



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Location Change

**REGULAR CLOSED SESSION
and
REGULAR BUSINESS MEETINGS
Tuesday, July 14, 2020
Teleconference**

Notice is hereby given that due to COVID-19 and in accordance with Alameda County Health Order 20-14a (issued June 18, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, 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 teleconference only**. In compliance with said orders, a physical location will not be provided for these meetings. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: July 9, 2020

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**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA

REGULAR CLOSED SESSION

Tuesday, July 14, 2020

11:00 a.m.

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-14a (issued June 18, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate via teleconference

*****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. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. One matter.
2. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with David A. Briggs, Acting Director of Operations and Maintenance; and
Laura A. Acosta, Manager of Human Resources.

(The Board will discuss Closed Session agenda items via teleconference.)

REGULAR BUSINESS MEETING

1:15 p.m.

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-14a (issued June 18, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson and President Marguerite Young will participate via teleconference

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

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 12 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of June 23, 2020.
2. File correspondence with the Board.
3. Authorize a direct award contract to Digital Map Products L.P. in an annual amount not to exceed \$45,812 for Landvision parcel data, software, and support for three years, beginning on or after July 14, 2020, with two options to renew for additional one-year periods for a total cost of \$229,060.
4. Award a contract and authorize an agreement for the purchase of automobiles, light trucks, and medium- and heavy duty trucks for the District's fleet.
 - 4.1. Award a contract to the lowest responsive/responsible bidder, Golden Gate Freightliner, Inc., dba Golden Gate Truck Center in an annual amount, after the addition of taxes, not to exceed \$2,778,273 for supplying medium and heavy duty trucks for the District fleet for three years, beginning on or after July 15, 2020 with two options to renew for additional one-year periods for a total cost of \$13,891,365 under Request for Quotation No. 2002.
 - 4.2. Authorize agreements in accordance with the timing and pricing specified in the relevant State of California's Statewide Contracts for Fleet Vehicles in the aggregate amount not to exceed \$12,566,200, after the addition of taxes, for the purchase of cars, trucks, vans, and sport utility vehicles that will remain in effect until June 30, 2025.

CONSENT CALENDAR: (Continued)

5. Authorize agreements beginning on or after July 14, 2020 with the following ten firms for inflow and infiltration investigations of the regional wastewater collection system for two years with three options to renew for additional one-year periods for a total combined cost not to exceed \$11,000,000: ADS Corp.; Hoffman Southwest Corp., dba Professional Pipe Services; Infrastructure Engineering Corporation; National Plant Services, Inc.; Pipe and Plant Solutions, Inc.; Sewer AI Corporation; Subtronic Corporation; Total Flow, Inc.; Trekk Design Group, LLC; and V&A Consulting Engineers, Inc.
6. Authorize direct award agreements for geotechnical, environmental, civil and structural design services for the Moraga Creek Flood and Erosion Control Project located in Moraga, California.
 - 6.1. Authorize a direct award agreement beginning on or after July 14, 2020 with Langan Engineering and Environmental Services, Inc. in an amount not to exceed \$971,025 for geotechnical, environmental and civil engineering design services for the Moraga Creek Flood and Erosion Control Project located in Moraga, California.
 - 6.2. Authorize a direct award agreement beginning on or after July 14, 2020 with Wiss, Janney, Elstner Associates, Inc., in an amount not to exceed \$601,306 for structural engineering design services for the Moraga Creek Flood and Erosion Control Project located in Moraga, California.
7. Authorize agreements for disposal and recycling of District asphalt, concrete, asphalt grindings and petromat trench spoils.
 - 7a. Authorize agreements with the following six vendors in the aggregate amount not to exceed \$600,000 annually during the period July 15, 2020 to July 15, 2023 for disposal and recycling of District asphalt, concrete, asphalt grindings, and petromat trench spoils with two options to renew for additional one-year periods for a total cost of \$3,000,000: Argent Materials, Inc.; Calmat Co. dba Vulcan Materials Company; County Quarry Products, LLC; The Dutra Group; Gallagher & Burk; and Nor-Cal Rock, Inc.
 - 7b. Authorize additional agreements with other disposal and recycling vendors that meet District standards and offer pricing at or below the range described in the proposed agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
8. Authorize an amendment to the contract awarded under Board Motion No. 044-19 with Honeywell International, Inc., doing business as Honeywell Process Solutions, extending the software support services for the completed Distributed Control System upgrades under this contract to include the same services at Orinda Water Treatment Plant, without change to the existing maximum agreement ceiling of \$3,700,000.
9. Authorize the execution of a 110-day ground lease with United Parcel Service, Inc. for approximately six acres of land located within the District's Oakport property for \$272,000.

CONSENT CALENDAR: (Continued)

10. Authorize the Office of General Counsel to continue employment of law firms for specialized legal services.
 - 10.1. Authorize the Office of General Counsel to continue the employment of the law firm of Foster Employment Law for specialized legal services related to labor and employment law and litigation matters.
 - 10.2. Authorize the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett, LLP, for specialized legal services related to tax, public pension law, litigation, and construction matters.
11. Cancel the August 25, 2020 Closed Session and Regular meetings of the Board of Directors.
12. Adopt an amended position resolution to correct an administrative error in the classification listed in Exhibit B2 of Board Resolution No. 35145-19 adopted on June 11, 2019, and to add a limited term position to support work related to EBMUD's Racial Equity and Justice Project. (Resolution)

DETERMINATION AND DISCUSSION:

13. Legislative Update:
 - Receive Legislative Report No. 06-20 and consider positions on the following bills: AB 2060 (Holden) Drinking Water: Pipes and Fittings: Lead Content; AB 2421 (Quirk) Land Use: Permitting: Wireless Communications: Emergency Standby Generators; SB 1348 (Stern) Fire Prevention: Vegetation Management: Public Education: Grants: Defensible Space: Fire Hazard Severity Zones: Forest Management; and H. Res 988 Condemning All Acts of Police Brutality, Racial Profiling, and the Use of Excessive and Militarized Force throughout the Country; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD
14. General Manager's Report:
 - EBMUD's Racial Equity and Justice Project Update
 - Six-Month Forecast of Board Committee and Workshop Agenda Topics for 2020 and Summary of 2020 Committee and Workshop Topics
 - Monthly Report – June 2020

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, July 28, 2020

Disability Notice

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

Document Availability

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

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, July 14	Planning Committee Linney {Chair}, McIntosh, Mellon	9:15 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> • Pipeline Rebuild Program Update
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	10:00 a.m. <i>Teleconference</i>	<ul style="list-style-type: none"> • Legislative Update • EBMUD's Racial Equity and Justice Project
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, July 28	Sustainability/Energy Committee Linney {Chair}, Katz, Mellon	TBD	
	Finance/Administration Committee Patterson {Chair}, Coleman, Katz	10:00 a.m. TBD	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, August 11	Planning Committee Linney {Chair}, McIntosh, Mellon	9:15 a.m. TBD	
	Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson	10:15 a.m. TBD	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting



APPENDIX

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

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.

To participate in the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting via telephone, please:

****DIAL 855-369-0450 and ENTER 49-281-364 # when prompted****

To listen to the live audio stream of the public portion of the 11:00 a.m. Closed Session Meeting and the entirety of the 1:15 p.m. Regular Business Meeting, *but not provide public comment*, please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

If you participate via telephone and wish to speak on **an agenda or non-agenda item**, you will be asked to:

- State your name, affiliation if applicable, and topic
 - The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
 - The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
 - Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
 - Comments **on agenda items** will follow the same process and will be heard when the item is up for consideration.
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MINUTES

Tuesday, June 23, 2020

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

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:05 a.m. She announced that due to COVID-19 and in accordance with Alameda County Health Order 20-14 (issued June 5 and revised June 18, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting would be conducted via teleconference only. In compliance with said orders, a physical location was not being provided for this meeting.

ROLL CALL

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

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Attorney Jonathan D. Salmon (Item 1a), Attorney Anna P. Gunderson (Item 1a), and Director of Wastewater Eileen M. White (Item 1a).

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Young announced the closed session agenda. The Board convened for discussion (via teleconference).

Regular Business Meeting

President Young called to order the Regular Business Meeting of the Board of Directors at 1:15 p.m. She announced that due to COVID-19 and in accordance with Alameda County Health Order 20-14 (issued June 5 and revised June 18, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting would be conducted via teleconference only. In compliance with said orders, a physical location was not being provided for this meeting.

ROLL CALL

Directors John A. Coleman, Andy Katz, Doug Linney, Lesa R. McIntosh, Frank Mellon, William B. Patterson, and President Marguerite Young were present at roll call (all via teleconference). Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Secretary of the District Rischa S. Cole, and Assistant to the General Manager Janetta M. Johnson.

BOARD OF DIRECTORS

President Young led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

Addressing the Board was Joey D. Smith, Reigning Pride Committee member who thanked the Board for allowing the Pride flag to fly at the Administration Building during the month of June.

CONSENT CALENDAR

- Items 6 and 20 were pulled from the Consent Calendar for separate discussion.
 - Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 1-5 and 7-19 on the Consent Calendar, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 111-20** – Approved the Special Meeting and Regular Meeting Minutes of June 9, 2020.
 2. The following correspondence was filed with the Board: **1)** Updated Policy 1.14R – Customer Assistance Policy (effective June 23, 2020); **2)** Presentation entitled, “Coronavirus Update,” dated June 23, 2020; **3)** Memorandum date June 23, 2020, to Board of Directors from Kelly Zito, Special Assistant to the General Manager, regarding Oakland Chamber of Commerce Annual Meeting & Awards – June 30, 2020; **4)** Affidavit of Posting dated June 18, 2020 for the “Notice of the Time and Place of Public Hearing on the East Bay Municipal Utility District Report and Recommendation of the General Manager Revisions to Water and Wastewater System Schedule of Rates and Charges, Wastewater Capacity Fee, and Other Fees Not Subject to Proposition, and Regulations for Fiscal Year 2021”; **5)** Affidavit of Posting dated June 18, 2020 for the “Notice of the Time and Place of a Public Hearing of the East Bay Municipal Utility District to Consider a Resolution Ordering the Wet Weather Facilities Charge to be Collected on the Property Tax Roll”; and **6)** Speakers’ Bureau and Outreach Record CY20, dated June 23, 2020.
 3. **Motion No. 112-20** – Awarded a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in the amount of \$17,430,488 for Acorn No. 1, Derby, Scenic, and Scenic East Reservoirs Rehabilitation work under Specification 2153.
 4. **Motion No. 113-20** – Authorized an agreement beginning on or after June 23, 2020 with Brown and Caldwell for Wet Weather Consent Decree-required hydrologic and hydraulic model (Flow Model) updates, calibration and testing, and additional services dependent upon Flow Model results for two years with three options to renew for additional one-year periods for a total cost not to exceed \$2,702,081.

5. **Motion No. 114-20** – Authorized an agreement with Industrial Employers and Distributors Association in an amount not to exceed \$231,905 to provide expert labor relations negotiating and consulting services during the two-year period from July 1, 2020 to June 30, 2022, with an option to extend the agreement for an additional two years from July 1, 2022 through June 30, 2024.
6. **Motion No. 128-20** – Authorized an agreement beginning on or after June 23, 2020 with Joe Hill Consulting & Engineering Corporation in an amount not to exceed \$300,000 for project-based training and mentoring services for the Upper San Leandro Water Treatment Plant Maintenance and Reliability Improvements Project.
 - Addressing the Board was Justin Young, 1st Vice President, AFSCME Local 2019 who commented the union did not oppose the agreement; however he noted that since January 2019, the District has awarded four electrical engineer support contracts totaling \$2.5 million and said those funds could have been used to recruit and retain staff. Director of Engineering and Construction Olujimi O. Yoloye provided an update on Electrical Engineer recruitments and said the District will be conducting a salary survey for the Electrical Engineer classification in the next few weeks.
 - Motion by Director Coleman, seconded by Director Linney, to approve the recommended action for Item 6, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
7. **Motion No. 115-20** – Authorized an agreement beginning on or after June 23, 2020 with Magna IV Engineering, Inc. in an amount not to exceed \$329,884 for testing and training services for electrical power equipment and systems at the District's wastewater facilities.
8. **Motion No. 116-20** – Authorized agreements with GSI Environmental Inc. and Terraphase Engineering Inc. to provide general environmental services from July 1, 2020 to June 30, 2023 with two options to renew for additional one-year periods for a total combined cost not to exceed \$3,000,000.
- 9a-9b. **Motion No. 117-20** – Authorized agreements with three vendors in an aggregate amount not to exceed \$1,400,000 for the rental of Fully Maintained and Operated (FM&O) flagging services beginning on or after June 23, 2020 for a one-year period (Bay Area Traffic Solutions, Inc., Yolanda's Construction Administration & Traffic Control, and Traffic Control Pros); and authorized additional agreements for FM&O flagging services with vendors meeting District standards and offering pricing at or below the range in the agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility and ensure availability of FM&O flagging services to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.

10. **Motion No. 118-20** – Authorized a 25-year Power Purchase Agreement with Solar Star Bear Creek, LLC, (Solar Star) a subsidiary of SunPower, to develop up to 4,570 kilowatts of photovoltaic-generated electricity on the District's Duffel watershed property in Orinda and sell the energy to the District at a fixed price of \$0.0616 per kilowatt hour. Additionally authorize the District to offer limited indemnification and up to \$183,000 under the agreement for development services to Solar Star.
11. **Motion No. 119-20** – Authorized an amendment to the agreement awarded under Board Motion No. 158-19 with Sure Secure Solutions, LLC to increase the amount by \$60,000 to a total amount not to exceed \$225,800 for the completion of a comprehensive vulnerability assessment of the District's information technology environment.
12. **Motion No. 120-20** – Authorized an amendment to the agreement awarded under Board Motion No. 092-19 with Terraphase Engineering, Inc. to increase the amount by \$67,845 to a total amount not to exceed \$217,545 to prepare a trench soils master plan.
13. **Motion No. 121-20** – Authorized an amendment to the contract awarded under Board Motion No. 019-20 with CDW Government LLC to increase the amount by \$511,599 to a total amount, after the addition of taxes, not to exceed \$1,364,264 to add Microsoft Office 365 and Enterprise Mobility and Security licensing to the existing Microsoft Enterprise Agreement through January 31, 2023.
14. **Motion No. 122-20** – Authorized the execution of a 25-year Land Lease with Robin Hauge, Chelsey Hauge, and Samuel Zavaleta for approximately 7,500 square feet of land within the District Property CC-525 located in Canyon Watershed for \$50,000.
15. **Motion No. 123-20** – Approved the assignment of all contracts to deliver, install, support and maintain NetApp storage systems and to provide subscription services for Commvault backup software previously awarded under Board Motion Nos. 025-16, 124-17, 036-18, and 172-18 from Integrated Archive Systems to General Datatech LP.
16. **Motion No. 124-20** – Approved the Water Supply Assessment requested by the City of Berkeley for the Southside Zoning Amendments Project pursuant to California Water Code, Sections 10910-10915.
17. **Motion No. 125-20** – Approved the May 2020 Monthly Investment Transactions Report.
18. **Motion No. 126-20** – Filed the Report and Recommendation of the General Manager to Transfer Unpaid Liens for Delinquent Charges to Alameda and Contra Costa Counties' 2020-2021 Property Tax Rolls.
19. **Motion No. 127-20** – Authorized the Office of General Counsel to continue the employment of the law firm of Ellison, Schneider, Harris & Donlan, LLP, for specialized legal services related to water and energy law and litigation matters in an additional amount not to exceed \$75,000.

20. **Resolution No. 35189-20** – Adopting Revised Policy 1.14, Customer Assistance Policy; Revised Policy 2.04, Contractual Agreements with Former Employees; Revised Policy 2.20, Workforce Communications; Revised Policy 4.20, Use of District Technology Resources; Revised Policy 7.05, Sustainability and Resilience; and Revised Policy 9.06, Bay-Delta Protection.
- General Manager Chan stated the Finance/Administration Committee, in its meeting earlier today, requested a revision to the language for Program Initiative No. 8 in Policy 1.14, Customer Assistance Policy, to include “and/or Medical Provider” after Primary Care Provider.
 - Motioned by Director Patterson, seconded by Director Mellon, to approve the recommended action for Item 20 , carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

DETERMINATION AND DISCUSSION:

21. **Legislative Update.**

Manager of Legislative Affairs Marlaigne K. Dumaine stated Legislative Report No. 05-20 contained one bill for Board consideration. She reviewed the bill tenets and responded to a Board question on where the bill is in the legislative process.

Next, Ms. Dumaine provided an update on State budget activities and federal activities related to COVID-19. She reported on the status of bills regarding the State budget and potential budget cuts for schools. She also reported on the status of H.R. 6800 (HEROES Act), a federal bill that responds to COVID-19’s impact on the economy, public health, state and local governments, individuals, and businesses; and staff’s continued efforts to obtain funding for special districts. She responded to Board questions regarding proposed revisions to the juvenile justice system and corresponding impacts to the Pine Grove Youth Conservation Camp and infrastructure stimulus funding. She said staff will provide a status update on the State budget and the HEROES Act in July.

- Motion by Director McIntosh, seconded by Director Patterson, to approve the recommended action for Item 21, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 129-20 – Received Legislative Report No. 05-20 and approved a position of SUPPORT for ACA 5 (Weber) Government Preferences; and received information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

22. **Adopt the resolution authorizing principles and an action plan for the District’s response to racial discrimination and violence against Black and African Americans as most recently exemplified by the killing of George Floyd.**

Manager of Human Resources Laura A. Acosta reported an Ad Hoc Committee comprised of Board members, staff and union representatives worked collaboratively to develop a

resolution that expands the guiding principles, approved by the Board at its June 9, 2020 meeting, into strategies from which an action plan can be developed. The purpose and intent of the resolution is to establish the District's response to individual and systemic racism and its commitment to taking meaningful action, internally and externally to address the impacts of acts of prejudice, abuse of power, racial bias, or racism and barriers to diversity, equity and inclusion.

- The following persons addressed the Board: 1) Gina Jenkins, Manager of Maintenance Support expressed appreciation for the District's efforts to develop a resolution; commented on resolution Principle Nos. 6 and 8; highlighted previous incidents where African American employees reported receiving no support from the District after reporting assaults by customers or mistreatment by law enforcement; and urged the Board to listen to African American employees about their experiences working at the District and provide support when an employee reports being assaulted or mistreated by customers or law enforcement; 2) Eric Larsen, President, ASFCSME Local 444 commented the union endorses the resolution; and 3) Joey D. Smith, President, ASFCSME Local 2019 commented the union endorses the resolution and urged the Board to ensure that the good words in the resolution turn into good works.

Each Board member expressed appreciation for the collaborative work done to develop the resolution and discussed the comments from Ms. Jenkins and the intent of the resolution. The Board asked that the Ad Hoc Committee continue meeting to develop the action plan and to regularly provide updates to the Legislative/Human Resources Committee. Director Katz asked staff to calendar a discussion on police oversight for the next EBMUD/EBRPD Liaison Committee meeting. He also asked staff to confirm if the District's Employee Assistance Program provider has received cultural competency training to properly support staff when needed. General Manager Chan advised staff will schedule meetings for the Ad Hoc Committee. Director Mellon proposed a future discussion on revising the District's holiday schedule to recognize Juneteenth in lieu of recognizing President's Day as a District holiday.

- Motion by Director Patterson, seconded by Director Mellon, to approve the recommended actions for Item 22, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35190-20 – Authorizing Principles and an Action Plan for the District's Response to Racial Discrimination and Violence Against Black and African Americans as Most Recently Exemplified by the Killing of George Floyd.

23. **General Manager's Report.**

Acting Director of Operations and Maintenance David A. Briggs provided an update on the District's response to the Coronavirus. He responded to Board questions related to the District's supply of N-95 masks; the quality of District prepared hand sanitizer; staff cubicle modifications; the contact tracing process; the status of employees on quarantine; and whether the District could face liability for a claim based on a person's allegation that he or she contracted the COVID-19 virus as a visitor to a District recreation area.

General Manager Chan announced the Board received a memo today via email regarding the Oakland Chamber of Commerce's Annual meeting and awards event on June 30, 2020. He also reported the Speakers' Bureau and Outreach Record was available and noted staff is updating event information as agencies begin rescheduling events to take place virtually and/or telephonically.

REPORTS AND DIRECTOR COMMENTS:

24. Committee Reports.

- Filed with the Board were the June 9, 2020 Planning Committee and Legislative/Human Resources Committee Meeting Minutes.
- Finance/Administration Committee Chair Bill Patterson reported the Committee met earlier in the day (via teleconference) and received updates on the following: Monthly Investment Transactions Report, Annual Update on Employees' Retirement System, and Revisions to District Policies.

25. Other Items for Future Consideration.

None.

26. Director Comments.

- Director Coleman reported on plans to attend the FRWA Board meeting (remotely) on July 9.
- Director Patterson wished everyone a happy Father's Day.

ADJOURNMENT

President Young adjourned the meeting at 3:01 p.m.

SUBMITTED BY:

Janetta M. Johnson, Assistant to the General Manager

APPROVED: July 14, 2020

Marguerite Young, President of the Board

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AGENDA NO.

3.

MEETING DATE

July 14, 2020

TITLE **LANDVISION PARCEL DATA AND SOFTWARE LICENSING**☒ MOTION ☐ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Authorize a direct award contract to Digital Map Products, L.P. (DMP) in an annual amount not to exceed \$45,812 for Landvision parcel data, software, and support for three years, beginning on or after July 14, 2020, with two options to renew for additional one-year periods for a total cost of \$229,060.

SUMMARY

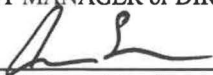

The District uses Landvision parcel data and software to support a variety of business operations including tracking real estate transactions, obtaining tax maps, and identifying customers impacted by District work. This contract will provide parcel data, software licensing, and support for up to five years.

DISCUSSION

The District has used Landvision parcel data and software over the past five years. The data and software are delivered quarterly with accurate and reliable information essential to supporting the work of multiple departments. Landvision parcel data and software provides the District with consistent and reliable parcel-based information which has been integrated with a variety of systems and workflows including the Private Sewer Lateral program, public information mailing label program, and real estate transaction tracking. This item supports the District's Long-Term Financial Stability Strategic Plan goal by implementing technologies that improve the efficiency and effectiveness of business processes.

SERVICE PROVIDER SELECTION

Landvision parcel data and software are proprietary products of DMP. No other provider can offer licensing and support for this data and software package. Continued use of Landvision data and software is recommended due to tight integration with District systems. Switching to another parcel data and software provider is not recommended due to the significant labor costs required to convert data to a usable format, retrain staff to use new software, and rework numerous business processes.

Funds Available: FY21		Budget Code: 252/8547/5243
DEPARTMENT SUBMITTING Information Systems	DEPARTMENT MANAGER or DIRECTOR  Andrew J. Levine	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

SUSTAINABILITY

Economic

This item is included in the FY21 operating budget.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

ALTERNATIVE

Select a different parcel data and software provider. This alternative is not recommended because DMP's data and software are integrated with numerous District applications. Switching to a different provider would require significant labor costs for converting data, retraining staff, and reworking business processes.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE			DATE:								
Materials and Supplies Landvision Parcel Data and Software Licensing - Three-Year Contract with 2 One-Year Renewal Options			June 23, 2020								
CONTRACTOR:		PERCENTAGE OF CONTRACT DOLLARS									
Digital Map Products, L.P. Irvine, CA 92617		Direct Award		Availability Group	Contracting Objectives	Participation					
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men		25%	100.0%					
	Ethnicity	Gender	White Women		2%	0.0%					
	\$45,812 /yr.*	White	Men	Ethnic Minorities	25%	0.0%					
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Digital Map Products, L.P.	\$45,812	White	X		100.0%						
SUBS: None											
TOTAL			\$45,812		100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men	White Women	Ethnic Minorities	Total Employees						
No. of Employees:		52	23	42	117						
Percent of Total Employees:		44.4%	19.7%	35.9%							
MSA Labor Market %:		39.0%	33.7%	27.3%							
MSA Labor Market Location:		Total USA									
COMMENTS											
Contract Equity Participation - 100% White Men participation.											
*Total not to exceed: \$229,060											
Workforce Profile & Statement of Nondiscrimination Submitted			Good Faith Outreach Efforts Requirement Satisfied			Award Approval Recommended					
NA			NA			Beverly Johnson					



AGENDA NO.
MEETING DATE

4.1.
July 14, 2020

TITLE MEDIUM AND HEAVY DUTY TRUCK PURCHASES

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION


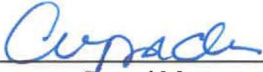
Award a contract to the lowest responsive/responsible bidder, Golden Gate Freightliner, Inc. dba Golden Gate Truck Center in an annual amount, after the addition of taxes, not to exceed \$2,778,273 for supplying medium and heavy duty trucks for the District fleet for three years, beginning on or after July 15, 2020 with two options to renew for additional one-year periods for a total cost of \$13,891,365 under Request for Quotation (RFQ) No. 2002.

SUMMARY

This contract provides for the replacement of medium and heavy duty trucks for the District's fleet. These replacements reflect medium and heavy duty trucks that have or will exceed the District's criteria for mileage and/or age. This contract will also be used to acquire new and replace medium and heavy duty trucks.

DISCUSSION

Medium and heavy duty trucks support the District's installation, maintenance, and replacement of water and wastewater infrastructure. Actual expenditures by year will vary based on repair histories for similar equipment, mechanical evaluation of individual units, and vehicle utilization. In addition, medium and heavy duty trucks are added to the District's fleet to support capital improvement projects such as Pipeline Rebuild. This multi-year contract eliminates the bidding time for acquisitions over the five-year period. This contract also positions the District to take advantage of price incentives and/or accelerated delivery that occur due to market demand/surpluses. Transition of our medium and heavy duty fleet to cleaner technologies will be discussed at the July 28, 2020 Sustainability/Energy Committee meeting. This procurement supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

Funds Available: FY21		Budget Code: 756-7999-0200130
DEPARTMENT SUBMITTING <u>Maintenance and Construction</u>	DEPARTMENT MANAGER or DIRECTOR  Michael R. Ambrose	APPROVED  General Manager

VENDOR SELECTION

A request for quotations was sent to three resource organizations and 15 potential bidders. Three quotations were received and Golden Gate Freightliner, Inc. had the lowest cost.

