0%	0/7 = 0.0%	0/12 = 0.0%
Mechanical Maintenance	4.5%	1/159 = 0.6%	N/A	N/A	0/21 = 0.0%
Technicians	34.5%	5/29 = 17.2%	N/A	N/A	2/5 = 40.0%

- **Electrical/Structural Maintenance:** The District did not have any female placements in FY2019, FY2020, or FY2021.
- **Mechanical Maintenance (added in FY2021):** The District did not have any female placements in FY2019, FY2020, or FY2021.
- **Technicians (added in FY2021):** The District had a placement rate for females in FY2021 (40.0%) that demonstrated both an improvement over the incumbency rate (17.2%) and exceeded the placement rate goal (34.5%).

**v) Figure 5: FY2022 EBMUD Placement Goals**

Job Group	Minority Placement Goal	Female Placement Goal
Supervising Engineering	X	
Electrical/Structural Maintenance	X	X
Pipeline Maintenance	X	
Mechanical Maintenance	X	X
Rangers	X	
Heavy Equipment/Truck Operators	X	
Service Maintenance	X	
Total Goal Areas	7	2

In FY2022, the District had nine placement goals where the incumbency of minorities and/or females within the group was statistically significantly below the availability in the recruitment area. Seven of the nine goals were for minority placements and two were for female placements. The EEOP/AAP Report for FY2022 will be presented to the Board in FY2023.

## 5. Diversity Analysis

### ***i) Personnel Activity: 41 C.F.R. § 60-2.17(b)(2)***

Applicant flows, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between males/females and whites/minorities was accomplished by a thorough examination of transaction data and/or by cohort analysis. Per Biddle, the statistical analysis they perform, “*determines whether chance or something other than chance caused the hiring, promotional, and/or retention rates of the disadvantaged group (e.g., females) to be less than the group with the highest rate (e.g., males).*”

Past analyses of promotion and selection data in previous years, identified the following barriers in various instances:

- Applicant Pool Diversity: Insufficient representation of minorities and/or females in applicant pools (i.e., below availability).
- Test Information: Posting information about testing categories in advance of the written and/or performance exams may help candidates be better prepared.
- Pass Point: Pass points for job-related Time and Experience (T&E) reviews or tests (written or performance) significantly screening out or eliminating minorities.
- Interview Band Diversity: Insufficient representation of minorities in an interview/hire band.<sup>9</sup>
- Five Ranks Rule: Insufficient representation of minorities in a hiring interview pool due to the Five Ranks Rule.<sup>10</sup>
- Passage of Time: Insufficient availability of minorities on an eligible list due to passage of time. The diversity of some of the District’s eligible lists has been noted to decrease over time as candidates tend to lose interest the longer it takes to receive an employment offer.

The District has planned and/or implemented numerous DEISP action items/AOPs to address these barriers.<sup>11</sup>

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<sup>9</sup> e.g., Water Distribution Plumber I candidates passing the performance exam and interview are placed on the eligible list and hired in rank order. However, the hiring list often has an insufficient representation of minority candidates due to minority candidates being hired in previous years, declining an offer, or being unreachable.

<sup>10</sup> Rule XIII in the Civil Service rules, and language in the Memoranda of Understanding between the District and Unions. Memorandum of Understanding with Local 2019 has a Rule of 3.

<sup>11</sup> *Summary of Personnel Transactions Report* for each job group is retained by the DIO.



## ***ii) Workforce by Organizational Unit: 41 C.F.R. § 60-2.17(b)(1)***

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of the Workforce Analysis table.<sup>12</sup> An analysis of the incumbency of minorities and females within each organizational unit was also compared to the overall incumbency of these demographics across the District as a whole.

## ***D. DEISP Action Items/Action-Oriented Programs: 41 C.F.R. § 60-2.17(c)***

Action-Oriented Programs (AOPs) refers to programs intended to address any problem areas identified in the analysis of the employment process and demonstrate good faith efforts to attain established goals and objectives, remove identified barriers, and expand employment opportunities. The District currently has a number of existing programs and initiatives which are AOPs and are discussed in detail in the DEISP. Further, the DEISP identifies more actions the District intends to take in order to enhance previous AOP efforts.

Currently, the District has ongoing AOPs, including coordinating the Engineering Aide program and high school summer internship programs annually, implementing targeted outreach and community partnership development for recruitment efforts, collaborating with BAYWORK and California Urban Water Agencies (CUWA) on regional industry recruitment strategies, leveraging the employee Affinity Groups, Equity Core Team (including pilot projects), and the Diversity Committee as outreach ambassadors and partners for recruitment and hiring; and providing support and guidance to hiring managers.

### **1. DEISP Objectives**

The following are some of our DEISP objectives which are AOPs that expand upon current District efforts. For more information about these or other objectives, please refer to the DEISP, which is available upon request to the DIO or via the District's intranet (Splashpad).

#### ***i) Hiring and Recruitment Pilot Project (DEISP Objective 4.1)***

- Equity Core Team will implement the Equity Toolkit six-step process to identify hiring and recruitment systemic inequities.

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<sup>12</sup> Workforce Analysis table is retained by the DIO

***ii) Diversify Recruiting, Outreach, and Marketing Efforts (DEISP Objective 4.2)***

- Develop and enhance recruiting partnerships with a variety of external community partners and education institutions.
- Engage a diverse pool of current and retired employees in storytelling to brand EBMUD as a destination employer.
- Enhance social media outreach and explore other avenues of publicizing recruitments.

***iii) Learning and Knowledge Building (DEISP Objective 4.3)***

- Develop a system of DEI trainings and reminders that is embedded into every hiring and recruitment process.
- Include DEI training and messaging as a featured component of new employee orientation and onboarding.
- Develop a DEI Recruitment, Hiring, and Onboarding Toolkit.
- Evaluate the quality and efficacy of training courses through surveys and stakeholder consultations.

***iv) Cultural Competence and Emotional Intelligence in Hiring (DEISP Objective 4.4)***

- Establish DEI awareness, cultural competency, emotional intelligence, and growth mindset, as required managerial competencies in all job descriptions and recruitment materials.
- Develop DEI-informed interview, reference, and supplemental questions to assess a candidate's ability to apply culturally competent and emotionally intelligent practices at work.

***v) Continuous Improvement (DEISP Objective 4.5)***

- Apply an equity lens and quality improvement principles in the review of policies, procedures, and practices.
- Clearly communicate EBMUD efforts and commitments to advancing DEI in our workforce.
- Conduct an external organizational assessment to review HR policies, processes, systems, delivery of services, and organizational structure.
- Develop a process that encourages candidates to correct and/or provide additional information about their minimum qualifications before their candidacy is formally eliminated from further consideration.

***vi) Expand Entry-Level Career Opportunities (DEISP Objective 4.6)***

- Assess opportunities for expanded internships and trainee positions within each District department.
- Develop and implement a budget, project plan, and timeline and for each new/expanded internship/trainee program.
- Develop an ongoing series of work-based learning events and/or programs to encourage diverse candidates to pursue District careers (e.g., facility/site visits, informational interviews, job shadowing, mentorship).

***vii) Promotion and Retention Pilot Project (DEISP Objective 5.1)***

- Equity Core Team will implement the Equity Toolkit six-step process to identify promotion and retention systemic inequities.

***viii) Improve and Expand Equitable Access to Professional Development Resources and Opportunities (DEISP Objective 5.2)***

- Develop a job shadowing and mentoring program.
- Improve access to District career ladder information.
- Provide “Career Conversations” sessions – career development events with opportunities for employees to better understand District career opportunities.
- Offer more professional development opportunities for individual contributors.
- Explore options to expand the Educational Assistance Program to go beyond the Tuition Reimbursement Program.

***ix) Workforce Planning and Development (DEISP Objective 5.3)***

- Conduct an analysis of the District’s future employment needs and create workforce plans to address needs.
- Identify classifications with limited career paths and evaluate systematic options for expanded career mobility opportunities (e.g., professional development, career pathways, work out-of-class assignments, etc.).
- Review practices for evaluating minimum qualifications.
- Implement Leadership Academies (group development) to cultivate pools of potential candidates for future leadership opportunities.

#### ***x) Succession Planning (DEISP Objective 5.4)***

- Conduct an environmental scan to anticipate the future state of the District in the next 2-4 years (e.g., drought impacts, workforce changes, process improvements, organizational culture).
- Identify and document key competencies and skills needed in the future state of the organization.
- Conduct a risk analysis of key positions likely to be impacted.
- Design development programming to support employee preparation.

In summary, the District will continue to implement the DEISP, which will involve coordination of pilot projects around improvements in the District Civil Service processes, partnering with workforce training programs, and coordinated community outreach. Additionally, the District will implement targeted recruitment outreach efforts for all District job groups that fall within the bottom third for incumbency rate of women or overall minorities.

## **2. Recruitment Actions**

### ***i) Community/Educational Partnerships***

EBMUD values its partnerships with local organizations and educational institutions and continues to leverage them in our recruitment efforts, including the following:

1. Partner with minority and women's organizations for referrals. The following are the number of organizations that receive the full list of open recruitments every week.<sup>13</sup>

**Figure 6: Recruitment/Outreach Community Partners - 178<sup>14</sup>**

Number of Organizations	Diversity Focus
33	Minority
24	Women
29	Veteran
38	Individuals with Disabilities (IWD)
60	General Diversity

2. Coordinate various outreach and information-sharing sessions with representatives from diverse community groups throughout our regional recruitment areas. These

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<sup>13</sup> Note that while 178 organizations receive a weekly update, EBMUD engages with more than 178 organizations on recruitment.

