



EAST BAY MUNICIPAL UTILITY DISTRICT

TRANSFER OF UNPAID DELINQUENT CHARGES TO THE 2013-2014 PROPERTY TAX ROLLS

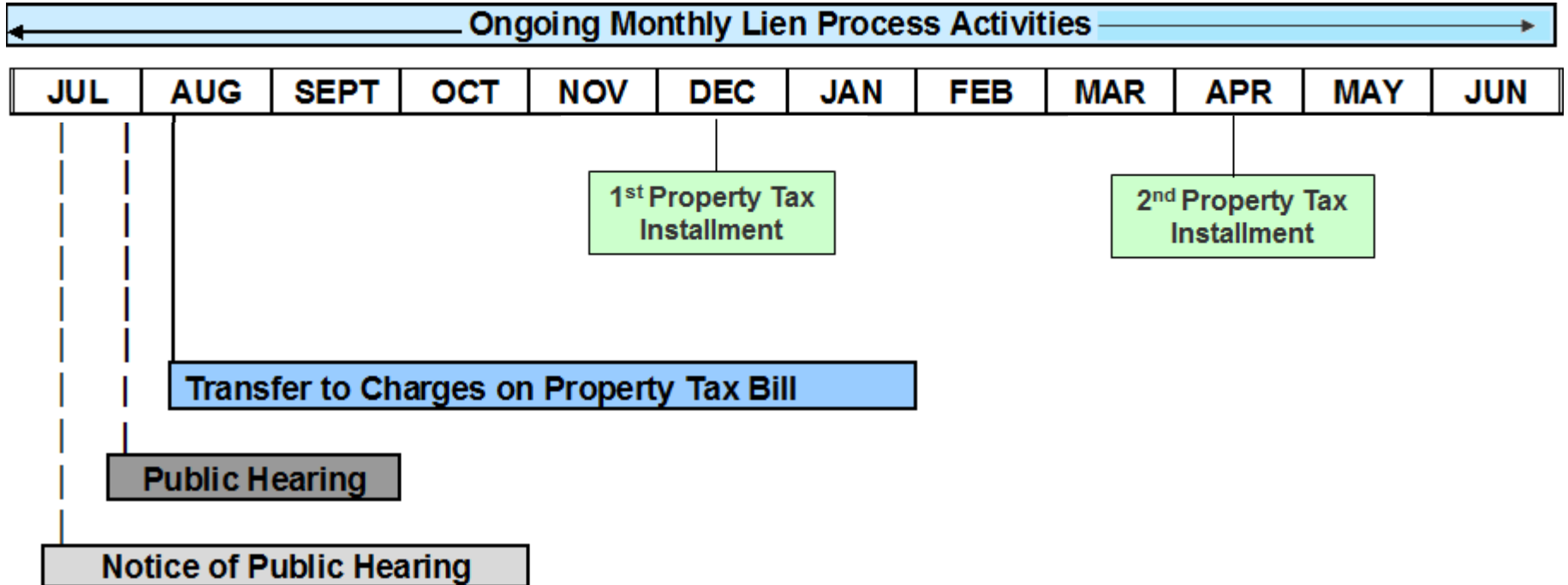
July 23, 2013

MUD ACT SECTION 12811.1



- Authorizes District to collect multi-family residential (MFR) delinquent charges through:
 - Monthly lien filings
 - Annual transfer to property tax rolls
- Applies to charges incurred on or after January 1, 2011
- Requires appropriate notice to property owners and a public hearing for transfer to property tax rolls
- Requires a report to the CA Legislature on or before January 1, 2015
- Effective until January 1, 2016 unless extended by a later enacted statute

PROGRAM TIMELINE (FISCAL YEAR)



MFR COLLECTION BY LIEN FILINGS (FY13)



Collection Steps	Total Sent to Property Owners	No. of Resulting Payments	Percent Paid
Intent to Lien Notice	7,530	3,047	40%
Lien Hearing Notice	4,483	2,993	67%
Lien Filing Notice	1,490 (\$1,024,881)	357 (\$246,028)	24%