SUSTAINABILITY

Economic

This item is included in the FY21 budget for Vehicle and Heavy Equipment Additions and Vehicle Replacements Projects.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

Environmental

Golden Gate Freightliner, Inc. is ISO 14001 certified for their Environmental Management System. Its headquarters is a LEED (Leadership in Energy and Environmental Design) Platinum certified building, and their plants divert zero waste to landfills. When acquiring new vehicles, staff specifies alternatively fueled (i.e., renewable diesel) models where applicable to support the District's greenhouse gas reduction goals.

ALTERNATIVES

Do not replace equipment. This alternative is not recommended because the District incurs higher life cycle costs for operating and maintaining vehicles beyond their useful life.

Conduct a competitive bid process annually. This alternative is not recommended because of the cost of conducting competitive bids. The District engaged in a fair and competitive bid process for the original contract. Multi-year contracts enable the District to exercise greater price leverage for equipment and related maintenance parts due to higher volume opportunities for the successful bidder, and to improve maintenance and repair training efficiencies.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Medium and Heavy Duty Trucks - Three-Year Contract with 2 One-Year Renewal Options		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Materials and Supplies		DATE: 6/18/2020	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM: L/SBE	Company Wide	7	29	2	0	38	54.3%	53.9%
Golden Gate Freightliner, Inc.dba Golden Gate Truck Center Don MacInnes 8200 Baldwin Street Oakland, CA 94621 510-632-3535		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	4	10	1	0	15	44.1%	
		Clerical/Skilled	1	5	0	0	6	66.7%	
		Semi/Unskilled	2	14	1	0	17	73.9%	
		Bay Area	7	29	2	0	38	54.3%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Alameda County		# Employees-Co. Wide:		70	Bay Area:	70
P	WM: L/SBE	Company Wide	1	22	13	0	36	61.0%	53.9%
TEC of California, Inc. Patricia McNeil 8099 S. Coliseum Way Oakland, CA 94621 510-577-5500		Manager/Prof	0	1	2	0	3	37.5%	
		Technical/Sales	1	12	11	0	24	70.6%	
		Clerical/Skilled	0	2	0	0	2	33.3%	
		Semi/Unskilled	0	7	0	0	7	63.6%	
		Bay Area	1	22	13	0	36	61.0%	39.9%
		Co. Wide MSA:	Alameda County		# Employees-Co. Wide:		59	Bay Area:	59
P	WM: L/SBE	Company Wide	INFORMATION NOT PROVIDED						
Coast Counties Peterbilt PacLease Jaime Orendac 260 Doolittle Drive San Leandro, CA 94577 408-264-4710		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							

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



AGENDA NO.
MEETING DATE

4.2.
July 14, 2020

TITLE **FLEET VEHICLES – CARS, TRUCKS, VANS AND SPORT UTILITY VEHICLES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize agreements in accordance with the timing and pricing specified in the relevant State of California's Statewide Contracts for Fleet Vehicles in the aggregate amount not to exceed \$12,566,200, after the addition of taxes, for the purchase of cars, trucks, vans, and sport utility vehicles (SUVs) that will remain in effect until June 30, 2025.

SUMMARY

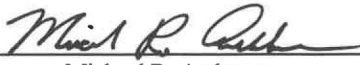

The District purchases cars, trucks, vans and SUVs based on the estimated life and condition of the vehicle, and business needs. This authorization allows the District to take advantage of the favorable pricing in the State's Statewide Contracts for Fleet Vehicles– Cars, Trucks, Vans and SUVs when existing vehicles are not economically repairable, when scheduled replacements occur, or when there is a business need to add such vehicles.

DISCUSSION

The District annually reviews and evaluates car, truck, van and SUV acquisitions and replaces them when they meet specific criteria for age, mileage, engine hours and condition. The goal is to replace automobiles and light trucks before reliability and maintenance costs become concerns. Staff purchases zero or lower emission cars, trucks, vans and SUVs wherever feasible. Transition of the fleet to cleaner technologies will be discussed at the July 28, 2020 Sustainability/Energy Committee meeting. The Board of Directors will be notified of the annual car, truck, van and SUV purchases and payments by means of the General Manager's monthly report. These agreements support the District's Water Quality and Environmental Protection and Long-Term Infrastructure Investment Strategic Plan goals.

SERVICE PROVIDER SELECTION

Board Resolution No. 32839-94 allows for the purchase of vehicles from suppliers under state contracts. Public Contract Code, Section 10298 allows agencies such as EBMUD to purchase directly from competitively awarded state contracts without pursuing separate competitive bidding. The District conducted a market survey and found a savings of two to eight percent by using the state contracts. The

Funds Available: FY21		Budget Code: 756-7999-0200120
DEPARTMENT SUBMITTING Maintenance and Construction	DEPARTMENT MANAGER or DIRECTOR  Michael R. Ambrose	APPROVED  General Manager

Fleet Vehicles – Cars, Trucks, Vans and Sport Utility Vehicles

July 14, 2020

Page 2

savings are due to the large volume of vehicles in the state's competitive effort and direct contract with manufacturers. The state contracts are bid annually; therefore, vendors and pricing change yearly. Prior to purchasing from the state contracts, the District will confirm that the purchase prices, specifications, terms, and conditions are more favorable than the District could obtain on its own. The following table outlines the car, truck, van and SUV replacement plan through June 30, 2025.

Fiscal Year	Vehicles Scheduled for Replacement	Estimated Replacement Cost
FY21	16	\$557,600
FY22	87	\$3,538,400
FY23	33	\$1,774,100
FY24	66	\$3,176,500
FY25	86	\$3,519,600
FIVE-YEAR TOTAL		\$12,566,200

SUSTAINABILITY

Economic

The funds for these purchases are included in the FY21 budget for Vehicle Replacements and Vehicle and Heavy Equipment Additions Projects.

Environmental

As discussed in the January 28, 2020, Sustainability/Energy Committee, staff will continue to follow California's fleet procurement restrictions by purchasing from original equipment manufacturers that recognize California's authority to set vehicle emissions standards and have aligned with California's commitment to reduce their fleet's emissions. As such, cars, trucks, vans and SUVs acquired under these agreements will offer greater fuel efficiency and improved vehicle emissions over existing fleet equipment.

ALTERNATIVES

Do not replace vehicles. This alternative is not recommended because the District incurs increased costs for operating and maintaining cars, trucks, vans and SUVs beyond their useful life. Failure to replace equipment that has reached the end of its useful life will result in equipment failure and lost productivity.

Conduct a competitive process to obtain pricing and vendors. This alternative is not recommended because the District will likely spend an additional two to eight percent on car, truck, van and SUV purchases.



AGENDA NO.

5.

MEETING DATE

July 14, 2020

TITLE CONSENT DECREE INFLOW INVESTIGATIONS SERVICES☒ MOTION ☐ RESOLUTION ☐ ORDINANCE**RECOMMENDED ACTION**

Authorize agreements beginning on or after July 14, 2020 with ten firms for inflow and infiltration (I&I) investigations of the regional wastewater collection system for two years with three options to renew for additional one-year periods for a total combined cost not to exceed \$11,000,000.

ADS Corp.
Hoffman Southwest Corp dba Professional Pipe Services
Infrastructure Engineering Corporation
National Plant Services, Inc.
Pipe and Plant Solutions, Inc.

Sewer AI Corporation
Subtronic Corporation
Total Flow Inc.
Trek Design Group LLC
V&A Consulting Engineers, Inc.

SUMMARY

Under the terms of the U. S. Environmental Protection Agency's (EPA) Wet Weather Consent Decree (CD), the District and its seven wastewater satellite agencies (the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont, plus Stege Sanitary District, which serves El Cerrito, Kensington, and a portion of Richmond) are required to implement measures to reduce I&I and eliminate discharges from the District's three wet weather facilities (WWFs) by 2036. As part of the terms, the District must perform inflow investigations within the regional collection system. The results of the investigations are used to identify, characterize, and quantify sources of I&I. These agreements will contribute to the District meeting its \$2 million per year CD-required obligation to perform inflow investigations. The ongoing refinement and implementation of the District's inflow investigation program was discussed at the Planning Committee meeting on January 14, 2020.

DISCUSSION

On September 22, 2014, the District and its satellite agencies entered into the CD with EPA, the state and regional water boards, San Francisco Baykeeper, and Our Children's Earth Foundation. As required by the CD, the District created and implemented a Regional Technical Support Program (RTSP) to identify, characterize, and quantify I&I sources. An integral part of the RTSP is the physical inspection of the

Funds Available: FY21		Budget Code: WW/901/1013998/2228/5231
DEPARTMENT SUBMITTING Wastewater	DEPARTMENT MANAGER or DIRECTOR <i>Eileen M. White</i> Eileen M. White	APPROVED <i>Copado</i> General Manager

regional wastewater collection system to identify sources of I&I which are not already addressed through ongoing rehabilitation work on publicly owned sewer collection systems by the satellite agencies or by private property owners through the District's Regional and Berkeley's Private Sewer Lateral (PSL) Programs.

Inflow investigations are needed throughout the life of the CD to identify specific areas prone to high I&I. Any non-wastewater flows identified within the regional wastewater collection system are undesirable and eliminating these flows is essential to eliminating discharges from the WWFs and achieving overall compliance with the CD. The District will continue to investigate the satellites' wastewater collection systems and report any identified I&I source to the satellite agencies and EPA.

The investigation methods in the agreements include visual inspection of sewer mains through closed circuit television (CCTV) and digital imagery, CCTV of PSLs, flow and level monitoring, precipitation monitoring, smoke testing, dye testing, manhole inspections, remote camera monitoring, manhole camera and video inspection, conductivity monitoring, and isolation investigations of both flows and conductivity. These agreements enable the District to continue CD-required work in a timely manner by having qualified firms available to complete the work on request. Staff will manage the RTSP, including the selection of investigation locations and methodologies, review of deliverables, and determinations for source identification. These agreements support the District's Water Quality and Environmental Protection Strategic Plan goal.

CONSULTANT SELECTION

A request for proposals was sent to 56 firms, including four minority-owned firms and posted on the District's website. The 10 firms were selected based on a review of their qualifications and ability to perform each investigative methodology.

SUSTAINABILITY

Economic

Funding for this work is available in the FY21 operating budget.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

Locals 2019, 21, and 444 were notified of these agreements on November 20, 2019 and did not raise any specific issues related to these agreements.

Environmental

This project assists the District in meeting the requirements of the CD through the investigation of the regional wastewater collection system and the identification, characterization, and quantification of sources of I&I.

ALTERNATIVES

Perform the work with District staff. This alternative is not recommended because District staff lacks the technical expertise, breadth of experience, and equipment necessary to perform this work within the timeframe required by the CD.

Delay or do not proceed with the project. This alternative is not recommended because this work is required by the CD. Delay of the work would result in significant financial penalties.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Consent Decree Inflow Investigation Services					DATE: <div style="text-align: right;">July 9, 2020</div>						
CONTRACTOR: Various Firms (See Below)					PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		80.0%			
		Ethnicity	Gender	White Women		6%		10.0%			
\$11,000,000		See Below	--	Ethnic Minorities		25%		10.0%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:											
National Plant Services, Inc.	\$1,100,000	White	X		10.0%						
Trekk Design Group LLC	\$1,100,000	Hispanic	X				10.0%				
Pipe and Plant Solutions, Inc.	\$1,100,000	White	X		10.0%						
V&A Consulting Engineers, Inc.	\$1,100,000	White		X		10.0%					
Total Flow Inc.	\$1,100,000	White	X		10.0%						
ADS Corp.	\$1,100,000	White	X		10.0%						
Hoffman Southwest Corp dba Professional Pipe Services	\$1,100,000	White	X		10.0%						
Infrastructure Engineering Corporation	\$1,100,000	White	X		10.0%						
Sewer AI Corporation	\$1,100,000	White	X		10.0%						
Subtronic Corporation	\$1,100,000	White	X		10.0%						
TOTAL	\$11,000,000				80.0%	10.0%	10.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men	White Women		Ethnic Minorities		Total Employees				
No. of Employees:		See Attached Form P-061									
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation - 80.0% White Men, 10.0% White Women and 10.0% Ethnic Minority participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Consent Decree Inflow Investigation Services			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		DATE: 6/10/2020	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 %
P	WM	Company Wide	6	42	3	0	51	92.7%	48.4%
National Plant Services, Inc. Jeffrey Garcia 1461 Harbor Avenue Long Beach, CA 90813 562-436-7600		Manager/Prof	1	4	1	0	6	75.0%	
		Technical/Sales	5	34	2	0	41	95.3%	
		Clerical/Skilled	0	4	0	0	4	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	2	3	0	6	100.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide: 55		Bay Area: 6		
S	EMM: H - SBE	Company Wide	INFORMATION NOT PROVIDED						
Yerba Buena Engineering Miguel Galarza 1340 Egbert Avenue San Francisco, CA 94124		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM	Company Wide	INFORMATION NOT PROVIDED						
FloWav, Inc. Krais Moodie 1152 Mae Street Hummelstown, PA 17036 717-580-0123		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	EMW: H	Company Wide	7	7	1	0	15	12.2%	27.3%
Trek Design Group LLC Linda Dodson 1411 E 104th Street Kansas City, MO 64131 816-874-4673		Manager/Prof	2	2	0	0	4	9.1%	
		Technical/Sales	5	2	1	0	0	0.0%	
		Clerical/Skilled	0	3	0	0	0	42.9%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide: 123		Bay Area: 0		

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data						
Consent Decree Inflow Investigation Services			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
DATE: 6/10/2020		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
P	WM: LBE	Company Wide	5	4	4	0	13	34.2%
Pipe and Plant Solutions, Inc. William Gilmartin, IV 225 3rd Street Oakland, CA 94607 888-978-8264		Manager/Prof	0	1	0	0	1	7.1%
		Technical/Sales	3	2	1	0	0	0.0%
		Clerical/Skilled	1	0	2	0	3	18.8%
		Semi/Unskilled	1	1	1	0	3	37.5%
		Bay Area	3	4	4	0	0	50.0%
		Co. Wide MSA: Total USA	# Employees-Co. Wide: 38			Bay Area: 22		
P	WW: L/SBE	Company Wide	0	9	5	0	14	42.4%
V&A Consulting Engineers, Inc. Debra Kaye 1000 Broadway, Suite 320 Oakland, CA 94607 619-436-5789		Manager/Prof	0	5	2	0	7	35.0%
		Technical/Sales	0	3	2	0	5	50.0%
		Clerical/Skilled	0	1	1	0	2	66.7%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	4	4	0	0	0.0%
		Co. Wide MSA: California	# Employees-Co. Wide: 33			Bay Area: 18		
P	WM: L/SBE	Company Wide	0	0	1	0	1	16.7%
Total Flow Inc. Louis Jeffrey Blum 23520 Foley Street, Unit B Hayward, CA 94545 510-774-9223		Manager/Prof	0	0	0	0	0	0.0%
		Technical/Sales	1	0	1	0	2	40.0%
		Clerical/Skilled	0	0	0	0	0	0.0%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	0	1	0	1	16.7%
		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 6			Bay Area: 6		
S	WW: L/SBE	Company Wide	0	9	5	0	14	42.4%
V&A Consulting Engineers, Inc. Debra Kaye 1000 Broadway, Suite 320 Oakland, CA 94607 619-436-5789		Manager/Prof	0	5	2	0	7	35.0%
		Technical/Sales	0	3	2	0	5	50.0%
		Clerical/Skilled	0	1	1	0	2	66.7%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	4	4	0	0	0.0%
		Co. Wide MSA: California	# Employees-Co. Wide: 33			Bay Area: 18		

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.

Title: Consent Decree Inflow Investigation Services		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		DATE: 6/10/2020	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=Recmmnd 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 %
S	WM	Company Wide	INFORMATION NOT PROVIDED					
ADH Environmental		Manager/Prof						
Christian Kocher		Technical/Sales						
3065 Porter Street, Suite 101		Clerical/Skilled						
Soquel, CA 95073		Semi/Unskilled						
831-221-8336		Bay Area						
		Co. Wide MSA:						
S	WM	Company Wide	INFORMATION NOT PROVIDED					
Ponton Industries		Manager/Prof						
Anton Loof		Technical/Sales						
22901 Savi Ranch Pkwy., # B		Clerical/Skilled						
Yorba Linda, CA 92887		Semi/Unskilled						
415-309-6984		Bay Area						
		Co. Wide MSA:						
P	WM	Company Wide	39	16	0	3	58	27.2%
ADS Corp.		Manager/Prof	10	2	0	1	13	14.8%
Hal Kimbrough		Technical/Sales	1	1	0	0	2	10.0%
340 Bridge Street, Suite 204		Clerical/Skilled	28	13	0	2	43	41.0%
Huntsville, AL 35806		Semi/Unskilled	0	0	0	0	0	0.0%
256-430-3366		Bay Area	0	0	0	0	0	0.0%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		213	Bay Area: 0
S	WW: LBE	Company Wide	INFORMATION NOT PROVIDED					
Cal-Safety, Inc		Manager/Prof						
Kevin Karrick		Technical/Sales						
P.O. Box 1901		Clerical/Skilled						
Fremont, CA 94539		Semi/Unskilled						
510-656-5544		Bay Area						
		Co. Wide MSA:						
S	EMM: B - SBE	Company Wide	INFORMATION NOT PROVIDED					
Moseley Technical Services, Inc.		Manager/Prof						
Renee Pinto Smith		Technical/Sales						
7500 S. Memorial Pkwy., Suite 215-R		Clerical/Skilled						
Huntsville, AL 35802		Semi/Unskilled						
256-797-2126		Bay Area						
		Co. Wide MSA:						

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
Consent Decree Inflow Investigation Services			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
DATE: 6/10/2020		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 %
P	WM	Company Wide	47	163	21	8	239	56.4%	27.3%
Hoffman Southwest Corp. dba Professional Pipe Services (pro-Pipe) Nader Ghaemmaghami 23311 Madero Mission Viejo, CA 92691 949-380-4161		Manager/Prof	1	6	6	0	13	26.5%	
		Technical/Sales	0	1	0	0	1	33.3%	
		Clerical/Skilled	23	95	11	3	132	54.8%	
		Semi/Unskilled	23	61	4	5	93	71.0%	
		Bay Area	14	15	6	0	35	52.2%	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		424	Bay Area:	67
P	WM	Company Wide	0	6	4	2	12	23.5%	27.3%
Infrastructure Engineering Corporation Kari Glover 14271 Danielson Street Poway, CA 92064 858-442-2667		Manager/Prof	0	4	3	0	7	25.9%	
		Technical/Sales	0	2	1	1	4	21.1%	
		Clerical/Skilled	0	0	0	1	1	20.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		51	Bay Area:	3
P	WM: L/SBE	Company Wide	3	4	1	0	8	33.3%	48.4%
Subtronic Corporation Laurie Leibert 5031 Blum Road, #2 Martinez, CA 94553		Manager/Prof	0	0	1	0	1	16.7%	
		Technical/Sales	3	3	0	0	6	37.5%	
		Clerical/Skilled	0	1	0	0	1	50.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		24	Bay Area:	0
P	WM: L/SBE	Company Wide	0	0	0	1	1	16.7%	48.4%
SewerAI Corporation William Gilmartin IV 227 Bliss Ct Walnut Creek, CA 94598 650-863-9556		Manager/Prof	0	0	0	1	-	NA	
		Technical/Sales	0	0	0	0	-	NA	
		Clerical/Skilled	0	0	0	0	-	NA	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	United States		# Employees-Co. Wide:		6	Bay Area:	3

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.
MEETING DATE

6.1.
July 14, 2020

**TITLE MORAGA CREEK FLOOD AND EROSION CONTROL PROJECT -
GEOTECHNICAL, ENVIRONMENTAL AND CIVIL ENGINEERING DESIGN
SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

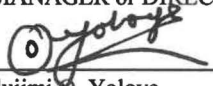
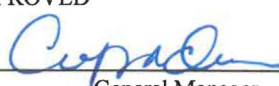
Authorize a direct award agreement beginning on or after July 14, 2020 with Langan Engineering and Environmental Services, Inc. (Langan) in an amount not to exceed \$971,025 for geotechnical, environmental and civil engineering design services for the Moraga Creek Flood and Erosion Control Project located in Moraga, California.

SUMMARY

This agreement provides geotechnical, environmental and civil engineering design services for the design of two 370-foot long, pier-supported retaining walls with tie-back anchors and associated creek restoration work along Moraga Creek in the vicinity of Canyon Road in Moraga. In addition, the agreement includes additional geotechnical exploration, monitoring and design support during construction. Structural engineering design services for the project will be performed by another consultant.

DISCUSSION

Moraga Creek is a natural watercourse that primarily carries local runoff from the communities of Moraga and Lafayette. The creek also serves to transfer water from the Moraga Pumping Plant to the Upper San Leandro (USL) Reservoir. Intense rainfall in 2016 and 2017 caused substantial slope movement along an approximately 300-foot reach of the creek. Continued movement could cause blockage of the creek, localized flooding, and additional landslides impacting the surrounding community. In addition, further soil movement into the creek could carry soil to USL Reservoir, reducing its storage capacity, and adversely impacting water quality. The District has applied for a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant, which, if approved, will provide funding to partially offset the cost of construction. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

Funds Available: FY21; CIP #1002574; Page 12		Budget Code: WSC/562/7999/5231
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Olujimi O. Yoloye	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

CONSULTANT SELECTION

Langan provided expert opinion evaluations and preliminary design during litigation associated with land movement along the creek. Direct award is recommended, as Langan is best positioned to complete the geotechnical design of the tie-back anchor retaining wall, including associated creek remediation, and provide design support during construction for this project.

SUSTAINABILITY

Economic

Funding for this item is included in the FY21 budget for the Dam Operational Upgrades Project.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

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 Industrial Relations of the State of California.

Local 2019 was notified of this agreement on June 15, 2020 and did not raise any specific issues related to this agreement.

Environmental

All work will be performed in compliance with the California Environmental Quality Act and applicable permits.

The project will enhance resilience through stream restoration, including natural plantings and creek bank improvements. It will restore the disrupted natural systems, reduce natural hazard risk through sustainable design, and reduce localized flood risk and erosion by providing stable reaches during flood conditions as well as drought conditions. The project will restore the soil, hydrology and vegetation conditions in the project area and mimic the natural channel/floodplain connectivity.

ALTERNATIVES

Perform the work with District forces. This alternative is not recommended because District staff does not have the necessary experience and expertise to complete the full range of work required for the project. Also, the selected consultant is in the best position to complete design services and serve as engineer of record for the geotechnical and civil design of the project.

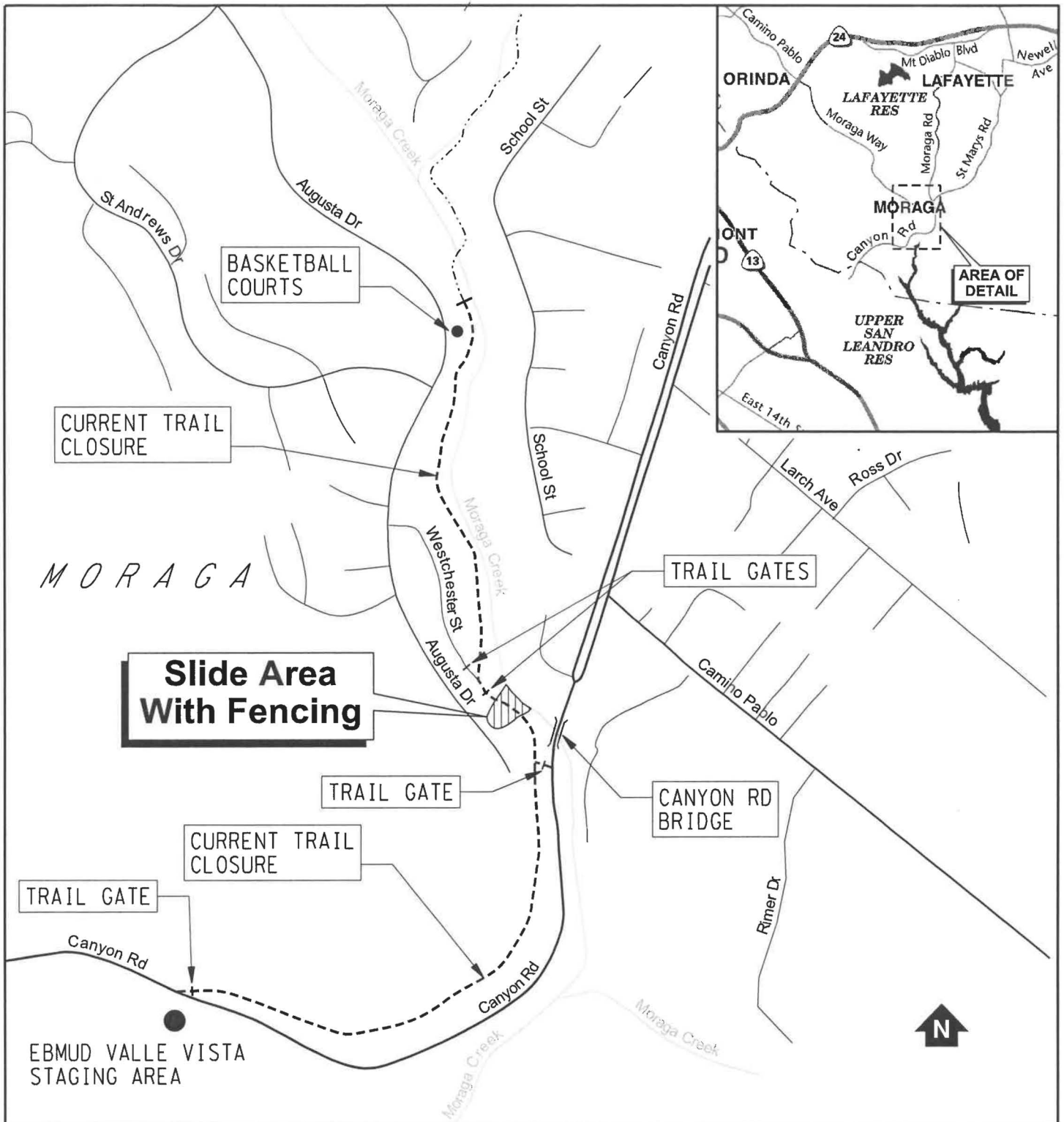
Moraga Creek Flood and Erosion Control Project – Geotechnical, Environmental, and Civil Engineering
Design Services
July 14, 2020
Page 3

Do not perform the work. This alternative is not recommended because it is in the District's long-term interest to proceed with the project. It is anticipated that a portion of the cost of construction will be offset by a FEMA Hazard Mitigation Grant.