<sup>14</sup> The full list of organizations and their diversity outreach focus is retained by the DIO.

sessions included presentations by diverse District employees (including minorities and females), who provided information about current and future job openings, as well as the District's selection process. EBMUD has also made classification descriptions, worker specifications and recruiting literature available to these representatives by email or online.

3. Recruit at several local colleges and universities, including targeting community colleges and universities based in part on the high-level of diversity of their student body and with a focus on reaching diversity-focused student organizations.

### ***ii) Internship Programs***

The District offers opportunities for temporary positions in order for employees to gain relevant work experience, including continuing to offer the following:

1. Summer internships, with an emphasis on reaching students at diverse high schools in its service area to help develop a pipeline of future talent.
2. Internships and training programs in the trades for diverse student populations at community colleges and/or community training programs. Such internships are tied to upcoming job openings (thus not on a set schedule) in related classifications and will be developed for other EEO/AA-related job classifications. Classifications/job groups include:
  - a. Instrument Worker II and Electrical Worker II
  - b. Electrical/Structural Maintenance job group
  - c. Machining and Maintenance Worker II
  - d. Plant Maintenance Worker II
  - e. Mechanical Maintenance Worker/Mechanical Maintenance II

### ***iii) Other Strategic Tactics***

The District has adopted and continues to implement the following actions to increase recruitment efforts:

1. Develop and implement targeted outreach and advertising strategies for high-volume classifications with EEO/AA placement goals, and for the Engineering Aide and other internship programs.
2. Provide technical and strategic guidance and support to hiring managers recruiting for classifications with EEO/AA placement goals. Focus has been around implementing EEO/AA best practices in recruitment and selection processes.

3. Actively encourage minority and female employees to refer applicants.
4. Include minorities and women on its Employee Relations; Recruitment & Classification; and Office of Diversity, Equity, and Culture staff.
5. Encourage minority and female employees to attend, serve and/or participate in career events, youth (and educator) career awareness efforts, and related outreach activities in the community, to represent and highlight staffing diversity at EBMUD.
6. Advertise on a regular basis in Employment/Career Center/Jobs sections of minority and women's interest media.
7. Ensure job advertisements always carry the District's EEO in hiring clause.
8. Include minority and female members of the workforce in recruiting brochures which pictorially present work situations.
9. Participate in job fairs/career events on a regular and ongoing basis.

#### ***iv) Job Specifications/Selection Process***

The District ensures that diversity is considered in the selection process by continuing the following:

1. Develop and update classification descriptions that accurately reflect classification functions and are consistent for the same classification across locations.
2. Develop and update classification or worker specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. The District will continue to develop specifications that are free from bias with regard to age, race, color, sex, gender identity, sexual orientation, religion, national origin, disability or veteran status.
3. Approved classification specifications and worker specifications continue to be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
4. Use only worker specifications that include job-related criteria.
5. Ensure that raters for Time and Experience (T&E) review, performance exams, oral exams, and panel interviews are diverse in ethnicity and gender.
6. Ensure that more than one rater is involved in hiring interviews and the panel is diverse in ethnicity and gender.
7. Explore partnerships for training/education, curriculum development, recruitment, and test prep services.
8. Preparation and submittal of written justifications for all promotions and hires from hiring managers to HR in compliance with HR requirements.

## ***v) Internal Job Advancement***

1. Posting of Promotional Opportunities: The District continues to post or announce promotional opportunities in accordance with Civil Service rules.
2. Peralta College District Cohort Program: The District continues to offer this program focused on general education and construction management classes. The second two-year cohort began in Fall 2019. Classes have continued online during COVID-19 restrictions on in-person meetings in FY2020 and FY2021. Cohort 3 will kick off with an open house on May 11, 2022 and class will begin August 2022.
3. Career Counseling Programs: The District continues to provide individual and group career counseling programs including coaching on communication skills, managing conflict, and career development and education; job rotation, coaching/mentoring, and similar programs.
4. Mentoring Programs: The District continues to partner with employee Affinity Groups, including Black Employee Network (BEN) and Asian Pacific Employee Association (APEA), to offer mentorship for District employees connected to those groups.
5. Performance Plan and Appraisal Procedure: The District continues to use our standardized procedure for the annual performance review of all employees.
6. Employee Training: Employees can choose training courses through the Training Schedule and include them in their career development plan.
  - a. Manager and Supervisor Training (MAST) Program: The District MAST program includes two tiers of training to better prepare employees for promotional opportunities:
    - i. Tier 1 – Leading People and Performance (for supervisors, foremen, and leads).
    - ii. Tier 2 – Leading Processes and for Outcomes (for managers, superintendents, and process leaders).
  - b. Emotional Intelligence and Cultural Competence: This training gives participants the ability to understand people of different cultures and/or backgrounds, where they develop an awareness of their own behavior, and adjust their behaviors based on their understanding of that culture. Participants learn about different types of biases, and gain awareness about some of their own biases when working with others. Finally, they gain best practices regarding respectful and professional behavior in diverse environments, including giving and receiving feedback. The participant will learn how to apply these skills when working with

others and learn about the District's guidance with regard to work-related communications.

- c. Microsoft Office Software Training: The District continues to offer this training for employees interested in improving their computer skills. These classes provide instruction for employees who self-identify as beginner, intermediate, or advanced in their abilities.
7. Tuition Reimbursement Program: This program is offered to all employees who wish to improve their job skills and performance, and to pursue promotions. The current maximum amount approved this fiscal year is \$3,500 per employee. During FY20 through FY22, this program was adapted as part of the District's COVID-19 response to allow employees to take classes during work hours with prior supervisor approval. Additionally, the Tuition Advancement pilot (in effect since FY2019) provides advanced payment of tuition for employees in the Peralta College District on-site cohort program.

#### ***vi) Inclusive Work Environment***

1. District-Sponsored Cultural, Social, and Recreational Activities: The District continues to actively encourage all employees to participate in these activities across our various facilities.
2. Sexual Harassment Prevention Training: In accordance the SB 1343 legislation, the District continues to provide training in this area. All employees are required to complete a minimum of one hour of training and supervisors a minimum of two hours training on a two-year cycle.
3. Inclusive Leadership Forums: These forums feature panels, interviews, and discussions on methods to increase teamwork and productivity through inclusive leadership practices. Forums create a space for ongoing discussions to provide leaders with resources and tools to build and maintain an inclusive workplace. Forums typically take place several times a year, and each Forum covers different topics and issues related to inclusive leadership.
4. Inclusive Language Guide (ILG): The ILG is currently under development. Inclusive work experiences start with inclusive language. Language is our primary form of communication, and it has the power to include, empower, alienate, and offend. Inclusive language is about respect and honoring our diverse identities and life experiences. Language that is inclusive affirms our humanity and allows everyone to be seen as they want to be seen. The ILG is a way for District employees to apply an equity lens to the way we communicate in the workplace.



5. DEISP Strategic Pillar 3 – Inclusive Culture: This pillar in the DEISP outlines action items regarding how to build an inclusive culture. For more information about these inclusive action items, please refer to the DEISP, which is available upon request to the DIO or via the District’s intranet (Splashpad).

## ***E. Design and Implementation of Internal Audit and Reporting Systems: 41 C.F.R. § 60-2.17(d)***

The D&I Officer is responsible for implementing the auditing and reporting system. The District’s auditing and reporting system measures the effectiveness of its total EEOP/AAP. In partnership with Human Resources, Information Systems, and Employee and Organizational Development, the D&I Officer periodically monitors this system. The reporting and auditing system provides for:

1. Accurate and up-to-date records on all referrals, applicants, hires, promotions, transfers and terminations by race and gender to ensure that all employees are treated on a fair and equitable basis.
2. Regular reports to HR from hiring managers on all hires and promotions.
3. Recruitment reports on a scheduled basis reflecting the degree to which EEO and organizational objectives are attained.
4. Review of selections, promotions, and training to ensure that they are nondiscriminatory.
5. Review of report results with management, advising top management of program effectiveness and submitting recommendations to improve unsatisfactory performance.

## ***F. Organizational Profile: 41 C.F.R. § 60-2.11***

Pursuant to 41 C.F.R. § 60-2.11, EBMUD conducted a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data was collected from payroll records dated June 30, 2021. Job titles are listed by organizational unit.

Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles. For each job title, EBMUD identified the total number of employees, the number of male and female employees, the total number of minority employees, the male and female minority employees, the total number of employees who are White, Black, Hispanic, Asian, American Indian or Alaskan Native, Native

Hawaiian or Pacific Islander, and Two or More races, and the male and female employees within each of these race/ethnic groups.<sup>15</sup>

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<sup>15</sup> *Workforce Analysis* table is retained by the DIO.