LIEN STATISTICS BY CITY (FY13)



City	No. of Liens Filed	No. of Unpaid Liens	No. of Parcels Affected	Unpaid Delinquent Charges
Oakland	1,072 (72%)	824 (73%)	309	\$622,000
Berkeley	159 (11%)	110 (10%)	48	\$65,000
7 Other Cities Alameda County	140 (9%)	113 (9%)	36	\$57,000
Richmond	88 (6%)	63 (6%)	32	\$25,000
7 Other Cities Contra Costa County	31 (2%)	23 (2%)	13	\$11,000
TOTAL	1,490	1,133	438	\$780,000

GM REPORT ON TRANSFER TO 2013-2014 PROPERTY TAX ROLLS (JULY 9, 2013)



- \$780,000 in total delinquent charges
- 438 Affected Parcels of Property
 - 90% in Alameda County
 - 10% in Contra Costa County
- Customers of Record
 - 79% are property owners
 - 21% are tenants

FY13 PROGRAM FEES CHARGED



Fee Type	Total Charges in FY13
Lien Filing Fee	\$ 232,000
Lien Removal Fee	\$ 32,000
Property Transfer Fee (with Lien Filing)	\$ 9,000
Total	\$ 273,000

ANNUAL COLLECTION DATA (FY12 – FY14)



Transfer Date	No. of Liens Filed	No. of Unpaid Liens	No. of Affected Parcels	Total Transferred Charges	Total Collected by Counties
AUG. 2011	N/A	N/A	119	\$40,000	\$39,000
AUG. 2012	505	368	284	\$270,000	\$250,000
AUG. 2013	1,490	1,133	438	\$780,000	TBD

NEXT STEPS



- File General Manager's Report in electronic form to counties on August 5
- Send confirmation letter to property owners mailed by August 30
- Develop recommendation to the Board on future legislative action to extend program beyond January 1, 2016
- Compile report to state legislature on or before January 1, 2015



EAST BAY MUNICIPAL UTILITY DISTRICT

Public Health Goal Report

EBMUD Board Meeting

July 23, 2013

Public Health Goal Report



- Triennial report on water quality monitoring results that exceeded a Public Health Goal (PHG)
- California Health & Safety Code requires a PHG Report and public hearing
- PHG or USEPA MCLG are non-enforceable goals based on the level of a contaminant that poses no significant health risk

EBMUD Water Quality



- Based on water quality data in calendar years 2010 to 2012
- Met all regulatory standards and requirements
- Exceeded MCLG for
 - Total coliform
- Exceeded PHG for
 - Lead
 - Bromate

Total Coliform Bacteria



- Non-pathogenic bacteria used as an indicator
- Regulation: <5% positives/month
- MCLG: 0% positives/month
- Exceeded MCLG in 1 out of 36 months
- 0.6% of samples positive August 2010

Public Health Goal Exceedance- TC



- Cause of positive samples unknown
- Sampling, analysis and system operation were normal
- No regulatory violation

Lead

- Regulation:
 - Action Level: 0.015 mg/L
 - District sampling result: 0.007 mg/L
- PHG based on neurobehavioral effects
- PHG: 0.0002 mg/L

Public Health Goal Exceedance- Lead



- Lead not detected in source and treated water provided by EBMUD
- Lead in home tap samples are introduced through leaching of lead in household plumbing
- EBMUD optimizes corrosion control treatment for lead and no further treatment is necessary

Public Health Goal Exceedance- Lead



- EBMUD took progressive actions to reduce lead exposure from drinking water
 - Supported legislation AB 1953
 - Educated customers about health effects, drinking water exposure, and how to minimize exposure
 - Switched to lead-free water meters and fittings
 - Replaced all lead service connections in distribution system

- Regulation:
 - MCL 10 $\mu\text{g}/\text{L}$
 - averaged 1.5 $\mu\text{g}/\text{L}$ between 2010 and 2012
- Bromate is a byproduct of ozonation
- Ozone used to remove taste and odor
- PHG: 0.1 $\mu\text{g}/\text{L}$ based on carcinogenicity.