Attachments

Location Map
P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

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PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**MORAGA CREEK SLIDE
LOCATION
AND TRAIL CLOSURE**

FIGURE 1



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Moraga Creek Flood and Erosion Control Project						DATE: July 7, 2020					
CONTRACTOR: Langan Engineering and Environmental Services, Inc. Oakland, CA 94612						PERCENTAGE OF CONTRACT DOLLARS					
Local Business / Direct Award						Availability Group		Contracting Objectives		Participation	
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		99.9%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$971,025 *		White	Men	Ethnic Minorities		25%		0.1%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Langan Engineering and Environmental Services, Inc.											
SUBS: Gilpin Geosciences, Inc.											
Clear Heart Drilling, Inc.											
GPRS LLC											
Cooper Testing Labs, Inc.											
Inspection Services, Inc.											
Geo Engineering Services											
Jim Mazzone											
ESA											
TOTAL		\$971,025		99.9%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		544		280		281		1,105			
Percent of Total Employees:		49.2%		25.3%		25.4%					
MSA Labor Market %:		36.7%		31.5%		31.7%					
MSA Labor Market Location:		New Jersey									
COMMENTS											
Contract Equity Participation - 99.9% White Men participation and 0.1% White Women participation.											
*Total not to exceed: \$971,025											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA				Beverly Johnson			



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Moraga Creek Flood and Erosion Control Project		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		DATE: 7/7/2020	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	25	117	125	1	268	24.3%
Langan Engineering and Environmental Services, Inc. Jennifer Monroig 501 14th Street, 3rd Floor Oakland, CA 94612 (Local Office) 973-560-4900		Manager/Prof	14	85	118	1	218	23.1%
		Technical/Sales	6	16	1	0	23	28.8%
		Clerical/Skilled	5	16	6	0	27	33.3%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	0	0	0	-	NA
		AA Plan on File:	NA	Date of last contract with District:	NA			
		Co. Wide MSA:	New Jersey	# Employees-Co. Wide:	1,105	Bay Area:	0	
S	WM: SBE	Company Wide	INFORMATION NOT PROVIDED					
Gilpin Geosciences, Inc. Lou Gilpin 3226 Silverado Trail N St. Helena, CA 94574 415-686-0584		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						
S	WM: SBE	Company Wide	INFORMATION NOT PROVIDED					
Clear Heart Drilling, Inc. Pat Olson 555 West College Avenue Suite B Santa Rosa, CA 94501 707-568-6095		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						
S	WM	Company Wide	INFORMATION NOT PROVIDED					
GPRS LLC Matt Aston 5217 Monroe Street Toledo, OH 43623 419-843-9804		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						
S	WM	Company Wide	INFORMATION NOT PROVIDED					
Cooper Testing Labs, Inc. Philip Jacke 937 Commercial Street Palo Alto, CA 94303 408-910-6573		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						
S	EMW: A/PI - LBE	Company Wide	INFORMATION NOT PROVIDED					
Inspection Services, Inc. Jay Lorenzo 1798 University Avenue Berkeley, CA 94703 510-910-2100		Manager/Prof						
		Technical/Sales						
		Clerical/Skilled						
		Semi/Unskilled						
		Bay Area						
		Co. Wide MSA:						

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Moraga Creek Flood and Erosion Control Project		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		DATE: 7/7/2020	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 %
S	WM	Company Wide	INFORMATION NOT PROVIDED						
Geo Engineering Services		Manager/Prof							
Elizabeth Gouchon		Technical/Sales							
11 Driftwood, Court		Clerical/Skilled							
Pacifica, CA 94044		Semi/Unskilled							
650-359-4260		Bay Area	INFORMATION NOT PROVIDED						
		Co. Wide MSA:							
S	WM	Company Wide							
Jim Mazzone		Manager/Prof							
645 Armanini Avenue		Technical/Sales							
Santa Clara, CA 95050		Clerical/Skilled	INFORMATION NOT PROVIDED						
415-559-9068		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM	Company Wide							
ESA		Manager/Prof							
Evan Holmboe		Technical/Sales							
1425 N. McDowell Blvd., Suite 200		Clerical/Skilled							
Petaluma, CA 94954		Semi/Unskilled							
707-795-0900		Bay Area							
		Co. Wide MSA:							

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

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AGENDA NO.
MEETING DATE

6.2.
July 14, 2020

**TITLE MORAGA CREEK FLOOD AND EROSION CONTROL PROJECT – STRUCTURAL
ENGINEERING DESIGN SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

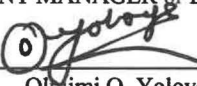

Authorize a direct award agreement beginning on or after July 14, 2020 with Wiss, Janney, Elstner Associates, Inc. (WJE) in an amount not to exceed \$601,306 for structural engineering design services for the Moraga Creek Flood and Erosion Control Project located in Moraga, California.

SUMMARY

This agreement provides structural engineering design services for the design of two 370-foot long, pier-supported retaining walls with tie-back anchors along Moraga Creek in the vicinity of Canyon Road in Moraga. In addition, the agreement includes design support during construction, including pre- and post-construction structural condition assessments for homes adjacent to the project and installation of vibration monitoring devices. Geotechnical, environmental and civil engineering design services for the project will be performed by another consultant.

DISCUSSION

Moraga Creek is a natural watercourse that primarily carries local runoff from the communities of Moraga and Lafayette. The creek also serves to transfer water from the Moraga Pumping Plant to the Upper San Leandro (USL) Reservoir. Intense rainfall in 2016 and 2017 caused substantial slope movement along an approximately 300 foot reach of the creek. Continued movement could cause blockage of the creek, localized flooding and additional landslides, impacting the surrounding community. In addition, further soil movement into the creek could carry soil to USL Reservoir, reducing its storage capacity and adversely impacting water quality. The District has applied for a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant, which, if approved, will provide funding to partially offset the cost of construction. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

Funds Available: FY21; CIP #1002574; Page 12		Budget Code: WSC/562/7999/5231
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Olujimi O. Yoloye	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

CONSULTANT SELECTION

WJE provided expert opinion evaluations and preliminary design during litigation associated with land movement along the creek. Direct award is recommended, as WJE is best positioned to complete structural design of the tie-back anchor retaining wall, perform building inspections and monitoring, and provide structural engineering design support during construction for this project.

SUSTAINABILITY

Economic

Funding for this item is included in the FY21 budget for the Dam Operational Upgrades Project.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

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 Industrial Relations of the State of California.

Local 2019 was notified of this agreement on June 15, 2020 and did not raise any specific issues related to this agreement.

Environmental

All work will be performed in compliance with the California Environmental Quality Act and applicable permits.

The project will enhance resilience through stream restoration, including natural plantings and creek bank improvements. It will restore the disrupted natural systems, reduce natural hazard risk through sustainable design, and reduce localized flood risk and erosion by providing stable reaches during flood conditions as well as drought conditions. The project will restore the soil, hydrology and vegetation conditions in the project area and mimic the natural channel/floodplain connectivity.

ALTERNATIVES

Perform the work with District forces. This alternative is not recommended because District staff does not have the necessary experience and expertise to complete the full range of work required for the project. Also, the selected consultant is in the best position to complete design services and serve as engineer of record for the structural design of the project.

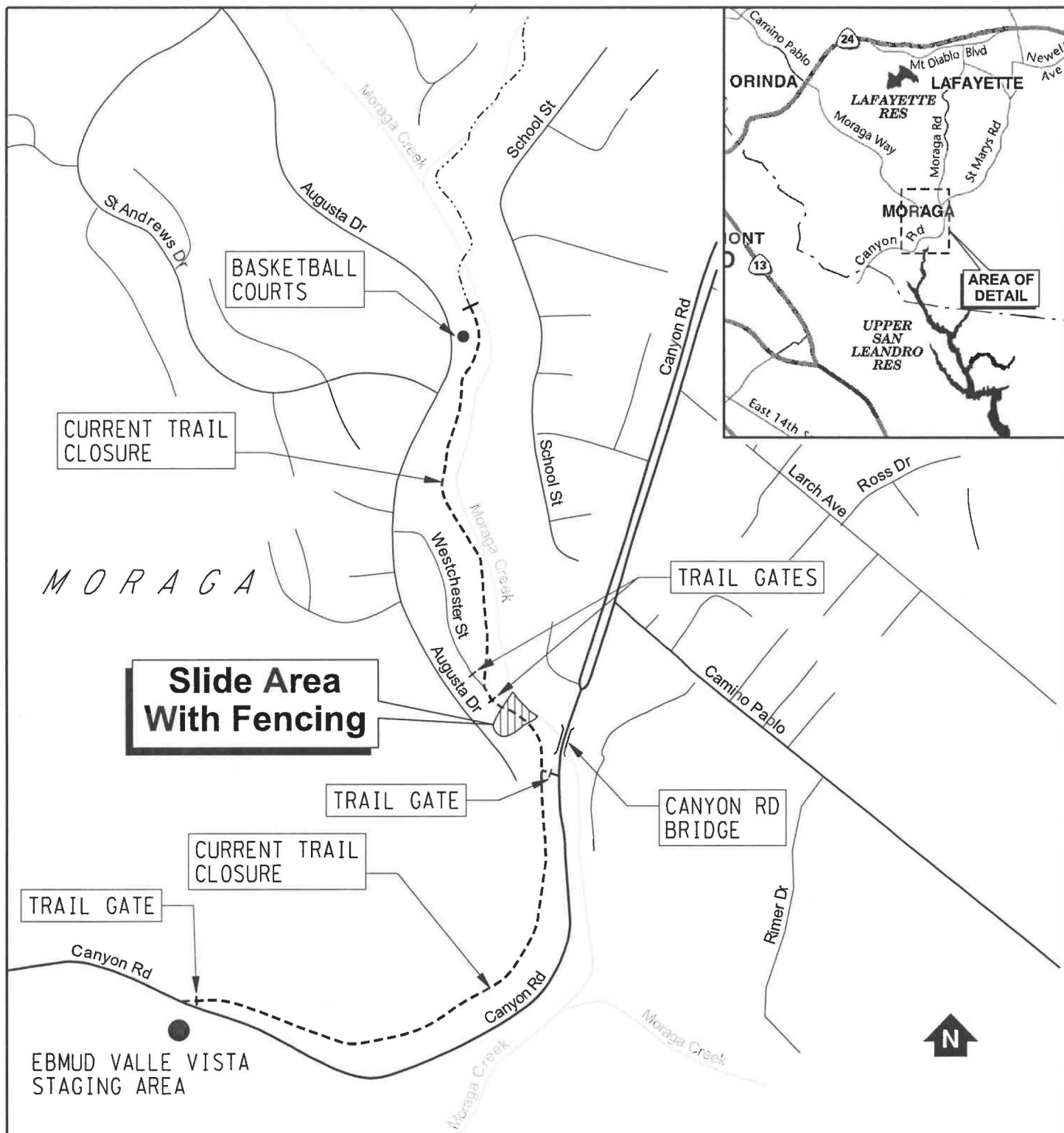
Moraga Creek Flood and Erosion Control Project – Structural Engineering Design Services
July 14, 2020
Page 3

Do not perform the work. This alternative is not recommended because it is in the District's long-term interest to proceed with the project. It is anticipated that a portion of the cost of construction will be offset by a FEMA Hazard Mitigation Grant.

Attachments

Location Map
P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

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PROJECT SITE LOCATION MAP

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**MORAGA CREEK SLIDE
LOCATION
AND TRAIL CLOSURE**

FIGURE 1



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE					DATE:						
Professional Services Agreement Moraga Creek Flood and Erosion Control Project					July 1, 2020						
CONTRACTOR:		Local Business / Direct Award		PERCENTAGE OF CONTRACT DOLLARS							
Wiss, Janney, Elstner Associates, Inc. Emeryville, CA 94608				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men		25%		100.0%				
	Ethnicity	Gender	White Women		6%		0.0%				
	\$601,306 *	White	Men	Ethnic Minorities		25%		0.0%			
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White- Men	White- Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Wiss, Janney, Elstner Associates, Inc.	\$601,306	White	X		100.0%						
SUBS: None											
TOTAL		\$601,306		100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
	White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:	477		210		105		792				
Percent of Total Employees:	60.2%		26.5%		13.3%						
MSA Labor Market %:	39.0%		33.7%		27.3%						
MSA Labor Market Location:		Total USA									
COMMENTS											
Contract Equity Participation - 100.0% White Men participation.											
*Total not to exceed: \$601,306											
Workforce Profile & Statement of Nondiscrimination Submitted			Good Faith Outreach Efforts Requirement Satisfied			Award Approval Recommended					
NA			NA			Beverly Johnson					



AGENDA NO.
MEETING DATE

7a.-b.
July 14, 2020

**TITLE DISPOSAL AND RECYCLING OF DISTRICT ASPHALT, CONCRETE, AND
 ASPHALT GRINDINGS**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

- A. Authorize agreements with six vendors in the aggregate amount not to exceed \$600,000 annually during the period July 15, 2020 to July 15, 2023 for disposal and recycling of District asphalt, concrete, asphalt grindings, and petromat trench spoils with two options to renew for additional one-year periods for a total cost of \$3,000,000.

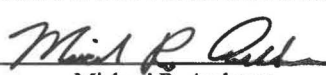
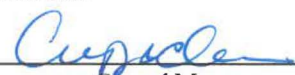
Argent Materials, Inc.
Calmat Co. dba Vulcan Materials Company
County Quarry Products, LLC

The Dutra Group
Gallagher & Burk
Nor-Cal Rock, Inc.

- B. Authorize additional agreements with other disposal and recycling vendors that meet District standards and offer pricing at or below the range described in the proposed agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.

SUMMARY

The District must annually dispose of or recycle approximately 30,000 cubic yards of asphalt, concrete, asphalt grindings, and petromat (a polypropylene fabric used to form a barrier between existing and newly-overlaid asphalt), which have been removed from construction sites throughout the service area. The quantity of asphalt, concrete, and asphalt grindings in need of disposal continues to increase due to the increased volume of infrastructure repair, pipeline installation and expansion of city paving requirements. These agreements with vendors geographically dispersed around the service area will enable field crews to dispose of these materials at the most cost-efficient locations by minimizing travel.

Funds Available: FY21		Budget Code: WSO/VAR/5377/5378
DEPARTMENT SUBMITTING Maintenance and Construction	DEPARTMENT MANAGER or DIRECTOR  Michael R. Ambrose	APPROVED  General Manager

DISCUSSION

According to CalRecycle's 2014 Disposal Facility-Based Characterization of Solid Waste in California, construction and demolition materials are estimated to account for 21.7 to 25.5 percent of California's waste disposal. Reuse and recycling of these materials is a part of sustainable or green building construction. These vendors blend recycled asphalt and concrete waste with new aggregates, asphalt, and/or recycling agents, to create products for the local construction market. In addition, the District fully separates asphalt and concrete spoils from other trench soils to ensure that only clean fill is deposited at the District-owned stockpile sites. This project is consistent with the District's Trench Soil Master Plan and supports the District's Long-Term Infrastructure Investment and Water Quality and Environmental Protection Strategic Plan goals.

SERVICE PROVIDER SELECTION

Staff identified six local firms that accept and recycle asphalt, asphalt grindings, concrete, and petromat. Requests for pricing were sent to each of these vendors. Disposal costs vary from vendor to vendor. Vendor proximity to a given District jobsite is the primary factor in evaluating cost effectiveness. By awarding to all responsive vendors, disposal/recycling options are available around the service area. This allows staff to select the least-cost vendor based on both disposal fee and travel time. All responding firms have been included on the recommended supplier list. If additional vendors are identified that offer pricing at or below the range of the six authorized vendors, they will be added to the list to maximize cost-effectiveness.

SUSTAINABILITY

Economic

Funding for this work is available in the FY21 operating budget.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

Environmental

These agreements support proper management and disposal of District-generated asphalt and concrete waste in accordance with federal and state requirements, and create recycled products for the local construction market.

ALTERNATIVES

Stockpile all concrete and asphalt spoils and trench soils on District sites. This alternative is not recommended because this would result in the same disposal fees and require the District to handle dumping of these materials twice.

Solicit bids for this service. This alternative is not recommended because implementing a typical bid for this service will result in relatively few vendors, and they generally operate at fixed locations. Vendor proximity to a given District jobsite is the primary factor in evaluating cost effectiveness.

Attachments

P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary

I:\Sec\2020 Board Related Items\071420 Board Agenda Items\OMD - Disposal and Recycling of District Asphalt, Concrete, and Asphalt Grindings.docx

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement Disposal and Recycling of District Asphalt, Concrete, and Asphalt Grindings - Three-Year Agreement with 2 One-Year Renewal Options				DATE: June 23, 2020							
CONTRACTOR: Various Firms See Below				PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: \$600,000 /yr.*		FIRM'S OWNERSHIP		White Men	25%	83.3%					
		Ethnicity	Gender	White Women	6%	0.0%					
		See below	-	Ethnic Minorities	25%	16.7%					
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIMES:											
Argent Materials, Inc.	\$100,000	See below	X		16.7%						
County Quarry Products, LLC	\$100,000	White	X		16.7%						
Nor-Cal Rock, Inc.	\$100,000	Hispanic	X				16.7%				
The Dutra Group	\$100,000	White	X		16.7%						
Gallagher & Burk	\$100,000	White	X		16.7%						
Calmat Co. dba Vulcan Materials Company	\$100,000	White	X		16.7%						
TOTAL		\$600,000			83.3%	0.0%	16.7%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
			White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:			See Attached Form P-061								
Percent of Total Employees:											
MSA Labor Market %:											
MSA Labor Market Location:											
COMMENTS											
Contract Equity Participation - 83.3% White Men participation and 16.7% Ethnic Minority participation.											
*Total not to exceed: \$3,000,000											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA				<i>Beverly Johnson CWS</i>			



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Disposal and Recycling of District Asphalt, Concrete, and Asphalt Grindings - Three-Year Agreement with 2 One-Year Renewal Options			Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL		
			National							
General Services Agreement DATE: 6/23/2020			9 Bay Area Counties							
			Alameda/CC Counties							
R=Recmmd P=Prime S=Sub Composition of Ownership			Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WM: L/SBE		Company Wide	4	15	3	0	22	75.9%	53.9%
Argent Materials, Inc. William Crotinger 8300 Baldwin Street Oakland, CA 94621 510-638-7188			Manager/Prof	0	2	1	0	3	50.0%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	4	13	2	0	19	82.6%	
			Semi/Unskilled	0	0	0	0	0	0.0%	
			Bay Area			4	15	3	0	22
510-638-7188			AA Plan on File: NA		Date of last contract with District: NA					
510-638-7188			Co. Wide MSA: Alameda County		# Employees-Co. Wide: 29		Bay Area: 29			
RP	WM: L/SBE		Company Wide	1	10	0	0	11	78.6%	39.9%
County Quarry Products, LLC Chris Gray 5501 Imhoff Drive Martinez, CA 94553 925-383-7464			Manager/Prof	0	1	0	0	1	50.0%	
			Technical/Sales	0	4	0	0	4	100.0%	
			Clerical/Skilled	1	0	0	0	1	33.3%	
			Semi/Unskilled	0	5	0	0	5	100.0%	
			Bay Area			1	10	0	0	11
925-383-7464			Co. Wide MSA: 9 Bay Area Counties		# Employees-Co. Wide: 14		Bay Area: 14			
RP	EMM: H - L/SBE		Company Wide	0	6	0	0	6	100.0%	53.9%
Nor-Cal Rock, Inc. Giovanni DeMichino 30120 Industrial Parkway SW Hayward, CA 94544 510-636-9860			Manager/Prof	0	2	0	0	2	100.0%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	0	0	0	0	0	0.0%	
			Semi/Unskilled	0	4	0	0	4	100.0%	
			Bay Area			0	6	0	0	6
510-636-9860			Co. Wide MSA: Alameda County		# Employees-Co. Wide: 6		Bay Area: 6			
RP	WM		Company Wide	19	41	10	3	73	18.9%	18.5%
The Dutra Group Aaron Johnson 2350 Kerner Blvd., #200 San Rafael, CA 94901 415-459-7740			Manager/Prof	0	2	2	0	4	6.2%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	12	21	8	3	44	17.0%	
			Semi/Unskilled	7	18	0	0	25	43.1%	
			Bay Area			0	0	0	0	0
415-459-7740			Co. Wide MSA: Marin County		# Employees-Co. Wide: 386		Bay Area: 0			
RP	WM: LBE		Company Wide	38	178	8	2	226	59.0%	39.9%
Gallagher & Burk Karrie Souza 11555 Dublin Blvd. Dublin, CA 94568 925-829-9220 ext. 1137			Manager/Prof	0	1	0	0	1	9.1%	
			Technical/Sales	0	0	0	0	0	0.0%	
			Clerical/Skilled	22	80	7	2	111	47.0%	
			Semi/Unskilled	16	97	1	0	114	83.8%	
			Bay Area			38	178	8	2	226
925-829-9220 ext. 1137			Co. Wide MSA: 9 Bay Area Counties		# Employees-Co. Wide: 383		Bay Area: 383			
RP	WM		Company Wide	8	30	3	0	41	47.7%	48.4%
Calmat Co. dba Vulcan Materials Company Philip Miller 500 N. Brand Blvd., #500 Glendale, CA 91203 818-553-8834			Manager/Prof	0	2	0	0	2	18.2%	
			Technical/Sales	1	2	0	0	3	42.9%	
			Clerical/Skilled	7	12	2	0	21	53.8%	
			Semi/Unskilled	0	14	1	0	15	51.7%	
			Bay Area			0	0	0	0	0
818-553-8834			Co. Wide MSA: California		# Employees-Co. Wide: 86		Bay Area: 0			

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



AGENDA NO.
MEETING DATE

8.
July 14, 2020

TITLE **AMEND SOBRANTE AND UPPER SAN LEANDRO WATER TREATMENT PLANTS CONTROL SYSTEM PHASE 2 – PRE-PURCHASE TO INCLUDE SOFTWARE SUPPORT SERVICES FOR ORINDA WATER TREATMENT PLANT CONTROL SYSTEM**

☒ **MOTION** ☐ **RESOLUTION** ☐ **ORDINANCE**

RECOMMENDED ACTION

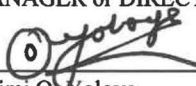

Authorize an amendment to the contract awarded under Board Motion No. 044-19 with Honeywell International, Inc., doing business as Honeywell Process Solutions (Honeywell), extending the software support services for the completed Distributed Control System (DCS) upgrades under this contract to include the same services at Orinda Water Treatment Plant (WTP), without change to the existing maximum agreement ceiling of \$3,700,000.

SUMMARY

The Board authorized a sole source contract with Honeywell on February 26, 2019 for the purchase of hardware and software for the DCS upgrades at the Sobrante and Upper San Leandro WTPs. The contract included a two-year software support services component. This amendment will extend the support services component to include the Orinda WTP, which uses similar control software. This change in scope requires Board approval in order to expend the funds in a way that was not previously approved under Board Motion No. 044-19. The prior authorization of \$3,700,000 is sufficient to cover the software service costs for the additional WTP.

DISCUSSION

Honeywell upgraded the DCS at Orinda WTP and provided associated software support services under a separate agreement which expired in 2019. Amending an active contract with Honeywell to provide the software support to the Orinda WTP is preferable to developing a new contract with the same vendor. The amendment would extend software support to the Orinda WTP without affecting the term or authorized amount of the contract. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

Funds Available: FY21; CIP #000628; Page 64		Budget Code: WSC/739/2013055/7999/5312
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR  Olujimi O. Yoloye	APPROVED  General Manager

Amend Sobrante and USL WTPs Control System Phase 2 – Pre-Purchase to Include Software Support
Services for Orinda WTP Control System

July 14, 2020

Page 2

VENDOR SELECTION

The District adopted Honeywell's technology as a District-wide standard at its WTPs to ensure consistent and efficient operations. Honeywell is the only company capable of providing support for its proprietary software.

SUSTAINABILITY

Economic

Funding for this item is included in the FY21 budget for the Treatment Plant Upgrades Project.

Environmental

Maintaining the controls software at District WTPs helps the District comply with many environmental and safety regulations.

ALTERNATIVES

Contract with another vendor. This alternative is not recommended because the Honeywell software is proprietary. No other vendor can perform this work.

Do not perform this work. This alternative is not recommended because software upgrades are necessary for reliable operations and security.



AGENDA NO. 9
MEETING DATE July 14, 2020

TITLE OAKPORT PROPERTY GROUND LEASE - PROPERTY 548

☒ MOTION _____ ☐ RESOLUTION _____ ☐ ORDINANCE _____

RECOMMENDED ACTION

Authorize the execution of a 110-day ground lease with United Parcel Service, Inc. (UPS) for approximately six acres of land located within the District's Oakport property (Property) for \$272,000.


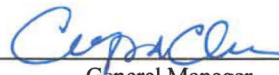
SUMMARY

The District acquired the Property in 1964 as part of a land exchange with the City of Oakland. The 67-acre property is home to the Oakport Wet Weather Treatment Plant, Oakport Storage Center, and is used for training. In addition to these facilities, the District has approximately 14 acres of vacant land on the south end of the property. The District periodically leases this portion of the property to various enterprises throughout the year. Since the District has no immediate plan to utilize this portion of the property, the lease was negotiated for UPS to use six acres of the vacant 14 acres for 110 days in the amount of \$272,000.

DISCUSSION

To support its recent increase in shipping activities, UPS will lease a portion of the Property to provide overflow parking for its vehicles and trailers. The District has been making ongoing efforts to secure the Property by removing unauthorized encroachments and waste that had been illegally dumped on the site. To prevent future unauthorized encroachments and illegal dumping, the District installed security fencing around the perimeter of the property. The presence of UPS on the Property is expected to deter activities that could affect the security and safety of the site.

The long-term plan for the Property calls for construction of a new Service Yard, Storage Center, and Pipeline Training Academy in support of the District's Long-Term Infrastructure Investment Strategic Plan goal. Until the construction of these new facilities, the District will continue to maximize the leasing potential of the Property.