## **EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)**

375 11th Street  
Oakland, CA 94607

Dun's #: 05-190-4423  
Water EIN (tax) #: 94-6000590  
EEO-4 #: 06505230  
NAICS: 2213 Water, Sewage and Other Systems  
MSA: 41860 San Francisco-Oakland-Fremont, CA

## **VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT (VEVRAA) AND SECTION 503 OF THE REHABILITATION ACT EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM FOR PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES**

July 1, 2020 – June 30, 2021

Contractor Facility

### **Equal Employment Opportunity (EEO)/Affirmative Action (AA) Contact:**

Derry Moten  
Special Assistant to the General Manager for Diversity, Equity and Culture  
East Bay Municipal Utility District  
PO Box 24055, MS 601  
Oakland, CA 94623-9979  
Attn: Diversity and Inclusion Office  
(510) 287-0710

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## ***A. Policy Statement: 41 C.F.R. §§ 60-300.44(a); 60-741.44(a)***

It is the policy of the District that equal employment opportunity (EEO) be provided in the employment and advancement for all persons regardless of race (i.e. racial characteristics including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals forty or older, national origin, ancestry, disability (mental and physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and veterans status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition), pregnancy disability leave status, domestic violence victim status, political affiliation, or any other status protected by federal, state and/or local laws, at all levels of employment, including the executive level. The District does not and will not discriminate against any applicant or employee on the bases of any of the aforementioned protected categories, in regard to any position for which the applicant or employee is qualified.

In addition, the District is committed to a policy of taking affirmative action to employ and advance in employment qualified employees/applicants who are protected veterans (Protected Veterans) and/or individuals with disabilities (IWDs). Such affirmative action shall apply to all employment practices, including, but not limited to hiring, promotion, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. The District will make every effort to provide reasonable accommodations to any physical and mental limitations of IWDs and to disabled Protected Veterans.

Employees and applicants shall not be subjected to workplace harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any activity protected by state, federal or local anti-discrimination laws including the following activities:

- Filing a complaint;
- Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans (Protected Veterans) or Section 503 of the Rehabilitation

Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;

- Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state, or local law requiring equal opportunity for Protected Veterans or Section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or
- Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

The District obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of the protected categories. The District's EEO policies and EEO/affirmative action (AA) obligations include the full support from EBMUD's General Manager and are set forth in Accommodations for Individuals with Disabilities in the Workplace Policy 2.02, Equal Employment Opportunity Policy 6.06, and Prevention of Workplace Harassment Policy 6.07.

The District will also continually design and implement audit and reporting systems that will measure the effectiveness and the compliance of the VEVRAA and Section 503 AAP, identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in District-sponsored activities were extended to all employees and applicants.

The District is also committed to abiding with the Pay Transparency Nondiscrimination Provisions and therefore, will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The District's employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer; or (c) consistent with the District's legal duty to furnish the information.

If you have any questions regarding our EEO policies (6.06, 6.07), the complaint procedure (Procedure 614), or the EEOP/AAP you may contact the Diversity and Inclusion Office (DIO).

## ***B. Responsibility for Implementation: 41 C.F.R. §§ 60-300.44(i); 60-741.44(i)***

As part of its efforts to ensure EEO to Protected Veterans and IWDs, the District has designated specific responsibilities to various staff to ensure the EEO/AAP focuses on all components of the employment system. To that end, the General Manager, ODEC Special Assistant to the General Manager, Diversity and Inclusion Officer, Director of HR, HR Regulatory Administrator, Manager of Risk Management, and those employed as supervisors and managers have undertaken the responsibilities described below.

### **1. Board of Directors (Board)**

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal employment opportunity objectives of EBMUD (District Policy 6.04, Ethics Policy of the EBMUD Board of Directors). The Board adopts the VEVRAA and Section 503 AAP annually and EEO policies 2.02, 6.06, and 6.07 are updated and presented for adoption by the Board on a prescribed schedule.

### **2. General Manager (GM)**

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service system. Accordingly, the District's GM has the overall responsibility to implement the District EEO/AAP and EEO policies. The GM has delegated the Civil Service system responsibilities to the Director of Human Resources. The GM has delegated the direct responsibility to implement and administer the EEO/AAP and EEO policies to the ODEC Special Assistant to the General Manager for Diversity, Equity, and Culture. The Director of Human Resources and the ODEC Special Assistant to the General Manager have the full support of and access to senior management officials.

### **3. ODEC Special Assistant to the General Manager for Diversity, Equity and Culture**

The ODEC Special Assistant to the General Manager is responsible for overall supervision of the EEO/AAP and EEO policies. The ODEC Special Assistant to the General Manager has delegated the EEO/AAP and EEO policies to the Diversity and Inclusion (D&I) Officer. The ODEC Special

Assistant to the General Manager ensures, through the D&I Officer, department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of the EEOP/AAP and EEO policies is one of the elements considered in evaluating the ODEC Special Assistant to the General Manager's effective work performance.

#### **4. Diversity and Inclusion Officer (D&I Officer)**

The D&I Officer provides leadership and direction in the development, implementation, and evaluation of an effective EEOP/AAP. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the EEOP/AAP and EEO policies are a basis for evaluating the D&I Officer's effective work performance. The D&I Officer's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policies, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare annual EEOP/AAP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO and AA and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure effectiveness of the EEOP/AAP, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and EEOP/AAP are displayed properly.
- Conduct audits to ensure that the Invitation to Self-Identify (pre- and post-offer) for Protected Veterans and IWDs, the District's EEO, and EEOP/AAP policies are being utilized appropriately and thoroughly communicated.
- Ensure that employees are re-surveyed regarding their disability status every five years and send out reminders to employees, at least once during the five-year intervals, that they may voluntarily update their disability status at any time.
- Serve as a liaison between the District and enforcement agencies.
- Provide oversight and direction to District-sponsored Affinity Groups, Diversity Committee, and Equity Core Team, which support the DEISP initiatives.
- Keep managers informed of the latest developments in the EEO area.



## 5. Director of Human Resources

The Director of Human Resources provides oversight to the divisions under their direction (Recruitment and Classification, Employee Relations, and Employee Services) and their compliance with the Civil Service system. The Director of Human Resources is responsible for ensuring appropriate resources are applied to diversifying the talent pools of all recruitments with intentional strategic effort applied to those positions identified in the EEOP/AAP.

## 6. Human Resources Regulatory Administrator and Manager of Risk Management

The HR Regulatory Administrator (HRRRA) acts as the District's Americans with Disabilities Act (ADA) Compliance Officer. The HRRRA responds to requests for reasonable accommodation of physical or mental disabilities covered under ADA and Fair Employment and Housing Act (FEHA). The Manager of Risk Management responds to requests for reasonable accommodations of physical or mental disabilities covered under ADAAA and FEHA when a claim originates with a worker compensation injury.

## 7. Managers and Supervisors

Supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following EEOP/AAP responsibilities:

- Monitor their work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policies.
- Familiarize themselves with the District's policies on discrimination and harassment (Policies 6.06 and 6.07), to incorporate them into his or her own behavior, and to inform employees in the work unit to do the same.
- Enforce District EEO policies as well as adhere to it.
- Be familiar with the District's Procedure on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals (Procedure 614) and be ready to assist employees (including those who do not report directly to them) who raised EEO-related complaints.
- Regard all complaints of EEO discrimination or harassment seriously. Managers/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with EEOP/AAP and diversity programs and recruitment activities.

- Work with the D&I Officer to enhance the effectiveness of the EEOP/AAP and make good faith efforts by considering alternative methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

## 8. All District Employees

Employees at all levels are responsible for supporting the District's EEOP/AAP, as may be appropriate in the performance of their official duties, by assuring equal treatment, and equal access to service for all persons with whom they deal.

All District employees are required to adhere to the District's EEO policies and encouraged to make positive contributions to creating an inclusive work environment. Employees are expected to demonstrate the District's Values of Stewardship, Integrity, Respect, and Teamwork in all aspects of their role at the District. Finally, all District employees are expected to adhere to Workforce Communications Policy 6.15, particularly in exercising appropriate behavior in their communication with co-workers, taking the initiative to understand others and be understood, and embracing diversity of thought and ideas.

### ***C. Review of Personnel Processes: 41 C.F.R. §§ 60-300.44(b); 60-741.44(b)***

To ensure that all personnel activities are conducted in a job-related manner which provides and promotes EEO for all known Protected Veterans and employees and applicants with disabilities, reviews are periodically made of the District's examination and selection methods to identify barriers to employment, training, and promotion.

1. The District reviews its recruitment processes before it announces an examination to establish an open and/or internal eligible list for a classification. It ensures there are no barriers to the consideration of Protected Veterans and IWDs. To determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known Protected Veterans and IWDs, both applicants and employees. In determining the qualifications of a Protected Veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.

2. The District ensures that its personnel processes do not stereotype IWDs or Protected Veterans in a manner which limits their access to jobs for which they are qualified.
3. The District ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies. The District uses an online application system to accept applications for employment and potential applicants with disabilities either can use the system or can apply in a timely manner through alternative means such as a paper application.
4. The District provides reasonable accommodations to applicants and employees with disabilities to ensure that EEO is extended in the operation of its personnel processes unless such accommodations will cause undue hardship to the District.

#### ***D. Audit and Reporting System: 41 C.F.R. §§ 60-300.44(h); 60-741.44(h)***

In partnership with the Human Resources, Information Systems, and Employee and Organizational Development, the D&I Officer is responsible for implementing the auditing and reporting system. The District has developed and currently implements an audit and reporting system that addresses the following:

1. Measures the effectiveness of the District's overall EEO/AAP and whether the District is in compliance with specific obligations.
2. Indicates the need for remedial action. Any corrective actions will be the responsibility of the subject matter manager with oversight by the D&I Officer and the Director of HR.
3. Measures the degree to which the District's objectives are being met.
4. Considers whether there are any undue hurdles for Protected Veterans and IWDs regarding District-sponsored educational, training, recreational, and social activities. This will also include, but not be limited to, the review of the online and electronic application system to determine its accessibility and ensure that procedures to request accommodations are displayed and that individuals with disabilities can readily obtain the reasonable accommodation.