Public Health Goal Exceedance - Bromate



- Met MCL without use of special bromate control technology
- Bromate control technologies achieve compliance for MCL, but uncertain for PHG
- Analytical methods not capable of measuring below 1 $\mu\text{g}/\text{L}$

Public Health Goal Report



Regulatory Requirement

- Utility must hold a public hearing and accept the Report

Staff Recommendation

- Accept the PHG Report



EAST BAY MUNICIPAL UTILITY DISTRICT

**Ordinance to Amend
EBMUD Retirement System
Ordinance (No. 40) – IRS Updates
First Reading**

Board of Directors

July 23, 2013

Updates to Ordinance No. 40



- In 2009, the Retirement System availed itself of an IRS voluntary correction program to receive an IRS compliance review and a request for determination that the District's plan is a qualified tax plan.
- In May of this year the IRS finally issued a favorable determination letter, conditioned upon several further amendments to the Retirement Ordinance.

Updates to Ordinance No. 40



- IRS conditioned the favorable determination letter on updates to the Retirement Ordinance related to technical IRS language in the following sections:

Section 2(dd) further clarifying the definition of “Normal Retirement Age”

Section 11(b) updating language as to non-forfeitability under section 401(a) as applicable to public employee plans

Section 36(j)(3) updating language that confirms Health Insurance Benefits are subordinate to Retirement benefits under the Retirement System, and clarifying the limits to Health Insurance Benefit contributions under 401(h).

Updates to Ordinance No. 40



- The proposed updates to the Retirement Ordinance ensure language is consistent with the IRS conditions to receive the favorable determination letter.
- ***Fiscal Impact: There are no fiscal impacts associated with the proposed language changes.***

Updates to Ordinance No. 40



- Steps to finalize adoption of Ordinance amendment
 - First reading, 7/23/13
 - Second reading and vote to adopt, 8/13/13
 - The Ordinance amendment must be placed in newspaper for 2 successive weeks
 - Adoption of Ordinance amendment will take effect 30 days after the vote to adopt, 9/13/13



EAST BAY MUNICIPAL UTILITY DISTRICT

Proposed Amendments to Wastewater Control Ordinance and Adoption of Regional Private Sewer Lateral Ordinance

**Board Meeting
July 23, 2013**

- **Wastewater Control Ordinance**
 - Minor modifications to existing pretreatment program ordinance
- **Regional Private Sewer Lateral (PSL) Ordinance**
 - Conversion into a stand alone ordinance

Wastewater Control Ordinance

- **EPA Required Revisions to Wastewater Control Ordinance, per 2011 Audit**
 - Add definition for General Permits
 - Complete definition for New Source
 - Revise language to require annual certification statements for Non-significant Categorical Industrial Users (NSCIUs)
 - Modify language to clarify that all monitoring data is available for public review

Wastewater Control Ordinance



- **EPA Recommended Revisions**
 - Require periodic reporting for all Categorical Industrial Users
 - Update definition for “responsible corporate officer” for signature purposes
- **Staff Revisions**
 - Title VI (Enforcement and Penalties) has been revised to enhance effective enforcement actions consistent with U.S. EPA regulations and state law

Regional PSL Ordinance



- **Regional PSL Ordinance Overview**

- PSL requirements separated from WW Control Ordinance; will become a standalone Regional PSL Ordinance
- Other minor modifications to make the ordinance easier for the public to understand and for the District to implement. Examples include:
 - Expressly stating that buyer is responsible if seller does not comply
 - Clarifying Compliance Certificate timelines where Satellite has replaced Lower Lateral
- Language added to accommodate Albany's anticipated participation in the Regional Program

Next Steps



- 15 days after adoption – Publish summary of both ordinances
- August 22, 2013 – Effective date