Funds Available: FY21		Budget Code:
DEPARTMENT SUBMITTING <u>Customer and Community Svcs.</u>	DEPARTMENT MANAGER or DIRECTOR  Andrew L. Lee	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

SUSTAINABILITY

Economic

The District will receive \$272,000 in revenue over the term of the lease. The active use of this portion of the Property is expected to minimize unauthorized encroachments and illegal dumping, and reduce cleanup costs.

Environmental

The Property is adjacent to the coastal plain. The active use of this site will help reduce waste from illegal dumping, thereby protecting the local environment.

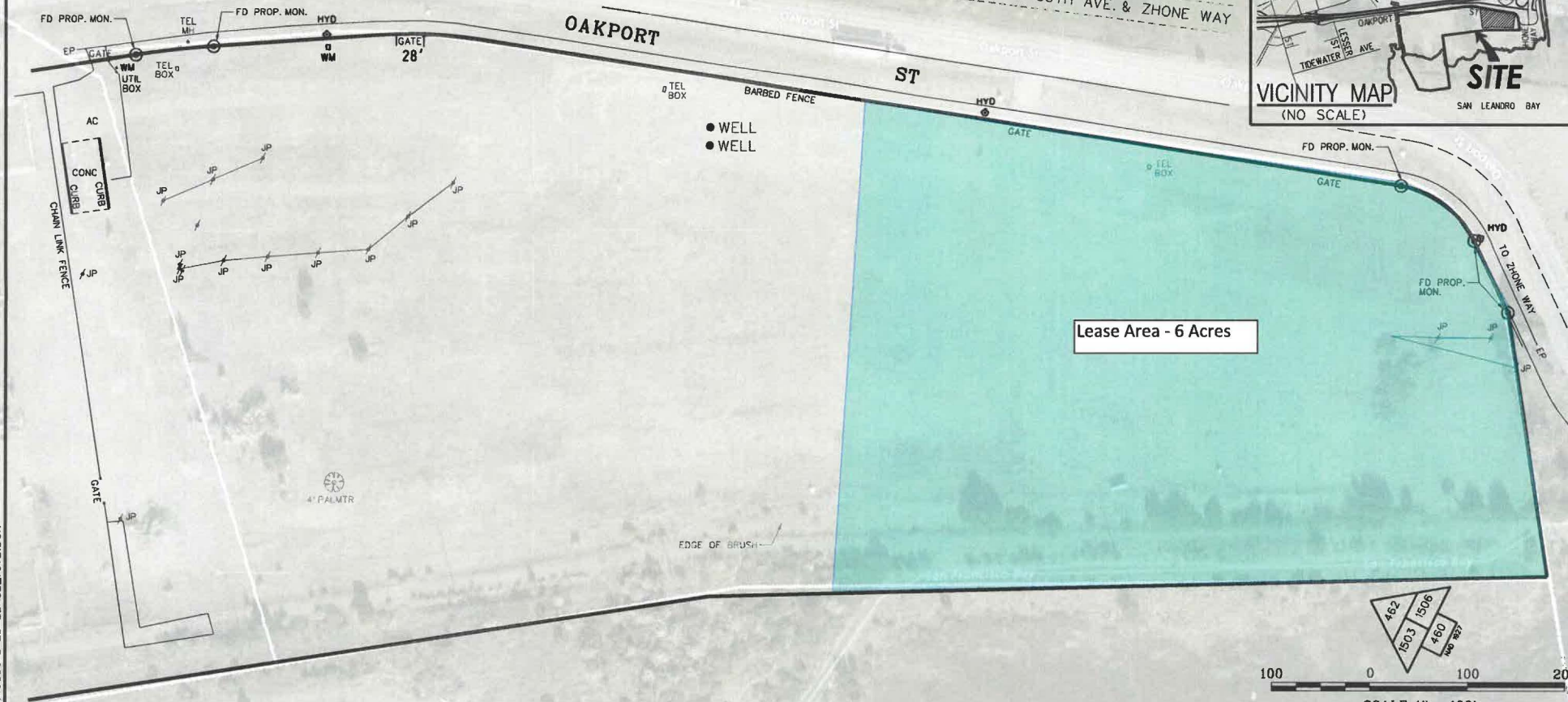
ALTERNATIVE

Do not execute the lease. This alternative is not recommended because it would result in a loss of revenue and burden District ratepayers with ongoing costs to secure and maintain the Property.

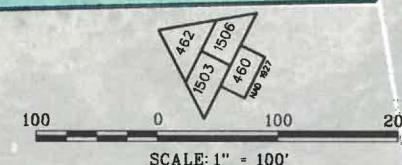
Attachment

NIMITZ 880 FWY

ATTACHMENT - UPS LEASE LOCATION



Lease Area - 6 Acres



REFERENCES:

1. E.B.M.U.D. DRAWINGS: 3816-B, & 4695-G.
2. E.B.M.U.D. PROPERTY NO. 548, RE: 1188, IM: 608, 4/28/1964.

EXHIBIT A

NO.	DATE	REVISION	BY	REC.	APP.

DRAWN BY C. CHOU
 CHECKED BY R. HOLMAN
 APPROVED SURVEYING SUPV.
 L.S. NO.

EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA	
PROPERTY	
OAKPORT LEASE AREAS-REVISED	
CITY OF OAKLAND - ALAMEDA COUNTY	
STRUCTURE, PROJ. CODE, OR ZONE DESIGNATION	3836-B
SCALE 1" = 100'	
DATE 9 DECEMBER 2014	

H:\JOB-2006\1009822\OAKPORT\DCN\3836-B-2D LEASE_rev2.DGN

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AGENDA NO.
MEETING DATE

10.1.
July 14, 2020

**TITLE AUTHORIZE CONTINUED EMPLOYMENT OF FOSTER EMPLOYMENT LAW,
FOR SPECIALIZED LEGAL SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize the Office of General Counsel to continue the employment of the law firm of Foster Employment Law, for specialized legal services related to labor and employment law and litigation matters in an additional amount not to exceed \$120,000.

DISCUSSION

The firm of Foster Employment Law has been retained to assist the Office of General Counsel in labor and employment law and litigation matters. The Office of General Counsel is now requesting authorization for additional funds for services described in a separate attorney-client confidential memorandum to the Board of Directors.

SUSTAINABILITY

Economic

Funding for this item is included in the FY21 budget obtaining specialized legal assistance.


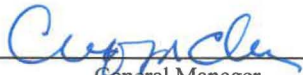
Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary

Funds Available: FY21		Budget Code: WSO 130 8511 5231	
DEPARTMENT SUBMITTING Office of General Counsel	DEPARTMENT MANAGER or DIRECTOR  Craig S. Spencer, General Counsel	APPROVED  General Manager	

Contact the Office of the District Secretary with questions about completing or submitting this form.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement - Amendment Authorize Continued Employment of Foster Employment Law for Specialized Legal Services						DATE: July 7, 2020					
CONTRACTOR: Foster Employment Law Oakland, CA 94610				Local / Small Business		PERCENTAGE OF CONTRACT DOLLARS					
				Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%			
		Ethnicity	Gender	White Women		6%		0.0%			
\$120,000 *		Black		Men		Ethnic Minorities		25%		100.0%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION					
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit
PRIME: Foster Employment Law		\$120,000	Black	X			100.0%				
SUBS: None											
TOTAL		\$120,000			0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)											
		White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:		3		2		5		10			
Percent of Total Employees:		30.0%		20.0%		50.0%					
MSA Labor Market %:		28.0%		24.2%		47.8%					
MSA Labor Market Location:		Oakland									
COMMENTS											
Contract Equity Participation - 100.0% Ethnic Minority participation											
*Total not to exceed: \$120,000											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				NA				Beverly Johnson			



AGENDA NO.
MEETING DATE

10.2.
July 14, 2020

**TITLE AUTHORIZE CONTINUED EMPLOYMENT OF HANSON BRIDGETT LLP, FOR
SPECIALIZED LEGAL SERVICES**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize the Office of General Counsel to continue the employment of the law firm of Hanson Bridgett LLP, for specialized legal services related to tax, public pension law, litigation, and construction matters in an additional amount not to exceed \$100,000.

DISCUSSION

The firm of Hanson Bridgett LLP, has been retained to assist the Office of General Counsel in matters related to tax, public pension law, litigation, and construction matters. The Office of General Counsel is now requesting authorization for additional funds for services described in a separate confidential attorney-client privileged memorandum to the Board of Directors.

SUSTAINABILITY

Economic

Funding for this item is included in the FY21 budget for obtaining specialized legal assistance.


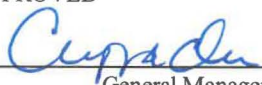
Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached.

Attachments:

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary

Funds Available: FY21		Budget Code: WS0 130 8511 5231	
DEPARTMENT SUBMITTING Office of General Counsel	DEPARTMENT MANAGER or DIRECTOR  Craig S. Spencer, General Counsel		APPROVED  General Manager


Contact the Office of the District Secretary with questions about completing or submitting this form.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement - Amendment Authorize Continued Employment of Hanson Bridgett, LLP for Specialized Legal Services				DATE: July 2, 2020								
CONTRACTOR: Hanson Bridgett LLP San Francisco, CA 94105				PERCENTAGE OF CONTRACT DOLLARS								
BID/PROPOSER'S PRICE: \$100,000 *		FIRM'S OWNERSHIP Ethnicity: White Gender: Men		White Men 25%	Contracting Objectives 25%	Participation 100.0%						
				White Women 6%	Contracting Objectives 6%	Participation 0.0%						
				Ethnic Minorities 25%	Contracting Objectives 25%	Participation 0.0%						
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION							
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign	
PRIME: Hanson Bridgett LLP	\$100,000	White	X		100.0%							
SUBS: None												
TOTAL					\$100,000	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form)												
		White Men	White Women	Ethnic Minorities	Total Employees							
No. of Employees:		57	86	104	247							
Percent of Total Employees:		23.1%	34.8%	42.1%								
MSA Labor Market %:		28.0%	23.6%	48.4%								
MSA Labor Market Location:		California										
COMMENTS												
Contract Equity Participation - 100.0% White Men participation.												
*Total not to exceed: \$100,000												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: July 9, 2020

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager CCC

SUBJECT: Cancel the August 25, 2020 Closed Session and Regular Meetings of the Board of Directors

The Board of Directors has traditionally cancelled the Board meetings scheduled for the fourth Tuesday in late August, provided it did not adversely impact the operations of the District, to accommodate planned vacations of Directors and staff. This action would provide an opportunity for a vacation period from August 12 through September 7, 2020.

Because 2020 is an election year, at its May 26 Regular meeting, the Board directed the Secretary to schedule its August meetings to allow the Board to exercise its Assembly Bill 408 authority for the 2020 general election as set forth in Section 11852.5 of the Municipal Utility District Act. The Secretary may be required to schedule a special meeting between August 12 and August 19 to allow the Board to exercise its Assembly Bill 408 authority to appoint candidates in lieu of holding an election if only one or no candidate runs for an open ward seat. The Secretary's Office will notify the Board on or by Thursday, August 13 if a special meeting is required.

The first regular meetings of the Board after the vacation period will be held on Tuesday, September 8, 2020 at 11:00 a.m. and 1:15 p.m., respectively.

CCC:rsc

I:\SEC\2020 Board Related Items\071420 Board Packet\OGM – Cancel 082520 Board Mtgs.docx

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AGENDA NO. 12.
MEETING DATE July 14, 2020

**TITLE FISCAL YEAR 2020/2021 POSITION RESOLUTION AMENDMENT AND ADDITION
OF ONE LIMITED-TERM SENIOR HUMAN RESOURCES ANALYST POSITION**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Adopt an amended position resolution to correct an administrative error in the classification listed in Exhibit B2 of Board Resolution No. 35145-19 adopted on June 11, 2019, and to add a limited-term (LT) position to support work related to EBMUD's Racial Equity and Justice Project.

SUMMARY



This request is to correct an administrative error in the classification listed in Exhibit B2 of Resolution No. 35145-19 which was adopted on June 11, 2019, and to add an LT position to support the work related to EBMUD's Racial Equity and Justice Project.

DISCUSSION

Exhibit B2, as approved on June 11, 2019, incorrectly listed a flexed LT Water System Inspector I/II as the classification to be deleted. Instead, staff intended to delete the LT Water Distribution Supervisor classification. Approving this resolution will correct this error by reinstating the incorrectly deleted LT Water System Inspector I/II flexing and deleting the LT Water Distribution Supervisor classification.

Additionally, on June 23, 2020, the Board adopted a Resolution on Principles and Action Plan for District's Response to Racial Discrimination and Violence Against Black and African Americans as Most Recently Exemplified by the Killing of George Floyd (Resolution) containing eight strategies to address racial equity and justice. Staff is requesting an LT Senior Human Resources Analyst to support the work developing the action plan to implement the strategies in the Resolution.

The addition of one LT Senior Human Resources Analyst increases the number of positions authorized in Resolution No. 35182-20 from 2188 to 2189 for FY21.

Funds Available: FY21		Budget Code:
DEPARTMENT SUBMITTING Human Resources	DEPARTMENT MANAGER or DIRECTOR  Laura A. Acosta	APPROVED  General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

SUSTAINABILITY

Economic

There is no economic impact in correcting the administrative error related to the LT Water Distribution Supervisor classification as it is a vacant classification and not currently budgeted. The annual fiscal impact of the new LT Senior Human Resources Analyst is \$232,360 which will be absorbed in the FY21 budget.

Social

There is no impact to the Unions as the LT Water Distribution Supervisor classification was created and authorized for two years and the program for which the position was created ended in December 2019. Further, there is no impact to the Unions as the LT Senior Human Resources Analyst classification is a confidential classification within the Human Resources Department.

ALTERNATIVE

Do not adopt the recommended changes. This alternative is not recommended because the position deletion approved on June 11, 2019 is incorrect, and additional staff is needed to complete the work in the Resolution.

Attachment

Amended Exhibit B2

**EXHIBIT "A" AMENDED
FY20-FY21 MID CYCLE
SUMMARY OF STAFF CHANGES
(July 14, 2020)**

Group/Department	FY20 Amended Staff Years⁽¹⁾	FY21 Approved Staff Years⁽²⁾	FY21 Amended Staff Years (Mid Cycle)⁽²⁾	FY21 Net Change
ADMINISTRATION	<u>2</u>	<u>2</u>	<u>2</u>	<u>0</u>
CUSTOMER AND COMMUNITY SERVICES	<u>152.5</u>	<u>152.5</u>	<u>152.5</u>	<u>0</u>
ENGINEERING AND CONSTRUCTION	<u>287.5</u>	<u>287.5</u>	<u>287.5</u>	<u>0</u>
FINANCE	<u>196.5</u>	<u>196.5</u>	<u>196.5</u>	<u>0</u>
Finance	102.5	102.5	102.5	0
Information Systems	94	94	94	0
HUMAN RESOURCES	<u>60</u>	<u>59</u>	<u>60</u>	<u>1</u>
OFFICE OF THE GENERAL COUNSEL	<u>17</u>	<u>17</u>	<u>17</u>	<u>0</u>
OFFICE OF THE GENERAL MANAGER	<u>26.5</u>	<u>26.5</u>	<u>26.5</u>	<u>0</u>
MAINTENANCE AND CONSTRUCTION	<u>615.5</u>	<u>615.5</u>	<u>615.5</u>	<u>0</u>
OPERATIONS & MAINTENANCE SUPPORT	<u>55</u>	<u>55</u>	<u>55</u>	<u>0</u>
WATER OPERATIONS	<u>342.75</u>	<u>341.75</u>	<u>341.75</u>	<u>0</u>
WATER AND NATURAL RESOURCES	<u>105</u>	<u>105</u>	<u>105</u>	<u>0</u>
Water Resources	38.5	38.5	38.5	0
Natural Resources	66.5	66.5	66.5	0
WATER RECYCLING PROGRAM	<u>8</u>	<u>8</u>	<u>8</u>	<u>0</u>
WATER SYSTEM TOTAL	1868.25	1866.25	1866.25	0
WASTEWATER	<u>288.5</u>	<u>288.5</u>	<u>288.5</u>	<u>0</u>
DISTRICT-WIDE TOTAL IN FTEs⁽³⁾	2156.75	2154.75	2155.75	1

Notes^{(1), (2), (3)} - See page 2

**EXHIBIT "A" AMENDED
FY20-FY21 MID CYCLE
SUMMARY OF STAFF CHANGES
(July 14, 2020)**

TOTAL POSITIONS AUTHORIZED BY TYPE OF STATUS	FY20 Positions	FY21 Approved Positions	FY21 Amended Positions (Mid Cycle)	FY21 Net Change
Full-Time	2058	2058	2058	0
Temporary	48	48	48	0
Part-Time	16	16	16	0
Intermittent	5	5	5	0
Temporary Construction and Limited-Term	63	61	62	1
DISTRICT-WIDE TOTAL IN POSITIONS⁽³⁾	2190	2188	2189	1

Notes to Exhibit A:

- (1) Amended staffing applies mid-year Board actions, changes to the FY20 Position Resolution under the General Manager's authority, position transfers, and administrative corrections.
- (2) Regular Full-Time, Temporary Construction, and Limited Term Positions = 1.0 staff year
Part-Time and Temporary = .5 staff year
Intermittent = .75 staff year
- (3) The District-wide full-time equivalent (FTE) total takes into account that temporary, part-time and intermittent positions are valued at less than 1.0 staff years each. The District-wide position total does not make that distinction.

**EXHIBIT "B2" AMENDED
FY20-FY21 MID CYCLE
(July 14, 2020)**

Human Resources

					Representation Change						
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
362	1.0	None	1.0 LT Senior Human Resources Analyst	73					1.0		Support the Resolution on Principles and Action Plan for District's Response to Racial Discrimination and Violence.

Water Operations

					Representation Change						
ORG	FTE Change	From	To	Monthly Salary Range	2019	444	21	39	MC	NR/ Exempt	Explanation
777	-1.0	-1.0 LT Water Distribution Supervisor	None	76			-1.0				Lead Sampling program ends in Dec. 2019. Position funded for 6 months in FY20.
777	0.0	1.0 Water System Inspector I/II	1.0 Water System Inspector I/II / LT Water System Inspector I/II	68	X						Correcting the LT Water System Inspector I/II flexing deletion error in Resolution No. 35145-19.
Total FY21 Representation Change					0.0	0.0	-1.0	0.0	1.0	0.0	

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RESOLUTION NO. _____

AMEND RESOLUTION NO. 35145-19 AUTHORIZING THE NUMBER AND CHARACTER
OF POSITIONS AND AUTHORIZING THE GENERAL MANAGER TO TAKE ACTION IN
CONNECTION THEREWITH AND ADD ONE LIMITED-TERM SENIOR HUMAN
RESOURCES ANALYST FOR FISCAL YEAR 2021

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors of the East Bay Municipal Utility District (District) is charged with the responsibility to determine and create the number and character of positions required to carry on the functions of the District; and

WHEREAS, on June 11, 2019, the Board of Directors adopted Resolution No. 35145-19 Authorizing the Number and Character of Positions and Authorizing the General Manager to Take Action in Connection Therewith ; and

WHEREAS, on January 14, 2020, the Board of Directors adopted Resolution No. 35161-20 which amended Resolution No. 35145-19 to add one (1) Regular Full-Time Equivalent (FTE) Principal Management Analyst position to be added to the Retirement System and one (1) Temporary Construction FTE Principal Management Analyst position to support the Human Resources Information Systems Replacement Project; and

WHEREAS, on June 9, 2020, the Board of Directors adopted Resolution No. 35182-20 which was the Mid-Cycle Resolution for Fiscal Year 2021 Authorizing the Number and Character of Positions And Authorizing the General Manager to Take Action in Connection Therewith; and

WHEREAS, after the adoption of Resolution No. 35182-20 by the Board of Directors on June 9, 2020, staff discovered an error in Resolution No. 35145-19; and

WHEREAS, Exhibit B-2 attached and incorporated with Resolution No. 35145-19 erroneously deleted one position from Budget Organization Number 777 Water Operations Division (Budget Organization Number 777) allocated as a Limited Term Water System Inspector I/II; and

WHEREAS, the District desires that the one position from Budget Organization Number 777 allocated as a Limited Term Water System Inspector I/II be restored; and

WHEREAS, staff intended to delete one position from Budget Organization Number 777 allocated as a Limited Term Water Distribution Supervisor as part of Resolution No. 35145-19, but failed to do so; and

WHEREAS, it is the desire of the Board of Directors to correct this error by restoring one position allocated as Limited Term Water System Inspector I/II and deleting one position allocated as Limited Term Water Distribution Supervisor and thereby amending Resolution No. 35145-19; and

WHEREAS, this correction does not change the number and character of positions authorized by the Board of Directors in Resolution No. 35145-19, Resolution No. 35161-20 and Resolution No. 35182-20; and

WHEREAS, an amended Exhibit B-2 is attached hereto and incorporated herein to reflect this correction; and

WHEREAS, on June 23, 2020, the Board of Directors adopted Resolution No. 35190-20 Authorizing Principles and An Action Plan for the East Bay Municipal Utility District's Response to Racial Discrimination and Violence Against Black and African Americans as Most Recently Exemplified by the Killing of George Floyd; and

WHEREAS, the District requires the addition of one additional Limited-Term Senior Human Resources Analyst position to assist in the implementation of the action items set forth in Resolution No. 35190-20; and

WHEREAS, the addition of one Limited-Term Senior Human Resources Analyst, increases the number of positions authorized in Resolution No. 35182-20 from 2,188 to 2,189 for FY 2021; and

WHEREAS, all other provisions in Resolution No. 35145-19, Resolution No. 35161-20 and Resolution No. 35182-20 shall remain in effect;

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

1. That Resolution No. 35145-19 Authorizing the Number and Character of Positions and Authorizing the General Manager to Take Action in Connection Herewith shall be amended to correctly reflect Exhibit B-2, which is attached hereto and incorporated herein, the District's intent to delete one position from Budget Organization Number 777 allocated to the Limited Term Water Distribution Supervisor; and
2. That Resolution No. 35145-19 shall be amended to correctly reflect Exhibit B-2, which is attached hereto and incorporated herein, the District's intent to restore one position from Budget Organization 777 allocated as a Limited Term Water System Inspector I/II, which was erroneously deleted.
3. That one limited-term Senior Human Resources Analyst shall be added for FY 2021, thereby increasing the number of positions authorized for FY 2021 from 2,188 to 2,189 as reflected in Exhibit A, which is attached hereto and incorporated herein by this reference.

4. That all other provisions in Resolution No. 35145-19, Resolution No. 35161-20 and Resolution No. 35182-20 that are not heretofore amended shall remain in full force and effect.

ADOPTED this 14th of July, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

{00051361;3}

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**EXHIBIT "A" AMENDED
FY20-FY21 MID CYCLE
SUMMARY OF STAFF CHANGES
(July 14, 2020)**

Group/Department	FY20 Amended Staff Years⁽¹⁾	FY21 Approved Staff Years⁽²⁾	FY21 Amended Staff Years (Mid Cycle)⁽²⁾	FY21 Net Change
ADMINISTRATION	<u>2</u>	<u>2</u>	<u>2</u>	<u>0</u>
CUSTOMER AND COMMUNITY SERVICES	<u>152.5</u>	<u>152.5</u>	<u>152.5</u>	<u>0</u>
ENGINEERING AND CONSTRUCTION	<u>287.5</u>	<u>287.5</u>	<u>287.5</u>	<u>0</u>
FINANCE	<u>196.5</u>	<u>196.5</u>	<u>196.5</u>	<u>0</u>
Finance	102.5	102.5	102.5	0
Information Systems	94	94	94	0
HUMAN RESOURCES	<u>60</u>	<u>59</u>	<u>60</u>	<u>1</u>
OFFICE OF THE GENERAL COUNSEL	<u>17</u>	<u>17</u>	<u>17</u>	<u>0</u>
OFFICE OF THE GENERAL MANAGER	<u>26.5</u>	<u>26.5</u>	<u>26.5</u>	<u>0</u>
MAINTENANCE AND CONSTRUCTION	<u>615.5</u>	<u>615.5</u>	<u>615.5</u>	<u>0</u>
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Notes ⁽¹⁾, ⁽²⁾, ⁽³⁾ - See page 2

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**EXHIBIT "B2" AMENDED
FY20-FY21 MID CYCLE
(July 14, 2020)**

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Total FY21 Representation Change					0.0	0.0	-1.0	0.0	1.0	0.0	

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: July 9, 2020

MEMO TO: Board of Directors

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

FROM: Marlaigne Dumaine, Manager of Legislative Affairs *[Signature]*

SUBJECT: Legislative Report No. 06-20

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on July 14, 2020.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 2060 (Holden) Drinking water: pipes and fittings: lead content; 2) Support AB 2421 (Quirk) Land use: permitting: wireless communications: emergency standby generators; 3) Support and Amend SB 1348 (Stern) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management; 4) Support H. Res. 988 Condemning all acts of police brutality, racial profiling, and the use of excessive and militarized force throughout the country; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

STATE LEGISLATION

RECOMMENDED POSITION

**AB 2060
(Holden)**

**DRINKING WATER: PIPES AND
FITTINGS: LEAD CONTENT**

SUPPORT

Existing law generally prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead-free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. In addition, "lead free" is defined, for purposes of manufacturing, industrial processing, or conveying or dispensing water for human consumption, to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. In addition, all plumbing components must be tested and certified to ensure they meet certain performance standards.

AB 2060 (Holden), as amended June 4, 2020, is intended to bolster existing law (EBMUD's sponsored landmark "Get the Lead Out" legislation) that limits the amount of lead in plumbing fixtures by strengthening the performance standard that endpoint devices must comply with. Under AB 2060, to be considered "lead-free" endpoint plumbing devices, such as faucets, fixtures, and water fountains, would generally be prohibited from leaching more than one microgram of lead per liter of water, until NSF International (formerly known as the National Sanitation Foundation) adopts an equal or more stringent standard.

According to the U.S. Environmental Protection Agency (U.S. EPA), there is "no known safe level of lead in a child's blood." For infants and children, exposure to lead can result in delays in physical and/or mental development. Lead exposure in adults can result in kidney problems and/or high blood pressure. The U.S. EPA estimates that 10 to 20 percent of human exposure from lead may come from lead in drinking water.