#### ***E. Physical and Mental Qualifications: 41 C.F.R. §§ 60-300.44(c); 60-741.44(c)***

To ensure that all physical and mental qualifications and requirements of job classifications are job-related and promote EEO for all known Protected Veterans and employees and applicants

with qualified disabilities, the District reviews the knowledge, skills, and abilities of a classification to ensure they are critical and essential before it announces an examination to establish an open and/or internal eligible list for a classification.

The District's physical and mental job classification requirements are reviewed by the Manager of Recruitment and Classification (R&C), the hiring manager, and the unions to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

Any previously reviewed classification will be reviewed again if there is a change in working conditions which affects the job's physical or mental requirements (e.g., new requirements, new equipment, etc.) or if a class study is requested.

### ***F. Reasonable Accommodation of Physical and Mental Limitations: 41 C.F.R §§ 60-300.44(d); 60-741.44(d)***

The District will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities, or those who are disabled veterans. Such reasonable accommodations are explained and documented in the District's Procedure 201. The District ensures that qualified applicants and employees with disabilities, who are unable to fully utilize the on-line job application system, are provided equal opportunities to apply and be considered for all jobs.

The District will confidentially review issues of employees to determine whether a reasonable accommodation is needed when:

1. The employee is having significant difficulty with job performance, and
2. It is reasonable to conclude that the problem is related to the known disability.

Employees may also contact the following person at any time to formally request an accommodation:

**Name:** Winnie Anderson

**Title:** HR Regulatory Administrator

**Phone:** (510) 287-0380

**Email:** winnie.anderson@ebmud.com

## **G. Data Collection Analysis: 41 C.F.R. §§ 60-300.44(k); 60-741.44(k)**

### **1. Protected Veterans**

A veteran is a "Protected Veteran" under VEVRAA if they served on active duty in the U.S. Military; and were discharged or released from service under conditions other than dishonorable; and falls into one or more of the following categories:

- Disabled veteran
- Recently separated veteran (within the last three years)
- Active-duty wartime or campaign badge veteran
- Armed Forces service medal veteran

Additional information about Protected Veteran status can be found in the following U.S. Department of Labor (U.S. DOL) link:

[https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/ProtectedVet-2016-11x17\\_ENGESQA508c.pdf](https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/ProtectedVet-2016-11x17_ENGESQA508c.pdf)

During FY2021 EEOP/AAP period, eight Protected Veterans out of a total of 258 successful candidates were hired for a hiring rate of 3.1% Protected Veterans. This is a significant increase from FY2020 (1.8%) and exceeded the benchmark of 2.5%.

#### ***i) Figure 1: EBMUD Protected Veteran Incumbency, Hiring Goals, Applicant Rates, & Hiring Rates***

<b>Fiscal Year</b>	<b>Protected Veteran Incumbency (per VETS-4212)*</b>	<b>Protected Veteran Placement Goal**</b>	<b>Protected Veteran Applicants/ All Applicants</b>	<b>Protected Veteran Applicant Rate</b>	<b>Protected Veteran Hires/All Hires</b>	<b>Actual Veteran Placement Rate (%)</b>
<b>FY2022</b>	TBD	<b>3.0%</b>	TBD	<b>TBD</b>	TBD	<b>TBD</b>
<b>FY2021</b>	55/1,931 = <b>2.8%</b>	<b>2.5%</b>	288/5,575	<b>5.17%</b>	8/258	<b>3.1%</b>
<b>FY2020</b>	55/1,938 = <b>2.8%</b>	<b>2.9%</b>	313/9,280	<b>4.0%</b>	6/332	<b>1.8%</b>
<b>FY2019</b>	56/1,890 = <b>3.0%</b>	<b>3.0%</b>	303/9,489	<b>3.2%</b>	5/335	<b>1.5%</b>
<b>FY2018</b>	62/1,853 = <b>3.4%</b>	<b>6.7%</b>	293/9,816	<b>3.0%</b>	9/330	<b>2.7%</b>
<b>FY2017</b>	63/1,828 = <b>3.5%</b>	<b>6.9%</b>	316/9,901	<b>3.2%</b>	6/276	<b>2.2%</b>
* The VETS-4212 Report is filed annually by the District. It requires slightly different reporting periods than the EEOP/AAP; however, it is useful for evaluating year-over-year trends in the District's incumbency rate of Protected Veterans as a percentage of overall employees.						
** The District updates its Protected Veteran hiring benchmark annually.						

\*\* Goals and/or benchmarks do not require that the District hire, promote, train, and/or retain a specified number of IWDs and/or Protected Veterans. These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets. The District has collected the required data and conducted studies to identify areas of opportunity in the employment of Protected Veterans and IWDs.

\*\* Prior to 2019, the District used the national percentage of veterans in the civilian labor force as the hiring benchmark.

The District has established an individualized hiring benchmark of 3.0% for Protected Veterans for FY2022. This represents a slightly higher goal/benchmark compared to the previous year. The District has calculated and established its Protected Veterans benchmark by taking the OFCCP's five-criteria into consideration. In establishing that hiring benchmark, the District considered the following factors:

1. The average percentage of veterans in the civilian labor force in California for the previous five years.
  - a. Has been on a downward trend: 2015 (4.8%), 2016 (4.9%), 2017 (4.7%), 2018 (4.3%), 2019 (3.8%), and 2020 (3.6%).
2. The number of veterans who participated in the employment service delivery system in California over the previous four quarters – July 1, 2020 to June 30, 2021 (21,263).
3. The District's applicant ratio (5.17%; 288 protected veterans/5,575 total applicants) and hiring ratio for the prior year (3.10%; 8 protected veterans hires/258 total hires) for the prior year.<sup>16</sup>
4. The relative effectiveness of the District's most recent outreach and recruitment efforts.
  - a. The District continues to perform outreach to attract more qualified Protected Veteran applicants. In FY2021, there was a notable increase in the percentage of protected veteran applicants.
    - i. This increase to 5.2% in FY2021 was achieved after much more modest increases in prior recent years--- (FY2018= 3.0%; FY2019= 3.2%, and FY2020 3.4%).
5. Other factors that may affect the availability of qualified protected veterans.
  - a. The District is located more than 52 miles from the nearest military base (Travis Air Force Base in Fairfield, CA), and more than 112 miles from the next closest base (Presidio of Monterey, CA). The District's distance from these military

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<sup>16</sup> For the period July 1, 2020 to June 30, 2021.

installations generally results in limited numbers of veterans who apply for open positions at the District.

## 2. Individuals with Disabilities (IWD)

Per the U.S. DOL, an “individual with disabilities” is “someone who (1) has a physical or mental impairment that substantially limits one or more “major life activities,” (2) has a record of such an impairment, or (3) is regarded as having such an impairment.” For District employees and applicants this status is self-reported.

The District has adopted the current national utilization goal of 7.0% for qualified IWDs. The 7.0% utilization goal is applied to each job group within the District. Although this number has remained constant in recent years, the District will update its utilization goal as new data becomes available, updated, and published.

Over the past several years and prior to the pandemic, the numbers of self-identified IWD applicants had been steadily increasing both as a total annual number and as a percentage of total applicants. In FY2021 the hiring rate of 1.6% was a significant decrease from FY2020 (6.3%).

For many organizations across different industries, there has been a decrease in the numbers of applicants since early 2020. That seems to have resulted in a corresponding decrease in the numbers of applicants who self-identify as IWDs or protected veterans.

That trend is reflected in our agency. For FY2021, there was a large decrease in the number of overall applicants at the District. In FY2020, there were 9,280 total applicants, and that decreased by 40% to 5,575 in FY2021. In addition, the number of applicants who identified as IWDs decreased from 4.0% in FY2020 to 3.3% in FY2021.

### ***i) Figure 2: Individuals with Disabilities (IWD) EBMUD Incumbency, Hiring Goals, Applicant Rates, & Hiring Rates***

Fiscal Year	IWD Incumbency (%)	IWD Hiring Goal (%)	IWD Applicants/ All Applicants	IWD Applicant Rate	IWD Hires/ All Hires	Actual IWD Hiring Rate (%)
FY2021	4.5% (n = 88)	7%	186/5,575	3.3%	4/258	1.6%
FY2020	4.8% (n = 94)	7%	374/9,280	4.0%	21/332	6.3%
FY2019	4.9% (n = 93)	7%	353/9,489	3.7%	19/335	5.7%
FY2018	4.4% (n = 82)	7%	330/9,816	3.4%	12/330	3.6%
FY2017	4.1% (n = 75)	7%	301/9,901	3.0%	6/276	2.2%

### ii) Analysis of IWD by Job Group:

The following chart lists the top eleven EBMUD job groups in descending order according to their FY2021 IWD utilization rate (i.e., the number of EBMUD workers in these jobs who self-identify as IWD, divided by the total number of all workers in these jobs at the District). This chart also shows a year over year comparison for 2019, 2020, and 2021.