Currently all pipes, pipe fittings, plumbing fittings, and fixtures must be certified by an independent third party, such as NSF International, as being in compliance with the "lead free" standard. In addition, to be certified as "lead free" NSF International requires that endpoint devices comply with a performance standard of leaching no more than five micrograms of lead per liter of water.

The intent of AB 2060, to help protect Californians from lead exposure, is consistent with EBMUD's efforts to reduce lead exposure in drinking water, including EBMUD's sponsorship of prior legislation. AB 2060 builds on existing law that reduced the allowable amount of lead in pipes and fixtures and helps reduce lead exposure in drinking water by codifying a more stringent performance standard that will reduce the amount of lead that endpoint devices may leach to be considered "lead free" and reflects the availability of improved endpoint devices.

With regard to anticipated costs and benefits to EBMUD and its ratepayers, benefits are anticipated in terms of reducing the amount of lead that may be leached into drinking water. Some minor additional costs may accrue if prices increase for endpoint devices that EBMUD uses. The environmental and public health benefit to EBMUD and its ratepayers from reducing lead exposure is expected to outweigh the anticipated costs.

EBMUD has historically supported measures to protect the public health by reducing exposure to lead in drinking water. In 2018, EBMUD supported AB 2370 (Holden) to establish new drinking water testing requirements for licensed child care centers. AB 2370 was signed into law (Chapter 626 of 2018). In 2016, EBMUD supported SB 1398 (Leyva) to facilitate the identification and replacement of lead pipes in water systems. SB 1398 was signed into law (Chapter 731 of 2016). In 2006, EBMUD sponsored California's landmark "Get The Lead Out" legislation, AB 1953 (Chan), that was signed into law (Chapter 853 of 2006), which reduced the allowable lead content in pipes and plumbing fixtures from 8% to 0.25%, a level that virtually eliminates lead contamination in faucets and drinking water, and prohibited the sale of plumbing components after 2010 not meeting the lower lead content standard.

The official list of support and opposition to AB 2060 is shown below.

Support

Environmental Working Group (Cosponsor)
Environmental Defense Fund (Cosponsor)
Alliance of Nurses for Healthy Environments
Breast Cancer Prevention Partners
California League of Conservation Voters
California Public Interest Research Group (CALPIRG)
Center for Environmental Health
Clean Water Action
Coalition of California Welfare Rights Organizations
Families Advocating for Chemical and Toxics Safety
Friends Committee on Legislation of California
Smart Oakland
Western Center on Law and Poverty

Opposition

None listed

**AB 2421
(Quirk)**

**LAND USE: PERMITTING: WIRELESS
COMMUNICATIONS: EMERGENCY
STANDBY GENERATORS**

SUPPORT

Existing law provides that a state or local government may not deny, and shall approve, any request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such a tower or base station. Under the FCC rules governing such requests, the approval must be issued within 60 days or the request shall be deemed granted. Existing law also provides that the placement or installation of certain wireless facilities, including antennas and related equipment, on or immediately adjacent to a wireless telecommunications facility, is a permitted use not subject to a county or city discretionary permit.

AB 2421 (Quirk), as amended June 4, 2020, would require a city and county to make the installation of an emergency standby generator within the physical footprint of a macro cell tower site that meets specified requirements a permitted use subject only to local agency administrative review. The bill's provisions require the city or county to act on the completed application within 60 days, or the application will be deemed approved upon expiration of that period. Though the bill specifies that the city or county shall not require the applicant to submit proof of authorization from the property owner at the time of initial application, a city or county may require documentation of authorization prior to final installation. Additionally, if the city or county determines that the emergency standby generator violates any applicable state or local law or regulation, including building and fire safety codes, the permit or approval status may be revoked through the appropriate process. Provisions of the bill would sunset on January 1, 2024, and apply to all counties and cities, including charter cities.

According to the author, “In order to facilitate wireless network upgrades needed to mitigate the impacts of public safety power shutoffs, this legislation will help enable the rapid deployment of emergency standby generators at macro cell sites. These resources are vital for public safety and welfare to help ensure consumers maintain access to 911 services, wireless emergency alerts, and other public safety communications.” A recent committee analysis of the bill notes that AT&T reported delays ranging from five to 30 months in some jurisdictions for the permitting of backup generators.

Because the bill will enable rapid deployment of standby generators and an expedited process to install those generators to support wireless communication services, this bill may benefit EBMUD’s emergency response due to improved cellular connectivity. Potential limited costs to EBMUD may include updating of district leases to include new equipment and to address liability issues, should there be applications submitted to a city or county which involve EBMUD property. EBMUD has not taken a position previously on the issue of backup generator deployment.

The official list of support and opposition to AB 2421 is shown below.

Support

100 Black Men of Long Beach, Inc.
African American Male Education Network and Development (A2MEND)
American Indian Chamber of Commerce of California
Asian Business Association of San Diego
Asian Pacific Islander American Public Affairs Association (APAPA)
AT&T
AT&T Central Valley Veterans
Beverly Oncology & Imaging
Black Business Association
Black Chamber of Orange County
Boys & Girls Club of El Dorado County Western Slope
Brotherhood Crusade
Burbank Chamber of Commerce
Calaveras County Sheriff’s Office
California Asian Pacific Chamber of Commerce
California Association of Highway Patrolmen
California Black Chamber of Commerce
California Hispanic Chambers of Commerce
California State Conference of The National Association for The Advancement of Colored People
Carlsbad Chamber of Commerce
Center for Fathers and Families
Coalition for Responsible Community Development
Community Women Vital Voices
Concerned Citizens Community Involvement

Congress of California Seniors
CTIA
El Dorado County Chamber of Commerce
El Dorado County Sheriff's Office
Escondido Chamber of Commerce
Filipina Women's Network
Fire Safe Council of San Diego County
Fresno Police Officers Association (FPOA)
Frontier Senior Center - AAASCO
Glendale Chamber of Commerce
Greater Coachella Valley Chamber of Commerce
Greater Los Angeles African American Chamber of Commerce
Greater Riverside Chambers of Commerce
Greater Sacramento Urban League
Hispanic 100
Inland Empire Economic Partnership (IEEP)
Janet Goeske Foundation
Kheir Clinic
Kings/Tulare Homeless Alliance
Korean American Seniors Association of Orange County
La Cañada Flintridge Chamber of Commerce and Community Association
Lakeside Chamber of Commerce
Lighthouse Counseling and Family Resource Center
Long Beach Area Chamber of Commerce
Los Angeles NAACP
Madera County Sheriff's Office
Mariposa County Sheriff's Office
Meeks Bay Fire Protection District
Monterey County Sheriff's Department
Mother Lode Rehabilitation Enterprises Inc. (MORE)
NAACP
North Tahoe Fire Protection District
Oceanside Chamber of Commerce
Orange County Business Council
Orange County Hispanic Chamber of Commerce
Organization of Chinese Americans
Organization of Chinese Americans, Greater Sacramento Chapter
Oroville Rescue Mission
Pasadena Chamber of Commerce and Civic Association
Pasadena/altadena Ivy Foundation
Peace Officers Research Association of California (PORAC)
Resource Conservation District of Greater San Diego County
Rural County Representatives of California
Sacramento Asian Pacific Chamber of Commerce

Sacramento Black Chamber of Commerce
Sacramento Hispanic Chamber of Commerce
San Diego Oasis
San Francisco Chamber of Commerce
San Gabriel Valley Economic Partnership
San Marcos Chamber of Commerce
Self-Help for the Elderly
Sf.citi
Sierra College Foundation
Slavic-American Chamber of Commerce
Society for the Blind
Southeast Community Development Corporation
Southern Border Broadband Consortium
Tahoe Prosperity Center
Technet-technology Network
The Arc and United Cerebral Palsy California Collaboration
The Arc of Butte County
The Arc San Francisco
The Village Project
Thinkwatts Foundation
UFCW Local 648
Urban Corps of San Diego County
Veterans Association of North County
Vista Chamber of Commerce
World Institute on Disability

Opposition

Communications Workers of America, District 9

**SB 1348
(Stern)**

**FIRE PREVENTION: VEGETATION
MANAGEMENT: PUBLIC EDUCATION:
GRANTS: DEFENSIBLE SPACE:
FIRE HAZARD SEVERITY ZONES:
FOREST MANAGEMENT**

**SUPPORT
AND AMEND**

Existing law requires the Director of the Department of Forestry and Fire Protection (CAL FIRE) to identify areas of the state as very high fire hazard severity zones based on specified criteria. Pursuant to legislation in 2017, CAL FIRE established a local assistance grant program for fire prevention activities in the state. Existing law defines the eligible activities for this grant funding. Existing law also requires a property owner in a high fire hazard severity zone to maintain defensible space and authorizes a local agency enforcing these requirements to conduct defensible space work if the owner fails to, and to place a lien on the property for the cost of that work. Additionally, existing law establishes tiers of penalties for failure to maintain defensible space for repeat violators.

SB 1348 (Stern), as amended on June 18, 2020, making changes to state law in the four main areas described below.

First, the bill would require the Director of CAL FIRE to identify areas of the state as “moderate” and “high” fire hazard severity zones based on consistent statewide criteria and the severity of fire hazard expected for those areas. Cities or counties with areas designated by CAL FIRE as a moderate or high would be required to make the information available for public review and comment within 30 days of the designation. These requirements are similar to existing law for very high fire hazard severity zones.

Second, the bill would expand the eligible activities for CAL FIRE’s local assistance grant fund program to specifically include projects for vegetation management along roadways and driveways, and public education outreach regarding home and community wildfire resistance. According to a recent legislative policy committee analysis of the bill, the suggestion to expand eligibility came from the Oakland FireSafe Council. This bill also authorizes any project or program to improve forest health and reduce GHG emissions or any grant funded by the Greenhouse Gas Reduction Fund (GGRF) to include projects or programs for vegetation management along roadways and driveways, including defensible space training, as well as public education outreach and community wildfire assistance.

Third, SB 1348 would require CAL FIRE to take on additional responsibilities to:

- adopt regulations related to defensible space requirements in vacant lots;
- create and maintain a public database relating to defensible space inspections and assessments conducted by CAL FIRE, local agencies, or volunteers;
- develop and propose to the legislature a financial penalty structure to apply to situations where CAL FIRE has authorized and removed vegetation and placed a lien upon the property to recover its costs; and
- establish in cooperation with the U. S. Forest Service and specified federal agencies, a program for purposes of the development of specified federal and state environmental protection documents for landscape scale ecological restoration and fire resiliency projects on national forest lands that are at least 50,000 acres.

Finally, SB 1348 would require the California Building Standards Commission to update its code pertaining to the construction of new buildings in specified fire hazard zones.

SB 1438 is intended to enhance fire prevention efforts throughout the state by expanding the range of projects for which funding may be available and, according to the author, to address recommendations contained in CAL FIRE’s 2019 Community Wildfire Prevention & Mitigation Report, which was prepared in response to Governor Newsom’s Executive Order N-05-19.

SB 1348’s local assistance grant provisions could provide potential funding eligibility for EBMUD, as well as its local partners, in both EBMUD’s service area and upcountry facilities, including the Upper Mokelumne River Watershed Authority (UMRWA). By providing potential

funding eligibility, SB 1348 may make local projects more feasible, thus helping reduce fire risk and impacts in the East Bay and Mokelumne watershed area. While this bill could result in costs to EBMUD to provide information to CAL FIRE on defensible space inspections as well as possible costs related to increased vegetation management in vacant lots and other areas, the benefits of lessened fire risk and potential cost savings in terms of avoided fires are expected to outweigh any costs.

In its current form, SB 1348 would likely benefit EBMUD and its partners. However, the bill would be further strengthened by clarifying the annual database requirements. To ensure that information in the database is meaningful and correct, CAL FIRE should consider convening a stakeholder process to create the database, which will also help to increase future communication efforts between local agencies and CAL FIRE on vegetation management and defensible space requirements. Staff will work with the author's office to address this issue.

EBMUD has previously supported measures to facilitate forest health and fire prevention. In 2018, EBMUD supported SB 1079 (Monning) to facilitate access to grants for forest health and fire prevention efforts.

The official list of support and opposition to SB 1348 is shown below.

Support

California Association of Local Conservation Corps
City of Thousand Oaks
Congress of California Seniors
Napa Community Firewise Foundation
Pacific Forest Trust
Pacific Gas and Electric Company
San Diego Gas and Electric Company
The Nature Conservancy

Opposition

None listed

FEDERAL LEGISLATION

**RECOMMENDED
POSITION**

H. Res. 988	CONDEMNING ALL ACTS OF POLICE BRUTALITY, RACIAL PROFILING, AND THE USE OF EXCESSIVE AND MILITARIZED FORCE THROUGHOUT THE COUNTRY	SUPPORT
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House Resolution 988 (H. Res. 988), as introduced on June 1, 2020, condemns all acts of brutality, racial profiling, and the use of excessive force by law enforcement officers and calls for the end of militarized policing practices through three specific statements.

First, H. Res. 988 “condemns all acts of brutality, racial profiling, and the use of excessive force by law enforcement officers and calls for the end of militarized policing practices.”

Second, H. Res. 988 expresses support for “strengthening efforts to eliminate excessive use of force, and conduct stringent oversight and independent investigations into instances of police brutality, racial profiling, and excessive use of force, and hold individual law enforcement officers and police departments accountable.” As part of this statement, H. Res. 988 also calls on the Department of Justice (DOJ) to “reinstate its role in investigating instances of police brutality, violence, and racial profiling, and police departments that violate civil rights,” and for DOJ to take on a role of “filing briefs urging courts to reconsider decisions that permit unreasonable and excessive police practices and establish meaningful oversight of consent decrees.” It also calls for “establishing independent all-civilian review boards, with the authority to effectively investigate incidents of police misconduct, to ensure meaningful community level oversight, transparency, accountability, and discipline of police officers.”

Finally, H. Res. 988 “calls for the adoption of sound and unbiased law enforcement policies at all levels of government that reduce the disparate impact of police brutality and use of force on Black and Brown people and other historically marginalized communities.”

The Board, at its June 23, 2020 meeting, adopted a resolution authorizing principles and an action plan for EBMUD’s response to racial discrimination and violence against Black and African Americans as most recently exemplified by the killing of George Floyd. The Board resolved to support legislation that aligns with these principles and strategies, and promotes its commitment to combatting racism. Several of the adopted strategies in the EBMUD resolution are aligned with H. Res. 988, including both of the following:

- Review and update the practices and procedures of [EBMUD’s] internal security force and contractor(s) to ensure that their interactions with the public are appropriate, including during public meetings or protests; and

- Engage [EBMUD's] partnering law enforcement agencies in dialogue to express our concerns and inquire about the steps they are taking regarding issues of excessive force and/or violence by their officers.

There is no official list of support and opposition available.

**STATE AND FEDERAL GOVERNMENT ACTIONS
RELATED TO THE CORONAVIRUS DISEASE 2019
(COVID-19)**

INFORMATION

An overview of key state and federal actions taken in response to the COVID-19 pandemic since Legislative Report No. 04-20, which was reviewed by the Board on June 9, 2020, is provided below.

State Government Actions

Executive Orders

Subsequent to the writing of Legislative Report No. 04-20, four additional executive orders have been issued. Information on those executive orders of direct interest to EBMUD is provided below.

June 5, 2020; Executive Order N-68-20; Omnibus

This order addresses numerous issues including increasing the availability of over-the-counter medications and medical devices and extending waivers related to placement of foster youth. Of particular interest to EBMUD, the executive order included workers' compensation-related provisions applicable to EBMUD that extend statutory deadlines related to the following:

- Timeframe of when a petition for reconsideration is deemed to have been denied by the Workers' Compensation Appeals Board.
- Timeframe for when the Workers' Compensation Appeals Board must act on decisions by Workers' Compensation judges.

June 30, 2020; Executive Order N-71-20; Omnibus

This order addresses numerous issues including the extension of rental eviction protections through September 30 and the extension of previous waivers on a variety of issues such as Medi-Cal, foster care, CalWORKS, obtaining driver's licenses and identification cards, and real estate licenses. Of particular interest to EBMUD, the executive order included extensions of deadlines related to the following:

- Timeframe of presentation of claims against government entities extended by an additional 60 days. The initial 60-day extension was granted in paragraph 11 of EO N-35-20.
- Timeframe of Workers' Compensation Appeals Board, addressed in Executive Order N-68-20 described above, to end on August 29, 2020.
- Timeframe of various labor and occupational health and safety laws.

Staff is evaluating these provisions in the context of EBMUD operations.

Other

On June 18, 2020, the California Department of Public Health (CDPH) issued guidance on the use of face coverings, which generally requires the use of face coverings when people are in public or common spaces. CDPH has updated various industry guidance documents, including those relevant to EBMUD, to take the face covering guidance into account. Staff is evaluating the updated industry guidance documents in the context of EBMUD operations.

Federal Government Actions

Congress continues to discuss additional COVID-19-related economic stimulus and relief.

Stimulus

In mid-June, EBMUD sent its federal stimulus funding requests to members of the EBMUD delegation. The letter summarized EBMUD's programmatic requests pertaining to drinking water and wastewater infrastructure needs in the categories of the Clean Water State Revolving Fund (SRF), Drinking Water SRF, Water Resources Development Act, CALFED Bay-Delta Program, and water and wastewater utility workforce development. Examples of EBMUD shovel-ready and near-term capital improvement projects (CIP) were included to demonstrate the overwhelming need for infrastructure funding for EBMUD's continuing operations. EBMUD also included two non-CIPs to demonstrate EBMUD's role as an innovator—a nutrient removal project and a hatchery project.

On June 11, 2020, House democrats introduced H.R. 2, the "Invest in America Act," based on the "Moving America and the Environment Forward" framework released by Speaker Pelosi last January. H.R. 2 contains similar funding levels in programs consistent with EBMUD's stimulus funding requests. On July 1, 2020, H.R. 2 passed the House, which signals the start of negotiations with the Senate and White House on a compromise approach, which is anticipated to differ from the introduced bill.

Relief

Discussions are still underway for additional COVID-19 funding. EBMUD has requested relief for EBMUD and its ratepayers in the form of low-income ratepayer assistance, payroll tax credit for the CARES Act extended leave, federally-funded essential worker hazard pay, and relief funding for water and wastewater utilities that are special districts. The House passage of the HEROES Act, H.R. 6800, on May 15, 2020, signaled the start of negotiations with the Senate on a fourth coronavirus relief package, which are ongoing. Separately, President Trump signed S. 4116 on July 4, 2020, to extend the authority of commitments for the Paycheck Protection Program, which was one of the components of previous COVID-19 legislation.

NEXT STEPS

Staff is continuing to pursue funding eligibility for EBMUD under federal COVID-19 relief packages and is engaged in discussions regarding future federal stimulus efforts. Staff will continue to monitor state and federal government actions in response to COVID-19 and engage as warranted. Staff will continue to provide updates to the Board, as appropriate.

CCC:MD:DM/JW

Attachments

I:\SEC\2020 Board Related Items\LegHRCmte and Regular Mtg\071420 BoardItems\OGM - Legislative Report No. 06-20.doc

AMENDED IN ASSEMBLY JUNE 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2060

Introduced by Assembly Member Holden
(Coauthor: Assembly Member Gonzalez)

February 4, 2020

An act to amend ~~Section~~ *Sections 25214.4.3 and 116875* of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL’S DIGEST

AB 2060, as amended, Holden. Drinking water: pipes and fittings: lead content.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines “lead free” for purposes of manufacturing, industrial processing, or conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures.

This bill would additionally define “lead free,” for purposes of manufacturing, industrial processing, or conveying or dispensing water for human consumption, to mean *does not leach* more than one microgram of lead under certain tests and meeting a specified

certification when used with respect to ~~end-use devices~~. *endpoint devices, except as specified.*

Existing law requires the Department of Toxic Substances Control, based on its available resources and staffing, to annually select no more than 75 drinking water faucets or other drinking water plumbing fittings and fixtures for testing and evaluation, including the locations from which to select the faucets, fittings, and fixtures, to determine compliance with the above-specified lead plumbing standards.

This bill would authorize the department, when evaluating an endpoint device's compliance with the above-specified definition of "lead free" that the bill would establish, to base its evaluation upon specified documentation that demonstrates certification that the endpoint device does not leach more than one microgram of lead under certain tests.

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

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

- 1 *SECTION 1. Section 25214.4.3 of the Health and Safety Code*
2 *is amended to read:*
3 25214.4.3. (a) Lead plumbing monitoring and compliance
4 testing shall be undertaken by the department, as a part of the
5 department's ongoing program for reducing toxic substances from
6 the environment.
7 (b) For purposes of implementing this article, the department
8 shall, based on its available resources and staffing, annually select
9 not more than 75 drinking water faucets or other drinking water
10 plumbing fittings and fixtures for testing and evaluation, including
11 the locations from which to select the faucets, fittings, and fixtures,
12 to determine compliance with Section 116875.
13 (c) In implementing this article, the department shall use test
14 methods, protocols, and sample preparation procedures that are
15 adequate to determine total lead concentration in a drinking water
16 plumbing fitting or fixture to determine compliance with the
17 standards for the maximum allowable total lead content set forth
18 in Section 116875.
19 (d) (1) In selecting drinking water faucets and other drinking
20 water plumbing fittings and fixtures to test and evaluate pursuant
21 to this article, the department shall exercise its judgment regarding
22 the specific drinking water plumbing fittings or fixtures to test.

(2) This article does not require the department's selection to be either random or representative of all available plumbing fittings or fixtures.

(3) The department shall acquire its samples of fittings and fixtures from locations that are readily accessible to the public at either retail or wholesale sources.

(4) When evaluating an endpoint device's compliance with paragraph (2) of subdivision (e) of Section 116875, the department may base its evaluation upon documentation developed by an American National Standards Institute (ANSI) accredited third party that demonstrates that the ANSI accredited third party has certified that the endpoint device does not leach more than one microgram of lead for test statistic Q or R, when normalized for the one liter first draw sample, as calculated in accordance with section N-1.8.9 of the March 2020 NSF International/ANSI Standard 61, until NSF International adopts an equal or more stringent standard.

(e) The department shall annually post the results of the testing and evaluation conducted pursuant to this article on its ~~Internet~~ ~~Web site~~ internet website and shall transmit these results in an annual report to the State Department of Public Health.

SECTION 1.

SEC. 2. Section 116875 of the Health and Safety Code is amended to read:

116875. (a) A person shall not use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes.

(b) (1) A person shall not introduce into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not lead free, as defined in subdivision (e). This includes kitchen faucets, bathroom faucets, and any other ~~end-use~~ endpoint devices intended to convey or dispense water for human consumption through drinking or cooking, but excludes service saddles, backflow preventers for nonpotable services such as irrigation and industrial, and water distribution main gate valves that are two inches in diameter and above.

(2) Pipes, pipe or plumbing fittings, or fixtures that are used in manufacturing, industrial processing, for irrigation purposes, and any other uses where the water is not intended for human consumption through drinking or cooking are not subject to the requirements of paragraph (1).

(3) For all purposes other than manufacturing, industrial processing, or to convey or dispense water for human consumption, “lead free” is defined in subdivision (f).

(c) A person engaged in the business of selling plumbing supplies, except manufacturers, shall not sell solder or flux that is not lead free.

(d) A person shall not introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

(e) For purposes of this section, ~~“lead free” means both of the following:~~ *following apply:*

(1) ~~Not~~ *“Lead free” means not more than 0.2 percent lead when used with respect to solder and flux and not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. The weighted average lead content of a pipe and pipe fitting, plumbing fitting, and fixture shall be calculated by using the following formula: The percentage of lead content within each component that comes into contact with water shall be multiplied by the percent of the total wetted surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each component containing lead. These percentages shall be added and the sum shall constitute the weighted average lead content of the pipe and pipe fitting, plumbing fitting, or fixture.*

(2) ~~When~~ *“Lead free” means, when used with respect to end-use devices, not endpoint devices other than supply stops, flexible plumbing connectors, and miscellaneous components, does not leach more than one microgram of lead for test statistic Q or R, when normalized for the one liter first draw sample, as calculated in accordance with section B.8.9 N-1.8.9 of the March 2020 NSF International/American National Standards Institute (ANSI) Standard 61 and NSF International/ANSI Standard 61-certified,*

1 *certified by an ANSI accredited third party*, until NSF International
2 adopts an equal or more stringent standard.

3 (f) For purposes of paragraph (3) of subdivision (b), “lead free,”
4 consistent with the requirements of federal law, means not more
5 than 0.2 percent lead when used with respect to solder and flux
6 and not more than 8 percent lead when used with respect to pipes
7 and pipe fittings. With respect to plumbing fittings and fixtures,
8 “lead free” means not more than 4 percent lead by dry weight after
9 August 6, 2002, unless the department has adopted a standard,
10 based on health effects, for the leaching of lead.

11 (g) (1) All pipe, pipe or plumbing fittings or fixtures, solder,
12 or flux shall be certified by an independent ANSI accredited third
13 party, including, but not limited to, NSF International, as being in
14 compliance with this section.

15 (2) (A) The certification described in paragraph (1) shall, at a
16 minimum, include testing of materials in accordance with the
17 protocols used by the Department of Toxic Substances Control in
18 implementing Article 10.1.2 (commencing with Section 25214.4.3)
19 of Chapter 6.5 of Division 20.

20 (B) The certification required pursuant to this subdivision shall
21 not interfere with either the department’s exercise of its
22 independent authority to protect public health pursuant to this
23 section, or the Department of Toxic Substances Control’s exercise
24 of its independent authority to implement Article 10.1.2
25 (commencing with Section 25214.4.3) of Chapter 6.5 of Division
26 20.

27 (3) It is the intent of the Legislature that this subdivision only
28 provide guidance and assistance to the entities that use an
29 independent ANSI accredited third party to demonstrate
30 compliance with this section. Any tests developed by an
31 independent ANSI accredited third party in accordance with this
32 subdivision shall have no weight of authority under California
33 statute.

34 (4) Notwithstanding paragraph (1), the department shall retain
35 its independent authority in administering this article.

36 (h) This section shall become operative on January 1, 2010. The
37 requirement described in subdivision (g) shall not be construed in

- 1 any manner as to justify a delay in compliance with the lead-free
- 2 standard set forth in subdivision (e).

O

AMENDED IN ASSEMBLY JUNE 4, 2020

AMENDED IN ASSEMBLY MARCH 12, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2421

Introduced by Assembly Member Quirk

February 19, 2020

An act to add and repeal Section 65850.75 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2421, as amended, Quirk. Land use: permitting: wireless ~~communications~~. *communications: emergency standby generators.*

Under existing law, a wireless telecommunications collocation facility, as specified, is subject to a city or county discretionary permit and is required to comply with specified criteria, but a collocation facility, which is the placement or installation of wireless facilities, including antennas and related equipment, on or immediately adjacent to that wireless telecommunications collocation facility, is a permitted use not subject to a city or county discretionary permit. Existing law defines various terms for these purposes.

This bill would, until January 1, 2024, require local agencies to ~~adopt specified approval procedures for an application to install an emergency standby generator, that meets specified standards, within the physical footprint of a macro cell tower site.~~ *make the installation of an emergency standby generator within the physical footprint of a macro cell tower site that meets specified requirements a permitted use subject only to local agency administrative review. The bill would specify procedures for the processing of permit applications by a local agency*

and would authorize a local agency to impose a fee to cover costs associated with administering the bill's provisions. Because ~~this~~ the bill would impose new duties on local agencies, it would impose a state-mandated local program.

The bill would define terms for purposes of these provisions and provide legislative findings and declarations in support of these provisions in order to maintain cellular communications during implemented power shutoffs.

Existing law, the California Environmental Quality Act (CEQA) requires a local agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that might have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA does not apply to ministerial approval of projects.

By requiring administrative approval of the installation of emergency standby generators, this bill would expand the CEQA ministerial approval exemption.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Unprecedented wildfires are forcing California to develop
4 new strategies to preserve public safety and welfare. One strategy
5 is a proactive Public Safety Power Shutoff. In October 2019, three
6 of the largest electric utilities implemented power shutoffs affecting
7 more than 2,000,000 Californians.

8 (b) These shutoffs interrupted commercial power to wireless
9 infrastructure, resulting in some consumers losing access to
10 communications services. In response, wireless providers have
11 developed backup power solutions to ensure networks remain
12 operational during power shutoffs.

13 (c) In March 2019, Governor Gavin Newsom issued a
14 proclamation of emergency in response to the wildfire threat, which
15 waived permitting barriers to critical forest management projects.
16 ~~The Legislature has also created~~ *This act also creates* exemptions
17 for public safety actions.

18 (d) Enabling the rapid deployment of emergency standby
19 generators is vital for public safety to help ensure consumers
20 maintain access to 911 services, wireless emergency alerts, and
21 other public safety communications. Fragmented and lengthy
22 permitting requirements could delay these public safety
23 deployments by many months and in some cases could prevent
24 them altogether.

25 (e) Given the urgency of ensuring wireless providers are
26 prepared for fire-threat events, it is necessary to expedite these
27 public safety deployments. ~~This legislation would create~~ *act creates*
28 a narrow time-limited exemption and a uniform process for the
29 expedited installation of low emission, emergency standby
30 generators ~~rated by the State Air Resources Board~~ and associated
31 storage tanks located within, or immediately adjacent to, an already
32 permitted macro cell tower site.

33 (f) Specifically, ~~this legislation will allow~~ *act allows* wireless
34 providers to prepare for future fire seasons and power outages
35 using an expedited process that does both of the following:

36 (1) Applies to the installation of a standard-configuration
37 standby emergency generator at previously permitted macro cell
38 tower sites.

(2) Provides for local administrative review with a 60-day deadline for local agencies to approve or deny applications.

(g) ~~This legislation would~~ *act does* not apply to any law, regulation, permit, information request, order, variance, or other requirement related to the installation of small cells for the deployment of 5G network technologies.

(h) To assist in expediting deployment of emergency standby generators, ~~this legislation would allow~~ *act allows* applicants to concurrently seek consent from landowners while applying for permits, but does not allow an applicant to begin installation until approval from the landowner is received by the local agency.

SEC. 2. Section 65850.75 is added to the Government Code, immediately following Section 65850.7, to read:

65850.75. (a) For purposes of this section, the following terms have the following meanings:

(1) “Emergency standby generator” means a stationary generator used for the generation of electricity that meets the criteria set forth in Section 93115(29) of Title 17 of the California Code of Regulations.

(2) “Local agency” means a city, county, or city and county.

(3) “Macro cell tower site” means the place where wireless telecommunications equipment and network components, including towers, transmitters, base stations, and emergency powers necessary for providing wide area outdoor service, are located. A macro cell tower site does not include rooftop, small cell, or outdoor and indoor distributed antenna system sites.

(b) ~~An~~ *Notwithstanding any law, an* emergency standby generator proposed to be installed within the physical footprint of a macro cell tower site shall be a permitted use subject only to local agency administrative review if it meets ~~both~~ *all* of the following requirements:

(1) The emergency standby generator is rated below 50 horsepower, certified to California emission standards, has a 190-gallon double-wall storage tank, and is mounted on a concrete pad.

(2) The macro cell tower site at which the emergency standby generator is proposed to be installed is an existing site that was previously permitted by the local agency.

1 (3) *The emergency standby generator complies with all*
2 *applicable state and local laws and regulations, including building*
3 *and fire safety codes.*

4 (c) A local agency that receives a ~~completed~~ permit application
5 to install an emergency standby generator that meets the
6 requirements in subdivision (b) shall approve or deny the
7 application within 60 days of submittal of the application, subject
8 to both of the following:

9 (1) If, within 10 days of submission, the local agency notifies
10 the applicant in writing that the application is ~~deficient, incomplete,~~
11 then the 60-day period shall be tolled until the applicant provides
12 the information requested.

13 (2) The local agency shall not require any new or different
14 information for the permit applications than it routinely requires
15 for applications for other emergency standby generators.

16 (d) (1) A completed application that the local agency has not
17 approved or denied within 60 days of receiving the application or
18 upon expiration of any tolling period shall be deemed approved.

19 (2) *This section does not prohibit a local agency from revoking,*
20 *through the appropriate process, the permit or approval status for*
21 *an emergency standby generator that is determined to violate an*
22 *applicable state or local law or regulation, including building and*
23 *fire safety codes, or from otherwise enforcing state and local law*
24 *with respect to the emergency standby generator.*

25 (e) If the local agency requires more than one permit application
26 for the installation of an emergency standby generator, all
27 applications submitted concurrently shall be issued within the same
28 60-day period set forth in subdivision (c).

29 (f) The local agency shall not require the applicant to submit
30 proof of consent or other authorization from an underlying property
31 owner as part of the initial application for an emergency standby
32 generator permit; however, the applicant shall not install the
33 emergency standby generator until the applicant provides
34 documentation, if required, to the local agency.

35 (g) *A local agency may impose a permit fee to cover its costs*
36 *associated with administering this section. The fee shall not exceed*
37 *the reasonable costs of providing the service for which the fee is*
38 *charged and shall not be levied for general revenue purposes.*

39 ~~(g)~~

1 (h) This section shall remain in effect until January 1, 2024, and
2 as of that date is repealed.

3 SEC. 3. The Legislature finds and declares that the installation
4 of an emergency standby generators at wireless telecommunications
5 facility sites as set forth in this section has a significant public
6 safety impact in California and is a matter of statewide concern
7 and is not a municipal affair as that term is used in Section 5 of
8 Article XI of the California Constitution. Therefore, Section 2 of
9 this act adding Section 65850.75 to the Government Code applies
10 to all cities, including charter cities.

11 ~~SEC. 4. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~

16 *SEC. 4. No reimbursement is required by this act pursuant to*
17 *Section 6 of Article XIII B of the California Constitution because*
18 *a local agency or school district has the authority to levy service*
19 *charges, fees, or assessments sufficient to pay for the program or*
20 *level of service mandated by this act, within the meaning of Section*
21 *17556 of the Government Code.*

AMENDED IN SENATE JUNE 18, 2020

AMENDED IN SENATE MAY 8, 2020

SENATE BILL

No. 1348

Introduced by Senator Stern

February 21, 2020

An act to amend Sections 51178, 51178.5, and 51182 of the Government Code, to add Section 18941.12 to the Health and Safety Code, and to amend Sections 4124.5, 4291, and 4799.05 of, and to add Sections 4119.5, 4291.4, and 4799.05.5 to, the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 1348, as amended, Stern. Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.

(1) Existing law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones based on specified criteria. Existing law requires a local agency, within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review, as provided.

This bill would also require the director to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for ~~public review~~, *review and comment*, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

(2) The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the

building standard to the California Building Standards Commission for approval and adoption. In the absence of a designated state agency, the commission is required to adopt specific building standards, as prescribed. Existing law requires the commission to publish, or cause to be published, editions of the code in its entirety once every 3 years.

This bill would require the commission to adopt, approve, codify, and publish amendments to the California Building Standards Code that would extend provisions of the code relating to construction of new buildings in specified fire zones to land designated as moderate, high, and very high fire hazard severity zones and land designated as wildland-urban interface fire areas, as provided.

(3) Existing law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. *Existing law authorizes a greater distance than specified above on the specified land in a very high fire hazard severity zone. Existing law specifies that clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.*

This bill would specify that the above-described clearance on adjacent property may also be conducted pursuant to a local ordinance. The bill would require the Department of Forestry and Fire Protection to, on or before July 1, 2021, adopt regulations relating to defensible space requirements in vacant lots, create and maintain a public database relating to defensible space inspections and assessments conducted by the department, local agencies, or volunteers, and develop, and propose to the Legislature for consideration, a financial penalty structure to apply to landowners for whom the director has authorized the removal of vegetation that is not consistent with defensible space requirements and has made the expense of the removal a lien upon the property, as provided.

(4) Existing law requires the department to establish a local assistance grant program for fire prevention activities in the state. *Existing law requires the local assistance grant program to establish a robust year-round fire prevention effort in and near fire threatened communities.* Existing law requires that the eligible activities include,

among other things, fire prevention activities, as provided. *Existing law permits the director to authorize advance payments, not exceeding 25% of the total grant award, from a grant awarded pursuant to the local assistance grant program. Existing law requires the grantee to expend these funds from the advance payment within 6 months of receipt, as provided.*

This bill would ~~also define “fire threatened communities” as provided.~~ The bill would specifically include vegetation management along roadways and driveways and public education outreach regarding home and community wildfire resistance, as provided, as part of the eligible activities, as provided. *The bill would instead authorize an advance payment not exceeding 50% of the total grant award and would instead require the grantee to expend these funds within 12 months.*

(5) Existing law requires the director to provide grants to, or enter into contracts or other cooperative agreements with, specified entities for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions. Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board, as part of a market-based compliance mechanism to reduce air emissions, to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires that any project or program described above that is funded with moneys from the Greenhouse Gas Reduction Fund complies with all statutory and program requirements applicable to the use of moneys from the fund.

This bill would authorize any project or program described above, or any grant, funded from the Greenhouse Reduction Fund, to include projects or programs for vegetation management along roadways and driveways, including defensible space training, as well as public education outreach regarding home and community wildfire resistance, as provided.

This bill would require the department, in cooperation with ~~the United States Forest Service,~~ *specified federal agencies and other federal agencies*, to establish a program for purposes of the development of specified federal *and state* environmental protection documents for landscape scale ecological restoration and fire resiliency projects on national forest lands that are at least 50,000 acres. The bill would authorize the department to contract with Native American tribes, local governments, forest collaboratives, and qualified nongovernmental organizations to develop the federal documents.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 51178 of the Government Code is
2 amended to read:

3 51178. The director shall identify areas in the state as moderate,
4 high, and very high fire hazard severity zones based on consistent
5 statewide criteria and based on the severity of fire hazard that is
6 expected to prevail in those areas. Moderate, high, and very high
7 fire hazard severity zones shall be based on fuel loading, slope,
8 fire weather, and other relevant factors including areas where Santa
9 Ana, Mono, and Diablo ~~winds~~ *winds, and other regional winds*,
10 have been identified by the Department of Forestry and Fire
11 Protection as a major cause of wildfire spread.

12 SEC. 2. Section 51178.5 of the Government Code is amended
13 to read:

14 51178.5. Within 30 days after receiving a transmittal from the
15 director that identifies fire hazard severity zones pursuant to
16 Section 51178, a local agency shall make the information available
17 for public ~~review~~ *review and comment*. The information shall be
18 presented in a format that is understandable and accessible to the
19 general public, including, but not limited to, maps.

20 SEC. 3. Section 51182 of the Government Code is amended
21 to read:

22 51182. (a) A person who owns, leases, controls, operates, or
23 maintains an occupied dwelling or occupied structure in, upon, or
24 adjoining a mountainous area, forest-covered land, brush-covered
25 land, grass-covered land, or land that is covered with flammable
26 material, which area or land is within a very high fire hazard
27 severity zone designated by the local agency pursuant to Section
28 51179, shall at all times do all of the following:

1 (1) Maintain defensible space of 100 feet from each side and
2 from the front and rear of the structure, but not beyond the property
3 line except as provided in paragraph (2). The amount of fuel
4 modification necessary shall take into account the flammability
5 of the structure as affected by building material, building standards,
6 location, and type of vegetation. Fuels shall be maintained in a
7 condition so that a wildfire burning under average weather
8 conditions would be unlikely to ignite the structure. This paragraph
9 does not apply to single specimens of trees or other vegetation that
10 are well-pruned and maintained so as to effectively manage fuels
11 and not form a means of rapidly transmitting fire from other nearby
12 vegetation to a structure or from a structure to other nearby
13 vegetation. The intensity of fuels management may vary within
14 the 100-foot perimeter of the structure, the most intense being
15 within the first 30 feet around the structure. Consistent with fuels
16 management objectives, steps should be taken to minimize erosion.

17 (2) A greater distance than that required under paragraph (1)
18 may be required by state law, local ordinance, rule, or regulation.
19 Clearance beyond the property line may only be required if the
20 state law, local ordinance, rule, or regulation includes findings that
21 the clearing is necessary to significantly reduce the risk of
22 transmission of flame or heat sufficient to ignite the structure, and
23 there is no other feasible mitigation measure possible to reduce
24 the risk of ignition or spread of wildfire to the structure. Clearance
25 on adjacent property shall only be conducted following written
26 consent by the adjacent ~~landowner~~. *landowner or pursuant to a*
27 *local ordinance*.

28 (3) An insurance company that insures an occupied dwelling
29 or occupied structure may require a greater distance than that
30 required under paragraph (1) if a fire expert, designated by the fire
31 chief or fire official from the authority having jurisdiction, provides
32 findings that the clearing is necessary to significantly reduce the
33 risk of transmission of flame or heat sufficient to ignite the
34 structure, and there is no other feasible mitigation measure possible
35 to reduce the risk of ignition or spread of wildfire to the structure.
36 The greater distance may not be beyond the property line unless
37 allowed by state law, local ordinance, rule, or regulation.

38 (4) Remove that portion of a tree that extends within 10 feet of
39 the outlet of a chimney or stovepipe.

1 (5) Maintain a tree, shrub, or other plant adjacent to or
2 overhanging a building free of dead or dying wood.

3 (6) Maintain the roof of a structure free of leaves, needles, or
4 other vegetative materials.

5 (7) Before constructing a new dwelling or structure that will be
6 occupied or rebuilding an occupied dwelling or occupied structure
7 damaged by a fire in that zone, the construction or rebuilding of
8 which requires a building permit, the owner shall obtain a
9 certification from the local building official that the dwelling or
10 structure, as proposed to be built, complies with all applicable state
11 and local building standards, including those described in
12 subdivision (b) of Section 51189, and shall provide a copy of the
13 certification, upon request, to the insurer providing course of
14 construction insurance coverage for the building or structure. Upon
15 completion of the construction or rebuilding, the owner shall obtain
16 from the local building official, a copy of the final inspection report
17 that demonstrates that the dwelling or structure was constructed
18 in compliance with all applicable state and local building standards,
19 including those described in subdivision (b) of Section 51189, and
20 shall provide a copy of the report, upon request, to the property
21 insurance carrier that insures the dwelling or structure.

22 (b) A person is not required under this section to manage fuels
23 on land if that person does not have the legal right to manage fuels,
24 nor is a person required to enter upon or to alter property that is
25 owned by any other person without the consent of the owner of
26 the property.

27 (c) The Department of Forestry and Fire Protection shall
28 develop, periodically update, and post on its internet website a
29 guidance document on fuels management pursuant to this chapter.
30 Guidance shall include, but not be limited to, regionally appropriate
31 vegetation management suggestions that preserve and restore native
32 species, minimize erosion, minimize water consumption, and
33 permit trees near homes for shade, aesthetics, and habitat; and
34 suggestions to minimize or eliminate the risk of flammability of
35 nonvegetative sources of combustion such as woodpiles, propane
36 tanks, decks, and outdoor lawn furniture.

37 (d) On or before July 1, 2021, the Department of Forestry and
38 Fire Protection shall adopt, by taking into consideration the slope
39 of the land and other aspects of the terrain, vegetation cover, and
40 the proximity to structures and other ignition-prone lands,

1 regulations relating to defensible space requirements in vacant
2 lots, including the size of the lot and the frequency with which
3 they shall be treated to maintain safety.

4 SEC. 4. Section 18941.12 is added to the Health and Safety
5 Code, to read:

6 18941.12. The commission shall, commencing with the next
7 triennial edition of the California Building Standards Code (Title
8 24 of the California Code of Regulations) adopted after January
9 1, 2021, adopt, approve, codify, and publish amendments that
10 extend the provisions of Section 701A.3.1 of the California
11 Building Standards Code to land designated as moderate, high,
12 and very high fire hazard severity zones by the Director of Forestry
13 and Fire Protection pursuant to Section 51178 of the Government
14 Code, and to land designated as wildland-urban interface fire areas
15 as defined in Section 4902.1 of the California Fire Code. If any
16 changes are made to these designations, the commission shall
17 update the California Building Standards Code with these changes
18 at the next update of the code.

19 SEC. 5. Section 4119.5 is added to the Public Resources Code,
20 to read:

21 4119.5. On or before July 1, 2021, the department shall create
22 and maintain a public database that contains any defensible space
23 inspections and assessments conducted by the department, local
24 agencies, or volunteers, to the extent this information is known by
25 the department. The department shall update this database annually.

26 SEC. 6. Section 4124.5 of the Public Resources Code is
27 amended to read:

28 4124.5. (a) The department shall establish a local assistance
29 grant program for fire prevention activities in California. Groups
30 eligible for grants shall include, but are not limited to, local
31 agencies, resource conservation districts, fire safe councils, the
32 California Conservation Corps, certified local conservation corps,
33 University of California Cooperative Extension, Native American
34 tribes, and qualified nonprofit organizations. The department may
35 establish a cost-share requirement for one or more categories of
36 projects.

37 (b) (1) The local assistance grant program shall establish a
38 robust year-round fire prevention effort in and near fire threatened
39 communities. The department shall prioritize, to the extent feasible,
40 projects that are multiyear efforts.

(2) For purposes of this subdivision, “fire threatened communities” means those communities in high and very high fire hazard severity zones, identified by the director pursuant to Section 51178 of the Government Code, or on the “Fire Risk Reduction Community” list maintained by the board pursuant to Section 4290.1.

(c) Eligible activities shall include, but not be limited to, all of the following:

(1) Development and implementation of public education and outreach programs. Programs may include technical assistance, workforce recruitment and training, and equipment purchases.

(2) Fire prevention activities as defined in Section 4124.

(3) Projects to improve compliance with defensible space requirements as required by Section 4291 through increased inspections and assistance for low-income residents.

(4) Technical assistance to local agencies to improve fire prevention and reduce fire hazards.

(5) Creation of additional “Firewise USA” communities in the state or other community planning or certification programs deemed as appropriate by the department.

(6) Projects to improve public safety, including, but not limited to, access to emergency equipment and improvements to public evacuation routes.

(7) Vegetation management along roadways and driveways to reduce fire risk including defensible space training.

(8) Public education outreach regarding making homes and communities more wildfire resistant.

(d) The department may consider the fire risk of an area, the geographic balance of projects, and whether the project is complementary to other fire prevention or forest health activities when awarding local assistance grants.

(e) (1) Until January 1, 2024, the director may authorize advance payments from a grant awarded pursuant to this section. The advance shall not exceed ~~25~~ 50 percent of the total grant award.

(2) The grantee shall expend the funds from the advance payment within ~~six~~ 12 months of receipt, unless the department waives this requirement.

(3) The grantee shall file an accountability report with the department four months from the date of receiving the funds and every four months thereafter.

1 (f) The department may expand or amend an existing grant
2 program to meet the requirements of this section.

3 (g) Funding for the local assistance grant program created
4 pursuant to this section shall be made upon appropriation by the
5 Legislature.

6 SEC. 7. Section 4291 of the Public Resources Code is amended
7 to read:

8 4291. (a) A person who owns, leases, controls, operates, or
9 maintains a building or structure in, upon, or adjoining a
10 mountainous area, forest-covered lands, brush-covered lands,
11 grass-covered lands, or land that is covered with flammable
12 material, shall at all times do all of the following:

13 (1) Maintain defensible space of 100 feet from each side and
14 from the front and rear of the structure, but not beyond the property
15 line except as provided in paragraph (2). The amount of fuel
16 modification necessary shall take into account the flammability
17 of the structure as affected by building material, building standards,
18 location, and type of vegetation. Fuels shall be maintained in a
19 condition so that a wildfire burning under average weather
20 conditions would be unlikely to ignite the structure. This paragraph
21 does not apply to single specimens of trees or other vegetation that
22 are well-pruned and maintained so as to effectively manage fuels
23 and not form a means of rapidly transmitting fire from other nearby
24 vegetation to a structure or from a structure to other nearby
25 vegetation. The intensity of fuels management may vary within
26 the 100-foot perimeter of the structure, the most intense being
27 within the first 30 feet around the structure. Consistent with fuels
28 management objectives, steps should be taken to minimize erosion.
29 For purposes of this paragraph, “fuel” means any combustible
30 material, including petroleum-based products and wildland fuels.

31 (2) A greater distance than that required under paragraph (1)
32 may be required by state law, local ordinance, rule, or regulation.
33 Clearance beyond the property line may only be required if the
34 state law, local ordinance, rule, or regulation includes findings that
35 the clearing is necessary to significantly reduce the risk of
36 transmission of flame or heat sufficient to ignite the structure, and
37 there is no other feasible mitigation measure possible to reduce
38 the risk of ignition or spread of wildfire to the structure. Clearance
39 on adjacent property shall only be conducted following written
40 consent by the adjacent landowner.

1 (3) An insurance company that insures an occupied dwelling
2 or occupied structure may require a greater distance than that
3 required under paragraph (1) if a fire expert, designated by the
4 director, provides findings that the clearing is necessary to
5 significantly reduce the risk of transmission of flame or heat
6 sufficient to ignite the structure, and there is no other feasible
7 mitigation measure possible to reduce the risk of ignition or spread
8 of wildfire to the structure. The greater distance may not be beyond
9 the property line unless allowed by state law, local ordinance, rule,
10 or regulation.

11 (4) Remove that portion of a tree that extends within 10 feet of
12 the outlet of a chimney or stovepipe.

13 (5) Maintain a tree, shrub, or other plant adjacent to or
14 overhanging a building free of dead or dying wood.

15 (6) Maintain the roof of a structure free of leaves, needles, or
16 other vegetative materials.

17 (7) Before constructing a new building or structure or rebuilding
18 a building or structure damaged by a fire in an area subject to this
19 section, the construction or rebuilding of which requires a building
20 permit, the owner shall obtain a certification from the local building
21 official that the dwelling or structure, as proposed to be built,
22 complies with all applicable state and local building standards,
23 including those described in subdivision (b) of Section 51189 of
24 the Government Code, and shall provide a copy of the certification,
25 upon request, to the insurer providing course of construction
26 insurance coverage for the building or structure. Upon completion
27 of the construction or rebuilding, the owner shall obtain from the
28 local building official, a copy of the final inspection report that
29 demonstrates that the dwelling or structure was constructed in
30 compliance with all applicable state and local building standards,
31 including those described in subdivision (b) of Section 51189 of
32 the Government Code, and shall provide a copy of the report, upon
33 request, to the property insurance carrier that insures the dwelling
34 or structure.

35 (b) A person is not required under this section to manage fuels
36 on land if that person does not have the legal right to manage fuels,
37 nor is a person required to enter upon or to alter property that is
38 owned by any other person without the consent of the owner of
39 the property.

(c) (1) Except as provided in Section 18930 of the Health and Safety Code, the director may adopt regulations exempting a structure with an exterior constructed entirely of nonflammable materials, or, conditioned upon the contents and composition of the structure, the director may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.

(2) An exemption or variance under paragraph (1) shall not apply unless and until the occupant of the structure, or if there is not an occupant, the owner of the structure, files with the department, in a form as the director shall prescribe, a written consent to the inspection of the interior and contents of the structure to ascertain whether this section and the regulations adopted under this section are complied with at all times.

(d) The director may authorize the removal of vegetation that is not consistent with the standards of this section. The director may prescribe a procedure for the removal of that vegetation and make the expense a lien upon the building, structure, or grounds, in the same manner that is applicable to a legislative body under Section 51186 of the Government Code.

(e) The department shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. Guidance shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion, such as woodpiles, propane tanks, decks, ~~and outdoor lawn furniture.~~ *furniture, barbecue equipment, and outdoor fire pits.*

(f) On or before July 1, 2021, the department shall adopt regulations relating to defensible space requirements in vacant lots, including the size of the lot and the frequency with which they shall be treated to maintain safety. When adopting the regulations the department shall take into consideration the slope of the land and other aspects of the terrain, vegetation cover, and the proximity to structures and other ignition-prone lands.

(g) As used in this section, “person” means a private individual, organization, partnership, limited liability company, or corporation.

SEC. 8. Section 4291.4 is added to the Public Resources Code, to read:

4291.4. On or before July 1, 2021, the department shall develop, and propose to the Legislature for consideration, a financial penalty structure to apply to landowners for whom the director has authorized the removal of vegetation and has made the expense of the removal a lien upon the property pursuant to subdivision (d) of Section 4291. The proposed financial penalty structure shall exceed the value of the lien.

SEC. 9. Section 4799.05 of the Public Resources Code is amended to read:

4799.05. (a) (1) The director may provide grants to, or enter into contracts or other cooperative agreements with, entities, including, but not limited to, private or nongovernmental entities, Native American tribes, or local, state, and federal public agencies, for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions.

(2) (A) Until January 1, 2024, the director may authorize advance payments to a nonprofit organization, a local agency, a special district, a private forest landowner, or a Native American tribe from a grant awarded pursuant to this section. No single advance payment shall exceed 25 percent of the total grant award.