### iii) Figure 3: IWD Utilization Rates: Job Groups at or Near Goal

Job Group	2019 IWD/Total Employees	2019 IWD %	2020 IWD/Total Employees	2020 IWD %	2021 IWD/Total Employees	2021 IWD %
General Clerical	14/113	12.4%	16/110	14.5%	15/105	14.3%
Directors/Managers	7/65	10.8%	7/106	10.8%	6/65	9.2%
Plant Operators Lead/Supervisors	3/40	7.5%	3/40	7.5%	3/39	7.7%
Service Maintenance	6/87	6.9%	7/91	7.7%	7/94	7.4%
Administrative Assts.	4/56	7.1%	3/58	5.2%	4/55	7.3%
Programmers	5/100	5.0%	6/106	5.7%	7/107	6.5%
Rangers	2/35	5.7%	2/34	5.9%	2/31	6.5%
Engineering Technicians	6/106	5.7%	6/112	5.4%	6/109	5.5%
Laboratory & Quality Control Technicians	5/45	9.3%	4/59	6.8%	3/56	5.4%
Professionals	3/55	5.5%	4/55	7.3%	2/49	4.1%
Analysts	3/47	6.4%	3/51	5.9%	2/49	4.1%

During FY2021, the District's incumbency rate for IWDs was at or above the 7% utilization goal for the following five job groups (highlighted in dark green in the chart above):

1. General Clerical
2. Directors/Managers
3. Plant Operators Lead/Supervisors
4. Service Maintenance
5. Administrative Assistants

Another three job groups would have been at 7.0% or higher IWD utilization with just one additional IWD hired into each group. These groups (highlighted in light blue in the chart above) include:

1. Programmers
2. Rangers



### 3. Lab & Quality Control Techs

Another four job groups would have been at 6.0% or higher IWD utilization with just one additional IWD hired into each group. These groups (highlighted in light grey in the chart above) include:

1. Engineering Technicians
2. Professionals
3. Analysts

#### ***iv) Figures 4-6: IWD Utilization Rates: Job Groups Not at or Near Goal***

Of the remaining 11 job groups, six are comprised primarily of highly physical, hands-on labor and skilled-trades job classes. These jobs require use of heavy equipment and tools, as well as a high-degree of mobility to perform at a high-level. The physical requirements for these jobs may discourage many IWD from applying for these jobs. See the table below for additional details.

**Figure 4**

Job Group	2019 IWD/Total Employees	2019 IWD %	2020 IWD/Total Employees	2020 IWD %	2021 IWD/Total Employees	2021 IWD %
Electrical/Structural Workers	6/105	5.7%	4/100	4.0%	4/107	3.7%
Water Distribution Plumbing & Maintenance	6/197	3.0%	7/202	3.5%	5/201	2.5%
Mechanical Maintenance	5/154	3.2%	5/153	3.3%	5/159	3.1%
Plant Operators	3/122	2.5%	4/124	3.2%	5/124	4.0%
Heavy Equipment/Truck Operators	1/107	0.9%	2/119	1.7%	2/126	1.6%
Pipeline Maintenance Lead/Supervisors	1/78	1.3%	1/81	1.2%	1/81	1.2%

Two of the remaining job classes with low utilization rates include high numbers of jobs requiring a mix of moderately physical field work and/or intensive mobility requirements. Again, these work conditions and requirements may discourage many IWDs from applying for these jobs. These two job groups are analyzed in the following table:

1. Technicians (including Fisheries/Wildlife Aides and Technicians, Info Systems Specialists, Computer Operations, Materials Testing, Printing, Corrosion Control, Electronic Techs, and Plant Inspectors)

2. Customer Service (Customer Service Reps, Field Service Reps, Meter Readers, New Business Reps)

**Figure 5**

Job Group	2019 IWD/Total Employees	2019 IWD %	2020 IWD/Total Employees	2020 IWD %	2021 IWD/Total Employees	2021 IWD %
<b>Technicians</b>	1/29	<b>3.4%</b>	1/29	<b>3.4%</b>	1/32	<b>3.1%</b>
<b>Customer Service</b>	6/97	<b>6.2%</b>	3/92	<b>3.3%</b>	2/90	<b>2.2%</b>

The last three remaining job groups do not generally require the physicality or mobility as described in the preceding sections. However, many require regular field work/visits to work-sites outside of the office environment. These three job groups are analyzed in the following table:

1. Engineering (Assistant, Associate, and Junior Engineers)
2. Supervising Engineers (Senior Civil, Electrical, and Mechanical Engineers)
3. Science Professionals (Environmental Health & Safety Specialists, Chemists, Fisheries/Wildlife Biologists, Laboratory Supervisors, and Microbiologists)

**Figure 6**

Job Group	2019 IWD/Total Employees	2019 IWD %	2020 IWD/Total Employees	2020 IWD %	2021 IWD/Total Employees	2021 IWD %
<b>Engineering</b>	5/173	<b>2.9%</b>	5/181	<b>2.8%</b>	5/180	<b>2.8%</b>
<b>Science Professionals</b>	1/39	<b>2.6%</b>	1/40	<b>2.5%</b>	1/41	<b>2.4%</b>
<b>Supervising Engineers</b>	0/43	<b>0.0%</b>	0/43	<b>0.0%</b>	0/44	<b>0.0%</b>

Based on a review of aggregated applicant flows and data reports for the job groups where Protected Veteran hiring benchmarks and IWD utilization goals were not reached, it was determined that the primary problem areas were the lack of sufficient representation of Protected Veterans and IWDs in applicant pools, as well as the lack of success of such candidates passing T&E review and written, performance, and/or oral exams.

The District will continue to monitor and update these studies periodically during each EEOP/AAP year. In each case where the hiring benchmark for Protected Veterans and/or the utilization goal for IWDs are not met, affirmative actions, as appropriate, will be taken consistent with the activities mentioned in Section H of this report (External Dissemination of Policy, Outreach, and Positive Recruitment) and measures described in Section E of the

*Executive Order 11246 Equal Employment Opportunity/Affirmative Action Program for Minorities and Women Report (Design and Implementation of Internal Audit and Reporting Systems).*<sup>17</sup>

## **H. External Dissemination of Policy, Outreach, and Positive Recruitment: 41 C.F.R. §§ 60-300.44(f); 60-741.44(f)**

### **1. Figure 7: Evaluation of FY2021 EEOP/AAP Outreach Activities**

Below is the District’s evaluation of ongoing outreach activities set forth in the FY2021 EEOP/AAP:

Activity & Description	Evaluation of Each Activity
<b>Internal and External Partnerships:</b> Develop partnerships to attract more qualified Protected Veteran and IWD applicants.	<p>Staff:</p> <ul style="list-style-type: none"> <li>Partnered with BAYWORK for a military veteran recruitment event.</li> <li>Partnered with other industry employers to promote the BAYWORK resource webpage for military veterans.</li> <li>Participated in an ongoing working group for veterans in the regional water/wastewater industry through BAYWORK. Through this BAYWORK working group, District staff actively contribute to developing and implementing industry outreach specifically targeted to veterans.</li> <li>Formed a new Affinity Group, Disability Advocacy and Rights Team (DART) in February 2022.</li> <li>Is supporting the establishment of an EBMUD Affinity Group for military veterans. Staff will leverage Affinity Group members to enhance targeted outreach efforts to military veterans.</li> </ul>
<b>Test Prep Services/Support:</b> Develop partnerships for test preparation, application, and interview workshops.	District efforts in this area have been with community partners representing diverse populations in general, not specifically with organizations targeting veterans or IWDs.
<b>Data:</b> Extract and analyze Veteran and IWD data from applicant tracking system. Generate reports at each step of the recruitment process to identify barriers to hiring.	The District plans to issue an RFP for an upgraded Human Resources Information System (HRIS). The new system will allow staff to create customized applicant flow reports for IWD and Protected Veterans.
<b>EBMUD-Toolworks Internship Program:</b> Continue to implement the internship program as operational needs and safety protocols allow.	Due to COVID-19 safety restrictions and operational logistics, the internship program was suspended in March 2020. It will be reactivated once safety protocols, data security insurance coverages, and operational logistics allow (TBD).

<sup>17</sup> See the *Hiring Benchmark and Utilization Goals Analyses*, which are retained by the DIO.

## 2. FY2022 Outreach Activities:

During FY2022, the District will continue exploring partnerships with Veteran and Disability organizations to attract more qualified Protected Veteran and IWD applicants. Moving forward, the District will look at investing in targeted social media efforts to reach out to military veterans and IWDs. The District will also coordinate with community partners to develop application, interview, and test preparation workshops. Furthermore, the District will continue the EBMUD-Toolworks Internship Program once COVID-19 workplace safety and operational protocols allow and data security insurance coverage issues can be resolved. The District's DEISP will inform future outreach, recruitment, and workforce development activities.

Based upon the District's review of its personnel processes as described in Section C, the following activities will be continued to further enhance the District's EEO/AA efforts. All activities are the responsibility of the D&I Officer, Manager of R&C, and the Contract Equity Administrator.

1. The District will initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
2. The District provides information emphasizing job opportunities for Protected Veterans and IWDs to local educational institutions, public and private.
3. The District informs all recruiting sources of the District's EEO/AAP policy for Protected Veterans and IWDs.
4. The District lists with the California State Employment Development Department (EDD) all suitable job openings. The exemptions for posting jobs are when positions are:
  - a. Executive and top management positions,
  - b. Positions that will be filled from within the contractor's organization, and
  - c. Positions lasting three days or less.
5. As an ongoing activity, a listing of job opportunities reported to the local State Employment Service Delivery System is kept current.
6. The District notifies all subcontractors, vendors, and suppliers in writing regarding the District's EEO policies and requests appropriate action on their part.
7. The District arranges for referral of applicants with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
8. The District participates in veterans' job fairs.
9. The District grants leaves of absence to employees who participate in honor guards for the funeral of veterans.