(B) (i) The grantee shall expend the funds from the advance payment within six months of receipt, unless the department waives this requirement.

(ii) The grantee shall file an accountability report with the department four months from the date of receiving the funds and every four months thereafter.

(C) (i) The department shall provide a report to the Legislature on or before January 1, 2023, on the outcome of the department’s use of advance payments.

(ii) A report submitted pursuant to this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(iii) The requirement for submitting a report imposed under clause (i) is inoperative on January 1, 2027, pursuant to Section 10231.5 of the Government Code.

1 (b) (1) Any project or program described in this section that is
2 funded with moneys from the Greenhouse Gas Reduction Fund,
3 created pursuant to Section 16428.8 of the Government Code, shall
4 comply with all statutory and program requirements applicable to
5 the use of moneys from the fund.

6 (2) Any project or program described in this section, or any
7 grant funded from the Greenhouse Reduction Fund, created
8 pursuant to Section 16428.8 of the Government Code, may include
9 projects or programs for vegetation management along roadways
10 and driveways to reduce fire risk, including defensible space
11 training, as well as public education outreach regarding making
12 homes and communities more wildfire resistant.

13 (c) Moneys appropriated to the department for landscape-scale
14 projects shall be allocated as follows:

15 (1) To subsidize the removal of small diameter material,
16 especially surface fuels and ladder fuels, as well as dead trees, in
17 order to help develop markets for beneficial uses of the material,
18 including, but not limited to, animal bedding, biochar,
19 cross-laminated timber, mulch, oriented strand board, pulp, post,
20 shredding, and veneer products.

21 (2) For multiple benefit projects, such as tree thinning, carbon
22 sequestration, forest resilience, and improved ecological outcome
23 projects, including, but not limited to, restoring watershed health
24 and function and supporting biodiversity and wildlife adaptation
25 to climate change. The department shall give grant funding priority
26 to landowners who practice uneven aged forest management with
27 a resilient forest of diverse age, size, and species class within the
28 boundaries of the project and whose activities are conducted
29 pursuant to an approved timber harvest plan, nonindustrial timber
30 harvest plan, or working forest management plan. An application
31 for a grant for a project under this subparagraph shall include a
32 description of how the proposed project will increase average stem
33 diameter and provide other site-specific improvement to forest
34 complexity, as demonstrated by the expansion of the variety of
35 tree age classes and species persisting for a period of at least 50
36 years. The department shall also give funding priority to
37 landowners who agree to long-term forest management goals
38 prescribed by the department.

39 (3) For activities on national forest lands to increase tree stand
40 heterogeneity, create forest openings of less than one acre, and

1 increase average tree stand diameter of residual trees. Any grants
2 provided under this subparagraph shall be approved by the
3 department, in collaboration with appropriate state agencies,
4 including the State Air Resources Board.

5 (d) (1) Division 13 (commencing with Section 21000) does not
6 apply to prescribed fire, thinning, or fuel reduction projects
7 undertaken on federal lands to reduce the risk of high-severity
8 wildfire that have been reviewed under the federal National
9 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321) if either
10 of the following is satisfied:

11 (A) The primary role of a state or local agency is providing
12 funding or staffing for those projects.

13 (B) A state or local agency is undertaking those projects pursuant
14 to the federal Good Neighbor Authority (Public Law 113-79) or
15 a stewardship agreement with the federal government entered into
16 pursuant to Public Law 113-79.

17 (2) Division 13 (commencing with Section 21000) does not
18 apply to the issuance of a permit or other project approval by a
19 state or local agency for projects described in paragraph (1).

20 (3) This section does not alter, affect, or in any way diminish
21 the authority of a state or local agency to impose mitigation
22 measures or conditions on projects described in paragraph (1)
23 pursuant to other laws or regulations.

24 (4) Commencing December 31, 2019, and annually thereafter,
25 the department shall report to the relevant policy committees of
26 the Legislature the number of times the process in this subdivision
27 was used.

28 (5) (A) This subdivision shall remain operative only if the
29 Secretary of the Natural Resources Agency certifies on or before
30 January 1 of each year that the National Environmental Policy Act
31 of 1969 or other federal laws that affect the management of federal
32 forest lands in California have not been substantially amended on
33 or after August 31, 2018.

34 (B) Any CEQA exemption established under this subdivision
35 shall continue in effect for those projects conducted under a
36 National Environmental Policy Act record of decision, finding of
37 no significant impact, or notice of exemption or exclusion that was
38 issued prior to the date by which the Secretary determines that the
39 National Environmental Policy Act or federal forest management
40 laws were substantially amended.

1 (6) This subdivision shall become inoperative on January 1,
2 2023.

3 SEC. 10. Section 4799.05.5 is added to the Public Resources
4 Code, immediately following Section 4799.05, to read:

5 4799.05.5. In cooperation with the United States Forest Service,
6 *the United States Bureau of Land Management, the National Parks*
7 *Service, and other federal agencies*, the department shall establish
8 a program for purposes of the development of federal National
9 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.)
10 ~~documents~~ *documents, and documents prepared pursuant to the*
11 *California Environmental Quality Act (Division 13 (commencing*
12 *with Section 21000))*, for landscape scale ecological restoration
13 and fire resiliency projects on national forest lands that are at least
14 50,000 acres. The department may contract with Native American
15 tribes, local governments, forest collaboratives, and qualified
16 nongovernmental organizations to develop the federal documents.

17 SEC. 11. If the Commission on State Mandates determines
18 that this act contains costs mandated by the state, reimbursement
19 to local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.

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116TH CONGRESS
2D SESSION

H. RES. 988

Condemning all acts of police brutality, racial profiling, and the use of
excessive and militarized force throughout the country.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2020

Ms. PRESSLEY (for herself, Ms. BONAMICI, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Ms. CLARKE of New York, Mr. CLYBURN, Mr. CONNOLLY, Mr. COX of California, Ms. ESCOBAR, Mr. ESPAILLAT, Ms. FUDGE, Mr. GARCÍA of Illinois, Mr. GRIJALVA, Mr. HASTINGS, Mrs. HAYES, Mr. HORSFORD, Ms. JAYAPAL, Mr. JEFFRIES, Ms. JOHNSON of Texas, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. POCAN, Mr. RASKIN, Mr. RICHMOND, Ms. SCHAKOWSKY, Ms. TLAIB, Mrs. TRAHAN, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. HUFFMAN, Mr. NADLER, Mr. JOHNSON of Georgia, Ms. ESHOO, Ms. WASSERMAN SCHULTZ, Ms. OMAR, Ms. LEE of California, Ms. BASS, Ms. ADAMS, Ms. PINGREE, Mr. BUTTERFIELD, Ms. UNDERWOOD, Mr. MEEKS, Ms. MENG, Mrs. CAROLYN B. MALONEY of New York, and Mr. WELCH) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Condemning all acts of police brutality, racial profiling, and
the use of excessive and militarized force throughout
the country.

Whereas police brutality and the use of excessive and militarized force are among the most serious ongoing human rights and civil liberties violations in the United States and have led to community destabilization, a decrease in

public safety, and the exacerbation of structural inequities;

Whereas the system of policing in America, and its systemic targeting of and use of deadly and brutal force against people of color, particularly Black people, stems from the long legacy of slavery, lynching, Jim Crow laws, and the War on Drugs in the United States and has been perpetuated by violent and harmful law enforcement practices;

Whereas contemporary police practices that employ policing for low level offenses or so called “broken windows” policing, as well as expanded and excessively militarized policing, has led to mass criminalization, heightened violence, and mass incarceration that disproportionately impacts Black and Brown people;

Whereas data shows there is a direct correlation between the increased militarization of a police department and corresponding levels of police brutality;

Whereas police use of force is among the leading causes of death for young men of color;

Whereas Black people, including Black women and girls, Native Americans, and Latinos are killed by police at disproportionately higher rates than their White peers;

Whereas people with disabilities and other historically marginalized communities, including LGBTQ+ individuals, immigrants, and those experiencing homelessness are significantly more likely to be criminalized and targets of police violence;

Whereas police brutality and the use of excessive force have robbed countless communities of precious lives, have inflicted intergenerational harm and trauma to families, and are intensifying our Nation’s mental health crisis;

Whereas police in the United States, through acts of brutality and the use of excessive force, kill far more people than police in other comparable nations and have been historically shielded from accountability;

Whereas the killings of hundreds each year, and the demonstrations that followed have brought sustained national attention to the racially biased police violence against people;

Whereas the House of Representatives finds that the conduct of police officers who engage in racial profiling and excessive force, which can include shootings, brutal beatings, fatal chokings, and any other excessive treatment is a violation of the Constitution of the United States;

Whereas the House of Representatives finds that the rule of law in the United States is undermined when police officers engage in conduct inconsistent with the Constitution of the United States; and

Whereas the House of Representatives has a moral and constitutional obligation to protect the civil rights and liberties of all people from police abuses: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns all acts of brutality, racial
3 profiling, and the use of excessive force by law en-
4 forcement officers and calls for the end of milita-
5 rized policing practices;

6 (2) supports strengthening efforts to eliminate
7 instances of excessive use of force, and conduct
8 stringent oversight and independent investigations

1 into instances of police brutality, racial profiling,
2 and excessive use of force, and hold individual law
3 enforcement officers and police departments ac-
4 countable, including—

5 (A) calling on the Department of Justice

6 to—

7 (i) reinstate its role in investigating
8 individual instances of police brutality, vio-
9 lence, and racial profiling, and police de-
10 partments that violate civil rights; and

11 (ii) take on a role in filing briefs urg-
12 ing courts to reconsider decisions that per-
13 mit unreasonable and excessive police prac-
14 tices and establish meaningful oversight of
15 consent decrees; and

16 (B) establishing independent all-civilian re-
17 view boards, with the authority to effectively in-
18 vestigate incidents of police misconduct, to en-
19 sure meaningful community level oversight,
20 transparency, accountability, and discipline of
21 police officers; and

22 (3) calls for the adoption of sound and unbiased
23 law enforcement policies at all levels of government
24 that reduce the disparate impact of police brutality

- 1 and use of force on Black and Brown people and
- 2 other historically marginalized communities.



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ITEM 14

EBMUD'S RACIAL
EQUITY AND JUSTICE
PROJECT UPDATE

WILL BE PROVIDED
AS AN ORAL REPORT

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: July 9, 2020

TO: Board of Directors

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

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

SUBJECT: Six-Month Forecast of Board Committee and Workshop Agenda Topics for 2020 and Summary of 2020 Committee and Workshop Topics

The attached tables provide a prospective and a retrospective look at Board committees and workshops. The first table provides a forecast for July through December 2020, identifying items staff proposes to bring before committees, as well as upcoming workshops and events. The second table lists the items presented to Board committees for review and/or approval and workshops held between January and June 2020.

Please let us know if you have questions or need more information.

CCC:KAZ:cw

Attachments

I:\Sec\2020 Board Related Items\071420 Board Agenda Items\OGM-Ctte Forecast Jul-Dec 2020.doc

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2020 BOARD COMMITTEES AND WORKSHOPS
Six-Month Forecast
(July-December 2020)

	Planning 2nd Tuesdays	Leg/HR 2nd Tuesdays	Finance 4th Tuesdays	Sustainability/Energy Quarterly	Workshops/Events
JULY	<ul style="list-style-type: none"> • Pipeline Rebuild Program Update 	<ul style="list-style-type: none"> • Legislative Update • The District's Racial Justice and Equity Project Update 	<ul style="list-style-type: none"> • Monthly Investment Transactions Report • Quarterly Financial Reports • Annual Internal Audit Report • Proposed FY21 Financing Plan • Cash Reserve/Debt Management Policy Revision 	<ul style="list-style-type: none"> • Fleet Electrification • Energy Policy Update • Main Wastewater Treatment Plant Electrical Vehicle Charging Pilot • Potential Biogas to Hydrogen Demonstration Project 	<ul style="list-style-type: none"> • Retirement Board (7/16) • DERWA (7/27)
AUGUST	<ul style="list-style-type: none"> • Los Vaqueros Expansion Update • East Bayshore Recycled Water Project Update • Annual Odor Program Update • Backflow/Cross Connection Update • Lead Service Lateral Inventory 	<ul style="list-style-type: none"> • Legislative Update • District Values and Organizational Improvements Program Semi-Annual Update 	<ul style="list-style-type: none"> • Monthly Investment Transactions Report 	No Meeting	

	Planning 2nd Tuesdays	Leg/HR 2nd Tuesdays	Finance 4th Tuesdays	Sustainability/Energy Quarterly	Workshops/Events
SEPTEMBER	<ul style="list-style-type: none"> • Central Reservoir Replacement Project Update and Final Environmental Impact Report • Water Quality Semi-Annual Report • Regulatory Compliance Semi-Annual Report • FY20 Annual Readiness Report 	<ul style="list-style-type: none"> • Legislative Update • Diversity and Inclusion Program Semi-Annual Report 	<ul style="list-style-type: none"> • Monthly Investment Transactions Report • FY21 Insurance Summary • Equipment Lease/Buy Analysis 	No Meeting	<ul style="list-style-type: none"> • Retirement Board (9/17) • DERWA (9/28)
OCTOBER	<ul style="list-style-type: none"> • Wet Weather Program Update 	<ul style="list-style-type: none"> • Legislative Update 	<ul style="list-style-type: none"> • Financial Review of FY20 • FY20 Key Performance Indicators Report • Quarterly Financial Reports • Monthly Investment Transactions Report 	<ul style="list-style-type: none"> • Biosolids Management Program • Resource Recovery Program • Greenhouse Gas Emissions • FY20 Annual Power Sales Report 	<ul style="list-style-type: none"> • FRWA (10/8) • Virtual Infrastructure Tour – Wastewater (10/20)
NOVEMBER	<ul style="list-style-type: none"> • Facility Landscape Maintenance • South Interceptor Level Monitoring Station Improvements Project SD-358 • Drought Management Program Guidelines 	<ul style="list-style-type: none"> • Legislative Update • Contract Equity Program Annual Report 	<ul style="list-style-type: none"> • Monthly Investment Transactions Report 	No Meeting	<ul style="list-style-type: none"> • Infrastructure Workshop – Wastewater (11/10) • Retirement Board (11/19) • DERWA (11/23) • System Capacity Charge Workshop (11/24)

	Planning 2nd Tuesdays	Leg/HR 2nd Tuesdays	Finance 4th Tuesdays	Sustainability/Energy Quarterly	Workshops/Events
DECEMBER	<ul style="list-style-type: none"> • Orinda Water Treatment Plant Disinfection Improvements Project Update and Final Supplemental Environmental Impact Report • Pump Station M Rehabilitation and Force Main Investigation • North Richmond Water Reclamation Plant Rehabilitation Phase 2 	<ul style="list-style-type: none"> • Legislative Update 	<ul style="list-style-type: none"> • Monthly Investment Transactions Report 	No Meeting	

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2020 BOARD COMMITTEES AND WORKSHOPS
Six-Month Summary
(January-June 2020)

	Planning 2nd Tuesdays	Leg/HR 2nd Tuesdays	Finance 4th Tuesdays	Sustainability/Energy Quarterly	Workshops/Events
JANUARY	<ul style="list-style-type: none"> • Intranet Replacement Project – Splashpad • Wet Weather Consent Decree – Implementation Update • West County Wastewater Supply Agreement • Main Wastewater Treatment Plant Gas Flare Improvements Update • Facility Landscape Maintenance 	<ul style="list-style-type: none"> • Legislative Update • Amendment to Position Resolution No. 35145-19 	No Meeting	<ul style="list-style-type: none"> • Climate Change Monitoring and Response Plan • Greenhouse Gas Inventory Methodology Update • Energy Policy Update • Managing Vehicle Emissions 	<ul style="list-style-type: none"> • Retirement Board (1/16) • UMRWA (1/24) • Customer Assistance Program Workshop (1/28)
FEBRUARY	<ul style="list-style-type: none"> • Duffel Photovoltaic Renewable Energy Project Update and Finale Mitigated Negative Declaration • Main Wastewater Treatment Plant Power Generation Station Engine Generators and Auxiliary Equipment Assessment • Resource Recovery Program Update 	<ul style="list-style-type: none"> • Legislative Update • Semi-Annual Update on District Values and Organizational Improvements Program 	<ul style="list-style-type: none"> • FY20 Semi-Annual Budget Performance Report • FY20 Water and Wastewater Systems' Budget Amendment for Commercial Paper Pay Down • Interest Rate Swap Portfolio Summary Report • 2020 Strategic Plan Update • Monthly Investment Transactions Report • Quarterly Financial Reports 	No Meeting	<ul style="list-style-type: none"> • Long-Term Water Supply Workshop (2/25)

	Planning 2nd Tuesdays	Leg/HR 2nd Tuesdays	Finance 4th Tuesdays	Sustainability/Energy Quarterly	Workshops/Events
MARCH	<ul style="list-style-type: none"> • Orinda Water Treatment Plant Disinfection Improvements Project Update • Private Sewer Lateral Program Update • Railroad Property Acquisition – Initiation of Eminent Domain Proceedings • Annual Recreation Report 2019 	No Meeting	<ul style="list-style-type: none"> • Semi-Annual Internal Audit Report • Revisions to District Policies • Monthly Investment Transactions Report • Coronavirus Disease 2019 Impact on Variable Rate Debt Market 	No Meeting	<ul style="list-style-type: none"> • Retirement Board (3/19)
APRIL	<ul style="list-style-type: none"> • 2019 Mokelumne Fall-run Chinook Salmon and Steelhead Returns • Water Quality Program Annual Update – 2019 • Regulatory Compliance Semi-Annual Report – September through March 2020 	<ul style="list-style-type: none"> • Diversity and Inclusion Master Plan Agreement • FY20 Diversity and Inclusion Program • Legislative Update • Electrical Engineer Recruitment Efforts and Honeywell Staff Update 	<ul style="list-style-type: none"> • Energy Policy Update • Investment Policy Annual Review • Extend Standby Letter of Credit and Reimbursement Agreement for Commercial Paper Notes (Water Series) Tax-exempt Subseries A-1 • Remove Suspension of Wells Fargo for Certain Financial and Investment Activities • Fiscal Impacts of COVID-19 • Monthly Investment Transactions Report • Quarterly Financial Reports 	<ul style="list-style-type: none"> • Renewable Energy Update • Integrated Pest Management Program Update • Electric Vehicle Charging Stations 	<ul style="list-style-type: none"> • Special Closed Session (4/7) • FRWA (4/9) • UMRWA (4/24)

	Planning 2nd Tuesdays	Leg/HR 2nd Tuesdays	Finance 4th Tuesdays	Sustainability/Energy Quarterly	Workshops/Events
MAY	<ul style="list-style-type: none"> • FY 2019-2020 K-12 Education Program Update • Wastewater Treatment Plant Tour Program Update • Advanced Metering Infrastructure Water-Energy Nexus Study Update • Mokelumne Aqueduct System Routine Maintenance 	<ul style="list-style-type: none"> • Legislative Update • Administrative Support at the Service Centers 	No Meeting	No Meeting	<ul style="list-style-type: none"> • Special Closed Session (5/16) • DERWA (5/18) • Special Closed Session (5/20) • Retirement Board (5/21) • Long-Term Financial Stability, Strategic Plan Update and Mid-Cycle Budget Workshop (5/26)
JUNE	<ul style="list-style-type: none"> • Orinda Water Treatment Plant Disinfection Improvements Project Update and Announcement of the Availability of the Draft Supplemental Environmental Impact Report • Raw Water Treatment Facilities Improvement Project Updates 	<ul style="list-style-type: none"> • Legislative Update 	<ul style="list-style-type: none"> • Monthly Investment Transactions Report • Annual Update on Employees' Retirement System • Revisions to District Policies 	No Meeting	<ul style="list-style-type: none"> • Long-Term Financial Stability Plan Update and Mid-Cycle Budget Workshop No. 2 (6/9)

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: July 14, 2020

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager *ccc*

SUBJECT: Monthly Report – June 2020

HIGHLIGHTS

In June, the District received analytical results demonstrating the virus that causes COVID-19 is removed through the wastewater treatment process at the Main Wastewater Treatment Plant. On two occasions, staff sampled the influent, effluent, and biosolids. SARS-CoV-2, the virus responsible for COVID-19, was detected in the influent; however, none was detected in the effluent or the biosolids. This data, which is consistent with the literature and industry expectations, supports the fact that discharges of treated wastewater to San Francisco Bay and land application of biosolids will not result in any risk to human health or the environment. Although all literature and scientific experts have stated that effective wastewater treatment will remove the virus, the District conducted this sampling as a highly-precautionary measure.

In June, additional recreation areas reopened with limitations and safety guidelines posted at all facilities. On June 12, Lafayette Reservoir, the paved Lakeside Trail, and all spur trails leading to the Rim Trail reopened with over 9,000 visitors. On the same day, Pardee and Camanche Recreation Areas reopened with limited camping. On June 15, San Pablo Reservoir reopened with 2,400 pounds of planted fish and over 500 fishing permits sold.

WATER SUPPLY

East Bayshore recycled water customer retrofit update. On June 16, the last streetscape around the Emeryville Public Market was connected to recycled water.

On June 1, the District reopened the Commercial Recycled Water Fill Station outside the Main Wastewater Treatment Plant. Staff provided health and safety procedures to participants via email and on-site signage in compliance with local health orders and District social distancing guidelines.

On June 4, staff removed a hazardous tree within the Mokelumne River Day Use Area. The work was completed under an emergency Streambed Alteration Permit with the California Department of Fish and Wildlife.

Precipitation. There was no East Bay precipitation for June and the season total is 12.08 inches (45 percent of average). The Mokelumne precipitation for June was 0.20 inches (25 percent of average) and the season total is 33.70 inches (70 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for June was 315 cfs (229 cfs generation, 71 cfs sluice, and 15 cfs through the hatchery), and the average flow below Woodbridge Dam was 39 cfs, both in accordance with the Joint Settlement Agreement "Dry" water year criteria.

East Bay Reservoirs. There were no East Bay reservoir releases in June.

Water Storage

Mokelumne reservoirs storage is 92 percent of average. As of June 30, 2020, Pardee was at 567.1 feet or 101 percent of average, and Camanche was at 216.4 feet or 87 percent of average. Combined Pardee and Camanche reservoir storage was 488,000 acre-feet compared to 599,000 acre-feet last year.

East Bay reservoirs storage is 94 percent of average. As of June 30, 2020, USL was at 451.4 feet or 99 percent of average, San Pablo was at 301.2 feet or 88 percent of average, and Briones was at 567.6 feet or 96 percent of average. Total terminal reservoir storage was 126,000 acre-feet compared to 137,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for June 2020 was 167 MGD. Walnut Creek, Moraga, and Briones Raw Water Pumping Plants remained out of service for the month.

Water Production. Average rate of gross water production for June:

	June 2020	June 2019	June 2013	Average of FY 2005-2007
East of Hills	67 MGD	64 MGD	81 MGD	87 MGD
West of Hills	135 MGD	132 MGD	150 MGD	173 MGD
Total	202 MGD	196 MGD	231 MGD	260 MGD
Max Day Production	219 MGD (6/18/2020)	220 MGD (6/10/2019)	254 MGD (6/28/2013)	

Note: Data are all from preliminary daily operational reports and are subject to revision

WATER QUALITY AND ENVIRONMENTAL PROTECTION

In June, the District's laboratory successfully passed proficiency testing for its certification for the Environmental Laboratory Accreditation Program (ELAP). ELAP's certification is required for environmental laboratories that produce analytical data for state regulatory agencies. Passing proficiency tests is an annual requirement to maintain certification.

On June 3, recycled water was discharged from a main break into San Pablo Creek. The discharge originated from a leak on a recycled water main near the North Richmond Water Reclamation Plant. The estimated volume discharged was 40,000 gallons. Staff used best management practices for dechlorination and sedimentation control during the repair. Staff performed an assessment on the receiving waters and did not identify any impacts. On June 15, the District submitted the required 15-day report to the regulatory agencies.

On June 8, the District submitted the final annual Post-Performance Monitoring Report associated with the \$5 million Proposition 1E Stormwater Grant for the Chabot Dam Seismic Upgrade Project to the California Department of Water Resources (DWR). The report provided rainfall and creek flow monitoring results showing the water quality in San Leandro Creek below Lake Chabot has improved over the water quality above Lake Chabot. Following approval from DWR, this will close out the District's obligations under the grant.

On June 10, the District submitted the annual Dam Safety Surveillance Reports for Pardee and Camanche dams to the Division of Safety of Dams (DSOD). The reports are required by DSOD regulations and include field observations, instrumentation evaluations, maintenance summaries, and a statement finding the dams are considered safe for continued operations.

On June 19, the District submitted the Performance Evaluation Plan (PEP) for the Wet Weather Consent Decree (Consent Decree) to the U.S. Environmental Protection Agency and the Regional Water Quality Control Board. The PEP is a data-driven, comprehensive flow data collection effort to determine if the performance of any wet weather facilities meets expectations. If the District does not meet year eight check-in benchmarks, the District is required to implement the PEP and the results of the studies would be used to develop a Revised Work Plan that could result in additional costly Consent Decree work for the District and/or its satellite agencies. The District continues to work collaboratively with the satellites, regulators, and non-governmental organizations in executing the requirements of the Consent Decree with the goal of meeting year eight check-in.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of June. This is the 250th consecutive month the MWWTP experienced no exceedances.

The District received one odor complaint from the public in June. Investigation of the complaint determined the source to be operational activities at the Main Wastewater Treatment Plant. These activities included draining a clarifier, as well as managing an incident in the

digesters which resulted in odorous foam discharging from the digesters. Staff identified measures to implement while draining a clarifier to reduce the potential for odors in the future. Staff will continue to investigate the unusual sustained foaming in the digesters in order to reduce potential release of odorous material.

INFRASTRUCTURE INVESTMENT

Summit Pressure Zone South Pipeline Replacement Phase 1 Project (Project) Update. The District partnered with the University of California (UC) Berkeley on a collaborative research project to develop methods for installing fiber optic cables along with pipelines to monitor pipeline strain over time for use on the \$7 million Project. In June, experiments were conducted to evaluate the preferred fiber optic cable attachment method. The Project will relocate and replace transmission pipelines within the Hayward Fault Zone in Berkeley and Oakland including a 24-inch diameter transmission pipeline near Clark Kerr Campus and two parallel transmission pipelines traversing the Hayward Fault on Claremont Avenue behind the Claremont Hotel. The new pipelines on Claremont Avenue will be installed with fiber optic cables, which will be used to measure and monitor future pipeline strain and pipe/soil interactions at the Hayward Fault crossing. Construction is expected to occur between February 2021 and August 2022.