## ***I. Internal Dissemination of Policy: 41 C.F.R. §§ 60-300.44(g); 60-741.44(g)***

To gain positive support and understanding for the EEOP/AAP for Protected Veterans and IWDs the District will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the D&I Officer and Manager of Employee Relations. The following policies, procedures, and actions are designed to foster support and understanding from the District's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid the District in meeting its obligations.

1. Discuss Policies 2.02, 6.06, and 6.07 and the EEOP/AAP in both employee orientation and management training programs.
  - a. Inform Union officials of Policies 2.02, 6.06, and 6.07 and the EEOP/AAP, and request their cooperation.
2. Include non-discrimination clauses in all union agreements and review all contractual provisions to ensure they are non-discriminatory.
3. Post Policies 2.02, 6.06, and 6.07 on District bulletin boards, which includes the District's harassment policy that incorporates protection from workplace harassment on the basis of disability.
4. All employees are required to complete a minimum of one hour of training and supervisors a minimum of two hours training on a two-year cycle on preventing workplace harassment.
5. See Section D(2)(vi) of the *Executive Order 11246 Equal Employment Opportunity/Affirmative Action Program for Minorities and Women Report* for information on the District's initiatives towards creating an inclusive culture, which includes Protected Veterans and IWDs.

## ***J. Training: 41 C.F.R. §§ 60-300.44(j); 60-741.44(j)***

The District trains all employees involved in any way with the recruitment, selection, promotion, training, and related processes regarding IWDs or Protected Veterans to ensure commitment to the District's stated EEOP/AAP goals.


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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: June 28, 2022

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

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

SUBJECT: 2022 Drought Update

**SUMMARY**

The Board declared a water shortage emergency and Stage 2 Drought on April 26, 2022, and approved a Water Shortage Emergency Action Plan and implemented a Stage 2 Drought Surcharge on May 10, 2022. This memo highlights the District's response to continued dry conditions, including supplemental supply operations and drought-related outreach to help customers meet the District's mandatory water use reduction goal of ten percent, and recent actions at the state level.

**DISCUSSION****District Operations**Water Supply and Consumption Status

Total storage in Pardee and Camanche reservoirs is 80 percent of average and 67 percent of capacity, and total storage in the East Bay reservoirs is 94 percent of average and 85 percent of capacity. The projected dry 90 percent exceedance annual True Natural Flow for Mokelumne runoff is 470,000 acre-feet (AF), well below the average runoff of about 745,000 AF.

The Freeport facilities will be used to deliver up to 20,000 AF of water purchased from the Placer County Water Agency. Staff is working on securing permits from State Water Resources Control Board (SWRCB) and U. S. Bureau of Reclamation to implement the water transfer. Diversions will begin in mid-July and continue through September. All water will be diverted from the Sacramento River and delivered to local reservoirs. Water quality issues will be mitigated through a variety of measures, including application of algaecide on raw water in the Folsom South Canal. Due to local hydrology, Yuba County Water Agency (YCWA) will not have any water to transfer to the District this year. Staff is working to extend the 2022 agreement between the District, Contra Costa Water District (CCWD), and YCWA through 2025.

Water production in May 2022 was about six percent less than May 2020. Water production to-date in June 2022 is about 12 percent less than June 2020. Fiscal year-to-date reduction compared to 2020 is approximately seven percent.

### **State Water Shortage Actions**

On May 24, 2022, the SWRCB adopted an emergency drought regulation to reduce water demand statewide. The emergency regulations will remain in effect for one year, unless SWRCB acts to end, modify, or readopt it. The regulation includes prohibitions related to irrigation of non-functional turf, and establishes fines for prohibited activities and requirements for annual water supply and demand assessments to be submitted to the Department of Water Resources.

On June 14, 2022, the SWRCB extended curtailment status on all water rights with a priority junior to 1913 in the San Joaquin River watershed and some water rights on the Sacramento River watershed with a priority junior to 1945 effective on June 15, 2022. SWRCB approved EBMUD's request for an exception to curtailment on June 13, 2022 on a temporary basis for one week. The State Water Project and Central Valley Project are not curtailed. The approval of the exception request helped preserve up to 6,000 AF of water from Camanche Reservoir.

On June 22, 2022, the SWRCB ended the curtailment exception for EBMUD's water rights and curtailed all water right claims in the San Joaquin River watershed outside of the Legal Delta with a priority date of 1900 or later. The water rights on Bear River and Putah Creek in the Sacramento River watershed with a priority of 1942 or later were also curtailed. The majority of the State Water Project and Central Valley Project water rights are not curtailed. The SWRCB's approval of EBMUD's curtailment exception request helped save about 4,000 AF of Mokelumne River water. The curtailment order in effect now should not affect water supply operations, since the natural flow into Pardee Reservoir is less than water being released from Camanche Reservoir to meet downstream requirements.

### **Water Shortage Emergency Action Plan Implementation**

The District's Water Shortage Emergency Action Plan (WSEAP) details programs and outreach activities to help the District reach its mandatory ten percent overall water use reduction goal. Staff has made progress on several items from the WSEAP. The following is a discussion of proposed changes to several rebate programs and an update on drought advertising and outreach.

#### **Landscape Rebate Program**

Most of the District's current focus for incentives is reducing outdoor water use through its Landscape Rebate Program, which incentivizes turf removal and the transition to efficient irrigation equipment. After a review of market trends, costs, and programs at neighboring agencies, staff is proposing to increase the allowance for several components of the Landscape Rebate Program, effective July 1.



Currently, the District offers \$0.75 per square foot for a standard turf removal and \$1.50 per square foot for the Super Rebate and Median Rebates. Staff is proposing to increase the standard rebate to \$1.25 per square foot and the Super Rebate and Median Rebate to \$2.50 per square foot. These higher rebate amounts recognize the increase in turf replacement costs over time and would be in line with other neighboring water agencies.

Staff is proposing to increase the rebate for “smart” irrigation controllers. These devices can adjust automatically based on local weather and site conditions and shut off during rain events, ensuring that landscaping is not overwatered. Currently, the Smart Controller Rebate offers a base of \$75 plus \$7 for each active station over twelve. A review of available products and market trends shows a distinct difference in the costs and types of controllers used by commercial and residential customers, and the updated rebate would reflect this by offering the following:

- Residential: \$100 + \$20 per active station over 12 (up to a maximum of \$200)
- Commercial: \$100 + \$20 per active station over 12 (up to a maximum of \$1,000)

Staff is proposing to increase the rebate for high efficiency rotating spray nozzles from \$3 to \$4 per nozzle.

All Landscape Rebate recipients are subject to a maximum rebate amount of \$2,000 for single-family residential (SFR) customers and \$15,000 for commercial, institutional, and multi-family residential customers over a two-year period. Staff is not proposing to update these caps at this time since most customers do not reach the cap. Increasing the rebates for specific items rather than increasing the maximum amount could encourage more small projects.

#### Landscape Design Assistance Program

For many customers, the main barrier to replacing their lawn is deciding what landscaping to install. To address this issue, staff is working on a new pilot program that would provide a small rebate for customers to work with a qualified landscape designer to develop an initial plan. The rebate would cover a two-hour initial consultation during which the designer meets with the customer, reviews their site and goals, and develops a conceptual sketch. If the customer chooses, they can continue to work with the landscape designer at their own cost. Staff plans to launch this pilot program later this summer and will monitor whether participating customers are more likely to complete a project and whether these projects result in higher quality landscaping that is more likely to be maintained over time.

#### Custom Rebate – High Efficiency SFR Projects

Staff is recommending an expansion to the District’s existing Custom Rebate Program to include nonstandard water-saving technology for single-family accounts. Staff proposes a one-year pilot program to evaluate its effectiveness. Currently, the Custom Rebate Program is designed for businesses, manufacturing facilities, government facilities, and non-profit customers. The pilot

would open the program to SFR customers who wish to install nonstandard water-saving technology, such as composting toilets or graywater systems that are more complex than the laundry-to-landscape systems covered by the existing graywater rebate. Staff is updating the Custom Rebate Program materials to accommodate SFR customers and will work with the New Business Office to work with applicants with potential SFR projects that may benefit from this program.

### Drought Messaging

Messaging on conservation and drought is featured in a variety of District communications, including top of bill messages, the EBMUD website, social media, and through Home Water Reports, Irrigation Reduction Information System (IRIS) Water Budgets, and via events.

The District's drought outreach also includes work with homeowners' associations (HOAs) and their residents. Most HOAs with large-landscaped areas participate in the IRIS program, wherein they receive customized monthly water budgets. Staff often makes presentations to HOA boards and residents on drought and water conservation. One particular area of focus is working with HOAs to remove their turf; in September 2021, the Landscape Advisory Committee hosted a meeting on "Overcoming Barriers of Lawn Conversion" that had a particular focus on HOAs. On May 19, staff hosted the first HOA/Multi-Family Landscape Office Hours that provided information on EBMUD's landscape rebate programs and tips on overcoming barriers and getting projects approved. Staff will continue to look for additional opportunities to outreach to HOAs and their residents.

District communications that include conservation and drought messaging:

- Top-of-bill messages (paper and electronic)
- USPS Informed Delivery campaign
- EBMUD website
- Social media (Twitter, Facebook, LinkedIn, Nextdoor)
- Media relations and outreach
- Water Wednesday webinars and other community outreach
- Water Conservation communications (Home Water Reports, Commercial, Industrial, and Institutional newsletter)
- Water conservation events, outreach, and advertising
- Internal communications (*Splashes* newsletter, Splashpad News & Events)

Customers receiving Home Water Reports and water budgets are directed to [ebmud.com/drought](http://ebmud.com/drought) for the latest information on the ten percent mandatory water use reduction goal, drought surcharge, water use restrictions, and Excessive Water Use Penalty Ordinance.

### Advertising

Staff is developing updated advertisements for summer 2022. While these ads maintain the tagline and general look and feel of the 2021 “Make Every Drop Count” campaign, they are more specific in their messaging. The first series of ads, focused on efficient outdoor irrigation, have been finalized and will begin appearing in July. In addition to print advertising, the ads will run on billboards and transit shelters via the District’s ClearChannel credits. For East of Hills, staff is exploring outdoor advertising opportunities. Staff is also pursuing an advertising contract with FOX KTVU.

### Water Conservation and Community Outreach

Table 1 (attached) provides a summary of the District’s outreach and conservation activities for May 2022. To date, staff has approved 50 lawn conversion rebates equating to over 76,000 square feet of lawn replaced in calendar year 2022.

### Social Media

EBMUD’s social media channels post water conservation tips and updates on water supplies and engage with and share posts from other water agencies.

### **Media**

Drought coverage included the Excessive Water Use Penalty Ordinance (CNN); conservation levels both regionally and statewide (KTVU, MSN News); drought restrictions (all the Patches); landscape rebates, including an update to the landscape at Alameda City Hall (Alameda Sun); curtailments (LA Times); and big picture threats of summer drought and wildfires (San Francisco Chronicle). AMI/smart meters were covered by KTVU and Mercury News. KNTV did a story updating listeners on EBMUD rate increases (second budget year increase plus drought surcharge).

CCC:KZ:do

Attachment: Table 1 - Summary of Water Conservation Activities – May 2022

Table 1 - Summary of Water Conservation Activities – May 2022

Summary of Water Conservation Activities May 2022 and 2022 Calendar Year Data						
Activity	January 2022 <sup>6</sup>	February 2022 <sup>7</sup>	March 2022	April 2022	May 2022	Calendar Year 2022 Total
<b>Rebates</b>						
Flowmeter Rebates	52	27	31	21	38	169
Lawn Conversion Rebates	6	13	11	6	14	50
Square Footage of Lawn Replaced	12,243	29,305	15,409	5,248	14,420	76,625
Smart Irrigation Controllers	20	20	12	20	20	92
Home Water Survey Kits	120	117	145	164	309	855
<b>Water Waste</b>						
Water Waste Reports Estimate <sup>1</sup>	37	57	61	46	101	302
<b>Water Reports Delivered</b>						
Residential (SFR and MFR)	88,454	84,453	99,072	116,861	92,664	481,504
Non-residential	3,635	3,705	4,156	5,412	3,796	20,704
Open Rate Average Estimate (last bi-monthly period)	57%	57%	59%	59%	58%	58%
<b>Leak Alerts<sup>2</sup></b>						
Leak Events Detected	5,200	4,800	5,800	6,200	4,600	26,600
Leak Events Alerted	3,500	3,500	4,300	4,800	3,300	19,400
Unique Accounts Alerted Estimate <sup>3</sup>	2,000	2,100	2,700	3,100	1,700	11,600
Percent Opened	55%	55%	60%	60%	55%	57%
Percent Emails Clicked	15%	15%	15%	15%	10%	14%
Percent Digitally Resolved	5%	5%	10%	5%	5%	6%
<b>Customer Outreach</b>						
Events	1	0	0	9	0	10
Audits and Consultations <sup>4</sup>	161	156	136	248	186	887
Customer Conversations via Web Portal	561	497	615	711	716	3,100

## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: June 23, 2022

MEMO TO: Board of Directors

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

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

SUBJECT: Planning Committee Minutes – June 14, 2022

Chair Marguerite Young called to order the Planning Committee meeting at 9:02 a.m. and announced that in accordance with Government Code section 54953(e), the meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

Directors Lesa R. McIntosh and Frank Mellon were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Operations and Maintenance David A. Briggs, Special Assistant IV Kelly A. Zito, Manager of Maintenance and Construction/Water Operations Michael R. Ambrose, Wastewater Control Representative Angelee D. Strawder, Senior Community Affairs Representative Mona L. Favorite-Hill, Manager of Construction and Equipment Laura J. Johnson, and Secretary of the District Rischa S. Cole.

**Public Comment.** None.

**Presentations/Documentation.** 1) Presentation entitled “Regional Private Sewer Lateral Program Update,” dated June 14, 2022; 2) Presentation entitled “Education Program Update,” dated June 14, 2022; and 3) Presentation entitled “Paving and Other Related Services,” dated June 14, 2022.

**Private Sewer Lateral (PSL) Program Update.** Wastewater Control Representative Angelee D. Strawder presented the update. The District’s Wet Weather Consent Decree (Consent Decree) with the U.S. Environmental Protection Agency requires the District and its seven satellite collection system agencies to eliminate most discharges from the District’s three wet weather facilities by 2036 through the reduction of infiltration and inflow (I/I). One component of the Consent Decree is the continued implementation of the Regional PSL Program, which includes all Satellites except the City of Berkeley. The PSL Program is administered under the Regional PSL Ordinance which was implemented in 2010 and last modified in May 2019. Since 2011, the District has issued over 49,000 compliance certificates for approximately 38 percent of laterals within the program area. Demand for PSL inspections declined during the first six months of the pandemic but rebounded in 2021. Ms. Strawder reviewed requirements for common interest developments for which property owners may share maintenance responsibility for their PSLs with their Homeowners’ Association (HOA). The Ordinance established a deadline for all HOA-maintained PSLs to become compliant by July 12, 2021, whereas individual unit owners with PSL maintenance responsibility within an HOA remain trigger-based. The District has been notifying and working with HOAs over the last three years and to date, approximately 75 percent of HOAs within the program area are now certified. The Ordinance allows individual property owners and/or common interest developments with PSLs greater than 1,000 feet in length to plan and implement their PSL rehabilitation work on a specified schedule. The 93 properties in this category were required to develop a condition assessment plan by July 12, 2016 and a work plan by July 12, 2021. The Ordinance requires certification for these properties by either July 12, 2026 or, if certain conditions are met, by July 12, 2029. Currently 13 properties are already certified; 16 properties are on track for certification; and approximately 64

properties require additional follow up. Enforcement measures were included in the Ordinance to increase compliance rates and PSL certifications. Over the past two years, the District has issued non-compliance fee notices monthly to properties that had long been noncompliant and to those that had failed to comply after receiving two courtesy notices and approximately six months after meeting a trigger (e.g., title transfer, remodeling or construction valued at over \$100,000, or a change in water meter size). The current initial noncompliance, one-time fee is \$460, which will increase to \$480 on July 1, 2022. The District also established an ongoing monthly noncompliance fee of \$110 for properties that remain out of compliance following the initial notice. Staff has not assessed this fee to date, in recognition of how the pandemic has impacted timely compliance but expects to begin issuing them in the future to increase compliance rates. Staff will continue to work with property owners and HOAs to meet the reduction in I/I. They will also continue current enforcement efforts and consider expanding these efforts as the pandemic ebbs to ensure uniform compliance. In response to questions from the Committee, Ms. Strawder confirmed the District currently assesses a \$330 fee to process PSL compliance certificates and that the District has dedicated staff to perform PSL inspections. It was moved by Director McIntosh, seconded by Director Mellon and carried (3-0) by voice vote to accept the report.

**Education Program Update.** Senior Community Affairs Representative Mona L. Favorite-Hill presented the update. In 2019 the District began evaluating its education materials and outreach efforts. As part of the plan to enhance and modernize the District's K-12 offerings, staff began a portfolio of programs, events, and materials to expand education efforts to District residents and upcountry partners. Ms. Favorite-Hill reviewed the program goal and highlighted Fiscal Year 2022 activities which included in-person facility tours for students as well as government and city officials; in-person classroom presentations and demonstrations by staff; a tour of the District's Pipeline Training Academy for high school students; piloting a five-week, in-person Community Water Academy which launched on June 1 with nine participants; updates to the District's K-12 student/teacher curriculum and workbooks which now meet Next Generation Science Standards, STEAM, and Common Core criteria and reflect the cultural and ethnic diversity of the District's service area; additional digital resources including self-guided story maps and flipbooks, as well as videos on various District processes and careers in the watershed; monthly "Water Wednesday" webinars featuring District subject matter experts and guest speakers discussing a range of water- and wastewater-related topics; and shifting the focus on District sponsorships to support more education, job training, and community engagement programs. Staff will continue to assess current educational programming and resource needs and will explore additional ways to enhance the District's educational offerings. Staff will also look to leverage the resources and other materials developed for the District's centennial to educate the public about the District's history and future. The Committee asked questions about translations for the updated K-12 student/teacher workbooks and requested the names of the Community Water Academy participants. It was moved by Director McIntosh, seconded by Director Mellon and carried (3-0) by voice vote to accept the report.

- Director Young left the meeting at 9:29 a.m. and returned at 9:30 a.m.
- Director Mellon left the meeting at 9:30 a.m. and returned at 9:32 a.m.

**Paving and Other Related Services.** Manager of Construction and Equipment Laura J. Johnson presented the update. The District performs approximately 3,500 street excavations annually to replace or repair water distribution pipelines and appurtenances. To restore the paving, the District spends approximately \$21 million per year to satisfy city and county permit requirements and has used contractors and joint paving agreements since the early 1990s. Agreements with vendors for paving services are required to meet workload peaks, manage the District's paving backlog, and reimburse cities

and counties for joint paving agreements in the service area. The plan to supplement District paving resources for the next year was presented at the April 12, 2022 Planning Committee meeting. During a presentation on long-term infrastructure plan and resource needs at the May 10, 2022 Planning Committee meeting, staff was asked to provide additional information on costs to perform extension and patch paving work with contractors versus completing the work with District staff; clarification on extensions versus patch paving; how the requested contracting funds will be used; and an update on cost-sharing agreements. Ms. Johnson explained patch paving is generally for repairs and small planned installations while extension paving is done after pipeline installation projects. She discussed drivers for paving costs and reviewed price comparisons for extension and patch paving performed by contractors versus District staff. The District regularly participates in cost-sharing agreements with the cities of Oakland, Orinda and Piedmont and are in ongoing discussions about long-term cost-sharing agreements with these cities, and with Lafayette, the Town of Moraga and Contra Costa County. The Board will be asked to consider approving agreements totaling \$5 million for paving and other services at its meeting in the afternoon. These agreements include approximately \$3 million for cost-sharing on co-contracted, joint projects primarily with the City of Oakland. Staff will continue discussions with agencies on cost-sharing and co-contracting street restoration and continue meeting with AFSCME Local 444 to discuss contracting paving work.

- Addressing the Committee was: 1) Tony Martin, 1<sup>st</sup> Vice President, AFSCME Local 444 commented on the presentation and discussions with management and said the union objects to contracting out any paving related work; and 2) Eric Larsen, President, AFSCME Local 444, commented on discussions with management and language in the staff report for the Board meeting in the afternoon. Mr. Larsen stated the union objects to contracting out paving and other related services and to the request to increase the dollar amount in the agreements for contracting out paving extensions.

There was considerable discussion by the Committee and staff responded to questions regarding cost-sharing on paving projects with the City of Richmond; the current number of joint paving projects being completed; clarification on how the \$5 million being requested will be used; average unit costs for District staff to perform paving work compared to average unit costs for contractors; how the District coordinates paving work with other entities; clarification regarding language in the staff report for the Board meeting about services contracted for in the proposed agreements cannot be satisfactorily performed under the District civil service; and if approval of the agreement is time-sensitive. General Manager Clifford C. Chan reviewed proposed expenditures and cost drivers for the \$5 million and asked the Committee to recommend approval of the agreements. The District will continue discussions with the unions regarding staffing resources for paving and pipeline work during upcoming budget preparations in the fall. The Committee asked staff to provide additional information on cost comparisons between District forces and contractors; continue discussions with the unions; develop recommendations for staffing needs; and to consider other requirements for the paving contractors used by the District. Staff will provide an update to the Planning Committee in fall 2022. It was moved by Director McIntosh, seconded by Director Mellon and carried (3-0) by voice vote to support the staff recommendation with the stipulations noted above.

**Adjournment.** Chair Young adjourned the meeting at 10:20 a.m.

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## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: June 23, 2022

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative/Human Resources Committee Minutes – June 14, 2022

Director Lesa R. McIntosh called to order the Legislative/Human Resources Committee meeting at 10:24 a.m. in the Boardroom and announced that in accordance with Government Code section 54953(e), the meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting. Directors John A. Coleman and William B. Patterson were present at roll call. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Manager of Legislative Affairs Marlaigne K. Dumaine, Special Assistant Jennifer B. Williams, Special Assistant to the General Manager Derry L. Moten, Diversity and Inclusion Officer Jennella M. Sambour-Wallace, Senior Human Resources Analyst Jaisha A. White, and Secretary of the District Rischa S. Cole.

**Public Comment.** 1) Ivette Rivera, EBMUD ratepayer, commented on a Public Records Act request she submitted to the District.

**Presentations/Documentation.** 1) Presentation entitled “Diversity, Equity, and Inclusion Strategic Plan Update,” dated June 14, 2022; and 2) Presentation entitled “Equal Employment Opportunity Program / Affirmative Action Program FY22 Report,” dated June 14, 2022.

**Legislative Update.** Special Assistant Jennifer B. Williams provided an overview of three bills for Board consideration in Legislative Report No. 04-22. AB 2142 (Gabriel) Income Taxes: Exclusion: Turf Replacement Water Conservation Program as amended on April 6, 2022, would reinstate the state income tax exemption for turf replacement water conservation rebate and voucher programs beginning on January 1, 2022, and extend it through 2026. S. 4231 (Feinstein) Support To Rehydrate the Environment, Agriculture, and Municipalities (STREAM) Act is intended to provide enhanced funding to increase water supply and modernize water infrastructure in California and throughout the western United States. The STREAM Act would enhance ecosystem restoration grant opportunities; provide funding to supplement the Bipartisan Infrastructure Law and funding for drinking water assistance to disadvantaged communities; and extend authorization for Water Infrastructure Improvements for the Nation Act storage projects, among other provisions. S. 4279 (Padilla) Water Efficiency, Conservation, and Sustainability Act of 2022 would create three new programs at the United States Environmental Protection Agency and establish funding levels for each program over five years during fiscal years 2023 through 2028. The Committee raised no questions. It was moved by Director Coleman, seconded by Director Patterson and carried (3-0) by voice vote to support the staff recommendations.

**Diversity, Equity, and Inclusion Strategic Plan (DEISP) Update.** Senior Human Resources Analyst Jaisha A. White presented the update. The DEISP is divided into five strategic pillars (Leadership Commitment, Workforce Diversity, Inclusive Culture, Supplier Diversity, and Social Responsibility), which guide plan implementation. Ms. White reviewed implementation efforts within the Leadership Commitment, Workforce Diversity and Inclusive Culture pillars. Under Leadership Commitment staff began developing a

new DEI informed leadership competency model that will be the foundation for aligning training, recruitment, and performance management across the District, and increase the District's ability to embed inclusive practices. Under Workforce Diversity, staff conducted a pilot workshop on "code switching" for a group of affinity group members; prepared for the third iteration of the Peralta Cohort Program scheduled to start in July 2022; completed a request for proposals for career development services for a program scheduled to launch in late June 2022 for all employees, with separate modules for employees participating in District affinity groups; completed the Fiscal Year 2022 Equal Employment Opportunity Program/Affirmative Action Program Report; and continued quarterly meetings with the District's Diversity Committee. Additional efforts include plans to host virtual and in-person recruitment information sessions to provide career and application information to prospective employees; expanded use of the District's social media platforms and employee ambassadors in recruitment efforts to reach underutilized populations; and in partnership with the Peralta Community College Foundation, conduct internship programs targeted at District employment classifications (Rangers, IT Help Desk, Engineering Aide, Web Design, and Technical Trades) that identified as having low levels of minority or female availability in local labor market data. Under Inclusive Culture, staff began piloting a series of Alternative Dispute Resolution options to address equal employment opportunity (EEO) complaints that do not rise to the level of a prima facie case or after an investigation; coordinating a series of feedback projects for employees regarding employee engagement; and developing an inclusive language guide as a resource to build employee awareness, facilitate learning, and encourage the use of inclusive and culturally sensitive language in communications. Staff responded to Committee questions regarding the Peralta Cohort Program; advertisement and employee participation in Career Conversation forums; the formation and approval processes for District affinity groups; current process for providing feedback to internal and external candidates that are not selected for employment; and examples of code switching. The Committee asked staff to provide Career Conversation forum information to the unions to share with their members and to ensure the District uses a consistent approach when providing interview feedback to internal and external candidates.

**Fiscal Year (FY) 2022 Equal Employment Opportunity Program/Affirmative Action Program (EEOP/AAP).** Diversity and Inclusion Officer Jennella M. Sambour-Wallace presented the update. As a federal contractor, the District is required by federal regulations to have an EEOP/AAP that complies with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act, and Section 503 of the Rehabilitation Act. Ms. Sambour-Wallace reviewed FY21 data on the gender and racial makeup of the District's workforce; progress on placement goals established for eight of the 22 District job groups; placement rates for protected veterans and individuals with disabilities; and described how the District determines workforce availability (i.e., an estimate of the proportion of each gender and racial group available and qualified for employment at the District for a given job group in the relevant labor market during the life of the EEOP/AAP). Minority placement goals in FY22 remain the same for seven of the groups with placement goals in FY21. The female goal for technicians was eliminated due to an overall decrease in the total number of employees in this group. She pointed out that an error in the information on presentation slide 6 regarding individuals with disabilities had been corrected in the final report which will be presented to the Board for consideration at its meeting on June 28. The Committee requested additional details on FY21 placement goals/rates compared to vacant positions in those classifications and for a hard copy of the FY22 EEOP/AAP Report. It was moved by Director Coleman, seconded by Director Patterson and carried (3-0) by voice vote to accept the report.

**Adjournment.** Chair McIntosh adjourned the meeting at 10:56 a.m.

CCC/RSC