Orinda Water Treatment Plant Disinfection Improvements Project Update. The specification documents were modified to include the Chemical Systems Safety Improvements Project. Combining the projects under the same specification documents will reduce risk of delays during construction.

In June, staff completed two pipeline replacement projects in Oakland. The International Boulevard Phase II project replaced cast iron pipe with approximately 4,400 feet of 16-inch mortar-lined plastic coated steel pipe. The Abbey Street area project replaced cast iron pipe with approximately 5,500 feet of 6-inch structurally-enhanced polyvinyl chloride pipe.

In June, staff began a pipeline replacement project in the Andover Street area in San Leandro. This project will replace cast iron and steel pipe with approximately 3,000 feet of 6- and 8-inch structurally-enhanced polyvinyl chloride pipe. This project is scheduled to be completed by August 2020.

In June, staff began a pipeline replacement project in the Ordway Street area on the Berkeley/Albany border. This project will replace cast iron pipe with approximately 3,000 feet of 6-inch structurally-enhanced polyvinyl chloride pipe. This project is scheduled to be completed by October 2020.

Mains repaired in June totaled 45. The attached table lists the mains repaired by staff in June, sorted by city and street. The table indicates the source of the leaks in three categories: non-surfacing leaks discovered by leak detection technologies, breaks caused by contractors or other agencies, and all other main breaks. The associated map shows the location of the main repairs.

CUSTOMER AND COMMUNITY SERVICES

Fatality at upcountry reservoir. On June 28, a teenager, who had successfully rescued another child, struggled to get back to shore and drowned at Camanche South Shore.

In June, Camanche Recreation Areas experienced record visitation. While it is common to reach these limits on holiday weekends each year (Memorial Day, 4th of July, and Labor Day), reaching capacity on non-holiday weekends is unusual. Camanche North and South Shores reached capacity on June 13, 14, 20 and 21.

In June, staff conducted 14 virtual tours of the Main Wastewater Treatment Plant (MWWTP) for the public. Some of the virtual tours were for school groups that had cancelled in-person MWWTP tours due to COVID-19 precautions. Sessions filled with participants from the District's service area and from as far away as Australia. The virtual tours were promoted on social media and email newsletters. Staff is developing the virtual MWWTP tour into Spanish and Mandarin languages. Approximately 700 people attended.

On June 1, the District reopened a section of the Rocky Ridge Trail located in the East Bay watershed. A section of the trail was closed in April 2020 after an active coyote den was found. Staff has determined the den is no longer active and the trail was reopened.

On June 3, staff participated in a webinar “Dealing with Disruption: Operationalizing Resilience in the Water Sector” sponsored by the National Association of Clean Water Agencies and Association of Metropolitan Water Agencies. The webinar examined how water utilities can take a broad view and overcome anticipated water-related vulnerabilities. Approximately 100 people attended.

On June 4, staff presented virtually at the Contra Costa County Mayors' Conference. The presentation highlighted the need to flush on premise building water systems before reopening a business. Approximately 40 people attended.

On June 11, the District held a virtual public meeting for the San Pablo Clearwell Replacement Project located in Kensington. Staff provided an update on the project and responded to questions related to construction traffic and safety, and landscaping around the PG&E substation located on the site. On June 19, alternative landscape plans for the PG&E substation were also posted on the project website for public comment. Approximately 20 people attended.

On June 16, staff presented virtually at the Orinda City Council meeting. The presentation included an update on the Westside Pumping Plant Replacement Project, the Orinda Water Treatment Plant (WTP) Disinfection Improvements Project, three maintenance projects at the Orinda WTP (the Scouring Air System Project, the Carbonic Acid Addition Project, and the Chemical Supply Safety Improvements Project), the Duffel Solar Photovoltaic Project, the Happy Valley Pumping Plant and Pipeline Replacement Project, the Briones Reservoir Tower Seismic

Retrofit Project, and the Dos Osos Reservoir Replacement Project. Approximately 100 people attended.

On June 16, staff presented virtually at the East Bay Leadership Council’s Water Task Force meeting. The presentation highlighted climate change and its impacts on wastewater treatment. Approximately 30 people attended.

On June 23, the District held a virtual public meeting for the Fontaine Pumping Plant Relocation Project located in Oakland. Staff provided information related to the architectural and landscape design alternatives. Staff responded to questions related to pipeline installation methods, access to homes during pipeline installation, and the frequency of staff visiting the pumping plant when it is operational. The architectural and landscape design plan alternatives were posted on the District’s project website. The public can submit comments on the alternatives until July 7, 2020. Staff mailed over 1,300 postcards and posted a notice of the meeting on Nextdoor. Approximately 10 people attended.

On June 30, the District received the Local/Regional Corporation of the Year Award from the Western Region Minority Supplier Development Council (WRMSDC). This award recognizes a Local/Regional Corporate Member who demonstrates company-wide support of WRMSDC and whose supplier diversity initiatives move the needle towards a more inclusive and diverse business landscape.

Media. Staff responded to a media inquiry on “flushing for water quality” for businesses that are reopening (multiple airings on KCBS). Staff also provided interviews on COVID-19 detection in wastewater (Voice of America); water supply, emergency planning and water conservation (Diablo Magazine); Mokelumne River levels and safety (Lodi News Sentinel); international equities (Pension and Investment); and El Toyonal project status (Orinda News).

On June 5 and 10 respectively, staff issued a press release and media advisory on the General Manager transition and selection of Clifford C. Chan (SF Gate, KCBS, East Bay Times/Mercury News).

Social Media:

Social Platform	Popular Topic	Impression Generation	# Followers	Increase Over Last Month
Twitter	Business flushing	3,067	3,158	30
Facebook	Equality and Justice	2,100	1,356	46
LinkedIn	New General Manager	90	5,429	98
Nextdoor	Public Safety Power Shutoffs preparations	Distribution to entire service area.		

Staff conducted public outreach to neighbors and interested parties on the following projects:

- Easy Street Pipeline Replacement Project (San Leandro)
- Fontaine Pumping Plant Relocation Project (Oakland)
- Public Safety Power Shutoffs preparations and portable generator placement (Berkeley, Castro Valley, Crockett, Danville, Moraga, Oakland, Orinda, Pinole)

Contract Equity

Staff participated in the following business community events:

- June 16 - University of California, *Small & Diverse Business Advisory Council Quarterly Meeting* via Zoom – 32 attended
- June 18 - USA Women Construction Owners & Executives Meetup via WebEx – 5 attended
- June 19 - Oakland Latino Chamber of Commerce Board Meeting via Zoom – 8 attended
- June 24 - Western Region Minority Supplier Development Council, *Construction Working Group Kick-Off Meeting* via Zoom – 25 attended
- June 25 - Women's Business Enterprise Council Pacific *IDEATION – The Pacific Regional Online Conference and Matchmaking Session* via Zoom – 81 attended
- June 30 - Western Region Minority Supplier Development Council, *Virtual Excellence Awards Movie Screening* via Zoom – 200 attended

Water Conservation

On June 1, the District virtually hosted the Landscape Advisory Committee's General meeting. Staff provided information on the current water supply and updates on the water conservation program. The group discussion covered creating a climate positive landscape and a demonstration of an online tool to calculate landscape greenhouse gas emissions. Approximately 75 people attended.

On June 3, staff presented at the Department of Water Resources' (DWR) Landscape Area Measurements Stakeholder meeting. Staff presented the findings of the Northern California Coastal Region water utilities review of DWR's methodology for classifying parcels based on satellite imagery. Approximately 130 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

Staff participated in events/activities that support the District's long-term efforts to develop a diverse pipeline of candidates for future workforce needs and expand collaborative relationships with local partner organizations:

- **On June 3, staff participated virtually in Alignment Bay Area's Succeed Team.** Staff provided information on how to apply for the District's high school virtual internship program and the summer college programs. Approximately 15 people attended.

- **On June 4, staff participated virtually at the Career Bytes Bay Area Water/Wastewater Employers Spotlight.** Staff provided information on the District’s current job recruitments, internship programs, and career pathways. This event was coordinated through BAYWORK in collaboration with regional community colleges and workforce organizations. Approximately 70 people attended.
- **On June 23, staff presented virtually at the Water Industry Careers “Opportunities-For-All” conference.** The presentation topics included District career pathways, internship programs, and open job recruitments at the District and within the broader water and wastewater industry. Approximately 45 people attended.
- **On June 29, the District launched the High School Virtual Internship Program (VIP).** Thirty high school students from grades 10 to 12 from across the District’s service area heard about the history of the District, District values and the program structure. As part of this pilot program, students will prepare virtual work-based learning projects in administration, communications, engineering, and trades fields over the next five weeks.

Tuition Reimbursement

	June 2020	FY20 Total
# of Employees	33	245
# of Classes	44	302
Total Reimbursed	\$33,804	\$222,439

Employment Information

	June 2020	FY20 Total
Retirements – Regular	7	78
Retirements – Vested	0	10
Hires/Rehires	9	215
Other Separations	7	72

FINANCIAL STABILITY

In June, the Oursan Ridge Conservation Bank sold 0.15 Alameda Whipsnake credits for \$6,700. This is the tenth credit sale overall; total credits sold to date are 32.05 out of 429.90. A total of \$830,930 has been raised so far for the conservation bank endowment fund.

In June, the District modified the lease agreement with Clear Channel. Clear Channel requested a lease modification due to reduced revenue because of COVID-19. The modification reduced the monthly rent by 50 percent for a period of six months and increased the lease term by an additional six months to make up for the lost revenue. The rest of the lease terms and provisions remain unchanged.

On June 22, the District voluntarily disclosed its fiscal impacts due to COVID-19 to the Municipal Bond Market. While COVID-19 will have a financial impact on Fiscal Year 2021, the District is still projecting financial performance that will lead to debt service coverage exceeding bond covenant requirements. Providing this disclosure will help inform investors and is a best practice in municipal bond disclosure.

The estimated earned revenue from Mokelumne power sales for June is \$466,835. The District sold renewable power and related Renewable Energy Credits (REC) to MCE. A total of \$87,866 was generated from REC sales - \$57,560 from MCE and \$30,306 from Clean Future for excess Q4 2019 RECs. Resource Adequacy capacity sales to 3Phases Renewables, Inc. and Shell earned \$141,130. FY20 earned revenue is estimated at \$5.55 million or 111 percent of the FY20 budgeted \$5.0 million.

The estimated earned revenue from Power Generation Station's surplus power sales for June was \$75,580. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. Sale of RECs generated \$25,440 from Port of Oakland. Earned revenue for FY20 is estimated at \$912,366 or 91 percent of the FY20 budgeted \$1.0 million. The pandemic has reduced Resource Recovery trucked waste deliveries by about 15 percent resulting in lower biogas production and electricity generation; this is partly responsible for the actual revenue being less than budgeted.

There was one material, supply or construction contract from \$80,001 to \$100,000 approved by the General Manager in June 2020. There were five general and professional service agreements from \$30,001 up to \$80,000 approved by the General Manager in June 2020.

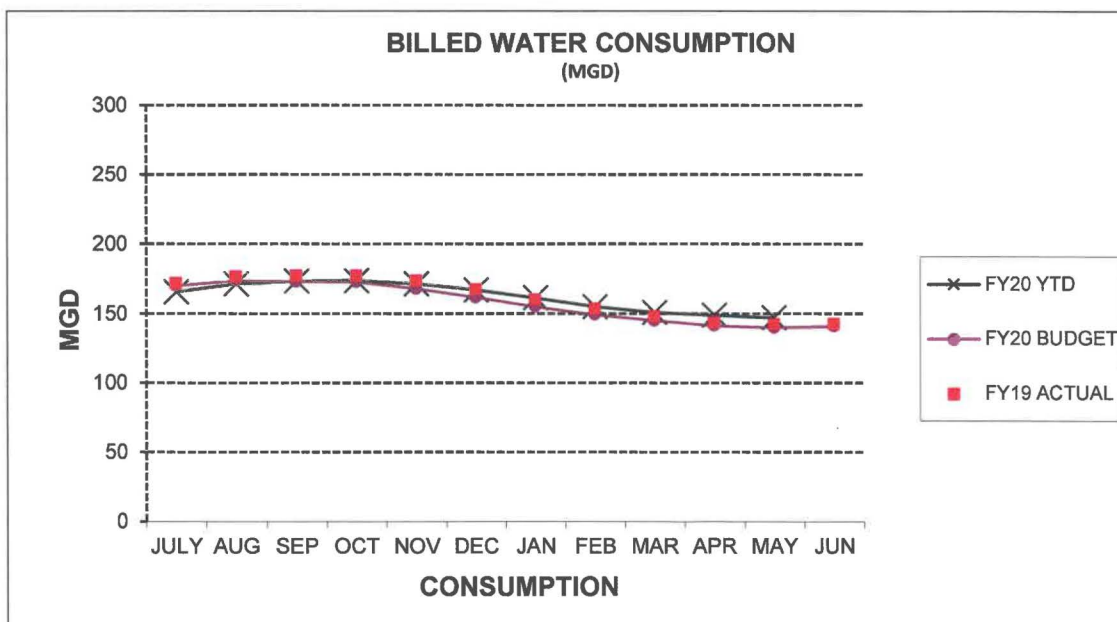
VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
Katch Environmental Inc.	06/03/20	White Male Small Business	Services to abate all lead-based paint and coating from the exterior of Pardee Center Bldg. 119	N/A	N/A	\$43,000
Vincent Electric Company	06/16/20	White Female Local /Small Business	Services to recondition the Main Wastewater Treatment Plant Effluent Pump Station Motor #4	N/A	N/A	\$40,000
Syrinx, Inc.	06/17/20	White Male	Pressure monitoring services	N/A	N/A	\$58,400
City of Berkeley	06/18/20	N/A	Services to install fifty G5 gate valve boxes	City of Berkeley's Street Rehabilitation FY 2020 Project	N/A	\$38,500
Stop Processing Center, Inc.	06/22/20	White Male	Amend agreement to extend automatic bill payment enrollment services	N/A	May 12, 2020 to May 12, 2023	\$68,000
TradeSun, Inc.	06/26/20	White Male	Supply of IBM Maximo Asset Management software licenses with software subscription and support	N/A	1 year, beginning August 1, 2020	\$99,020

Water Sales (Consumption)

The following consumption information is the average water consumption in million gallons per day (MGD) for the first 11 months of FY20. Budgeted average daily water consumption for FY20 is 141 MGD. The table below shows the average billed water consumption information by customer class with a comparison to FY19 for the same time period. FY20 water consumption to date is higher compared to FY19 due to less precipitation in FY20.

Alameda and Contra Costa counties have been under “shelter-in-place” emergency declarations since March 17, 2020. These emergency declarations have limited the activities of businesses, industries, schools and public agencies within the service area and could have an impact on water consumption and revenue in the upcoming months. At this time it is not possible to accurately separate out effects of weather and “shelter-in-place” orders on March, April, May and June water use. Staff will continue to monitor water production for changing trends.

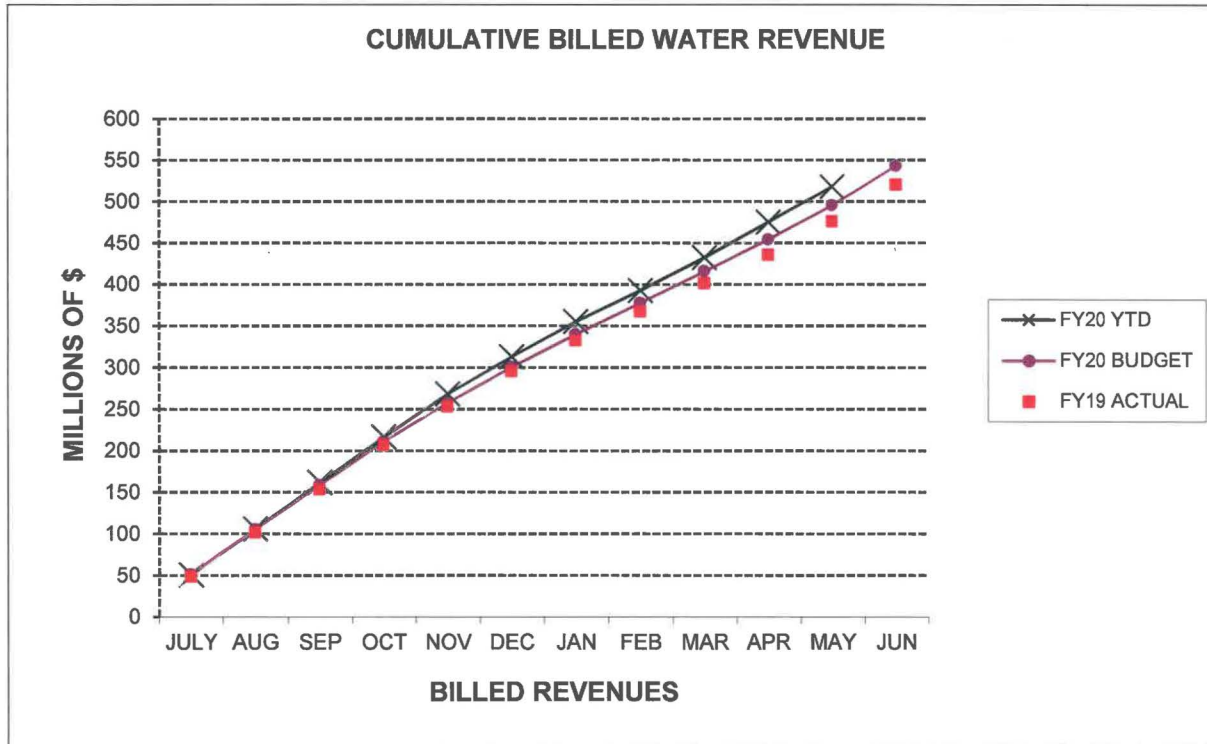
Fiscal Year-to-Date Billed Water Consumption			
Usage Type	FY20 (MGD)	FY19 (MGD)	Year-over-Year (% change)
Residential	76.4	72.7	5.1%
Commercial	47.9	46.9	2.1%
Industrial	15.8	16.5	-4.2%
Public Authority	6.9	6.3	9.5%
Total Billed Water Consumption	147.0	142.4	3.2%



Source: Customer Information System

Water Sales (Revenue)

Water revenue billed through May was \$518.0 million or 8.8% more than the FY19 revenue through May of \$476.2 million. Total FY20 water revenue through May was \$22.3 million, 4.5% greater than the budgeted water revenue of \$495.7 million.

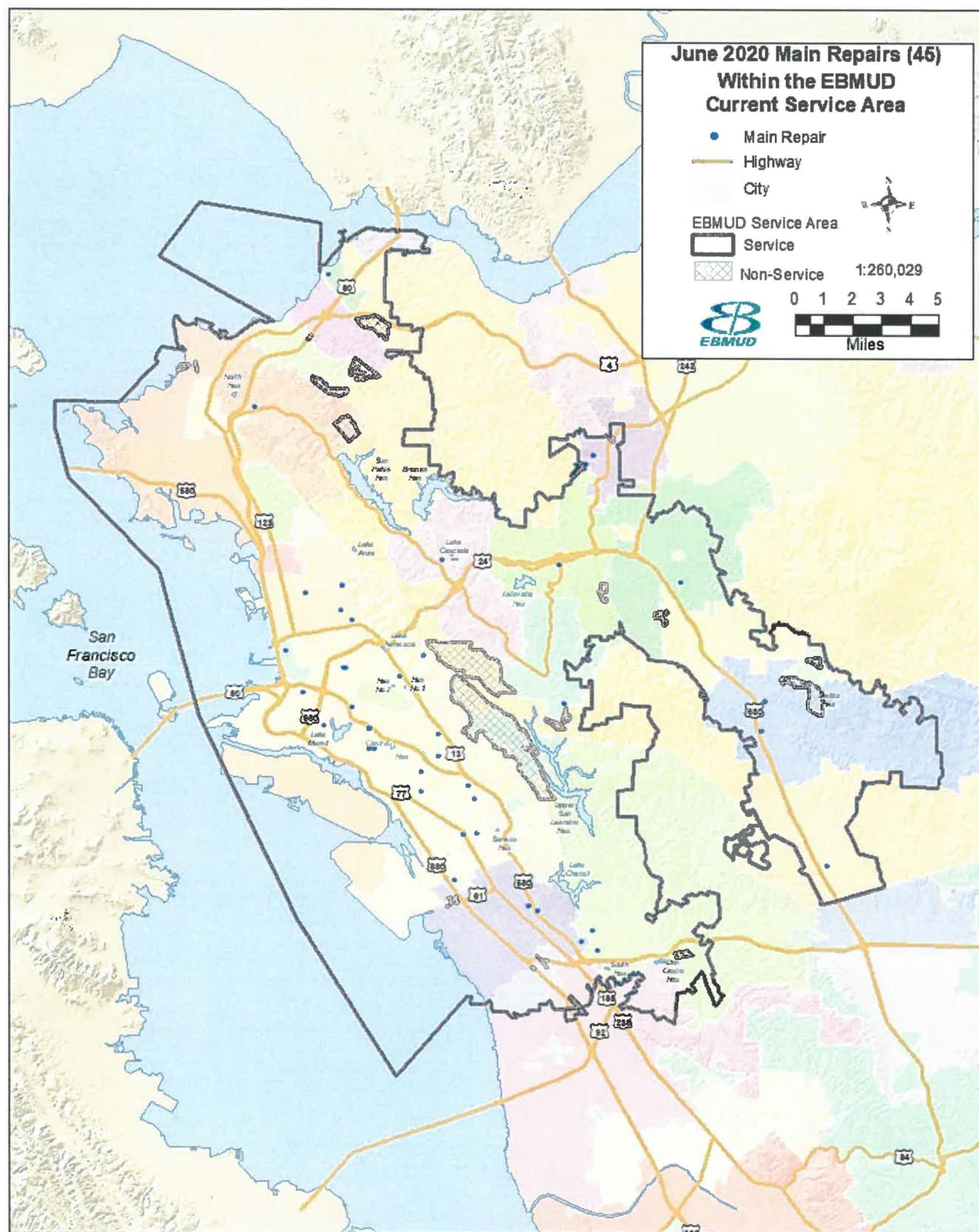


Source: Customer Information System

JUNE 2020 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
BERKELEY		DELAWARE	ST	CAST IRON	6.00	1952	7,200	6/18/2020	6/18/2020	Y
BERKELEY		DWIGHT	WAY	CAST IRON	6.00	Unknown	18,000	6/12/2020	6/12/2020	Y
BERKELEY		GARBER	ST	ASBESTOS CEMENT	6.00	1957	180	6/9/2020	6/9/2020	Y
BERKELEY		LE CONTE	AVE	CAST IRON	6.00	1910	27,000	6/21/2020	6/21/2020	Y
BERKELEY		LE CONTE	AVE	CAST IRON	6.00	1926	20,700	6/23/2020	6/23/2020	Y
CASTRO VALLEY		CARLTON	AVE	CAST IRON	4.00	1931	2,880	6/23/2020	6/24/2020	Y
CASTRO VALLEY		STANTON	AVE	ASBESTOS CEMENT	6.00	1989	9,000	6/17/2020	6/18/2020	Y
DANVILLE		CAMINO TASSAJARA		ASBESTOS CEMENT	6.00	Unknown	4,500	6/8/2020	6/8/2020	Y
DANVILLE		SYCAMORE	CIR	ASBESTOS CEMENT	6.00	1972	17,280	6/22/2020	6/25/2020	Y
EMERYVILLE		64TH	ST	STEEL	8.00	1965	20,160	6/13/2020	6/19/2020	Y
LAFAYETTE		RELIEZ VALLEY	RD	STEEL	6.00	1965	25,920	6/24/2020	6/29/2020	Y
LAFAYETTE		STAGE COACH	DR	ASBESTOS CEMENT	6.00	1980	18,000	6/24/2020	6/24/2020	Y
LAFAYETTE		WILKINSON	LN	CAST IRON	2.00	1931	2,250	6/5/2020	6/5/2020	Y
MORAGA		LISA	LN	ASBESTOS CEMENT	6.00	1983	1,800	6/14/2020	6/14/2020	Y
OAKLAND		14TH	AVE	CAST IRON	2.00	1938	0	5/19/2020	6/12/2020	Y
OAKLAND		32ND	ST	CAST IRON	4.00	1895	5,760	6/15/2020	6/18/2020	Y
OAKLAND		39TH	AVE	CAST IRON	10.00	1940	900	6/24/2020	6/24/2020	Y
OAKLAND		51ST	AVE	CAST IRON	6.00	1938	5,760	6/2/2020	6/5/2020	Y
OAKLAND		19TH	ST	CAST IRON	12.00	1932	27,000	6/10/2020	6/11/2020	Y
OAKLAND		ANDERSON	AVE	CAST IRON	6.00	1937	7,200	6/25/2020	6/25/2020	Y
OAKLAND		CORONADO	AVE	ASBESTOS CEMENT	6.00	1969	20,160	6/23/2020	6/24/2020	Y
OAKLAND		DOUGLAS	AVE	CAST IRON	6.00	Unknown	10,080	6/17/2020	6/23/2020	Y
OAKLAND		ELWOOD	AVE	CAST IRON	6.00	1909	8,640	6/3/2020	6/8/2020	Y
OAKLAND		ESTATES	DR	CAST IRON	8.00	1933	27,000	6/30/2020	6/30/2020	Y
OAKLAND		INTERNATIONAL	BL	CAST IRON	4.00	1911	540	6/9/2020	6/9/2020	Y
OAKLAND		JORDAN	RD	CAST IRON	1.00	1933	0	6/25/2020	6/25/2020	Y
OAKLAND		MACARTHUR	BL	ASBESTOS CEMENT	6.00	1963	14,400	6/22/2020	6/23/2020	Y
OAKLAND		MACARTHUR	BL	WROUGHT IRON	6.00	1923	14,400	6/26/2020	6/30/2020	Y
OAKLAND		MANILA	AVE	CAST IRON	6.00	1924	6,750	6/7/2020	6/7/2020	Y
OAKLAND		MARKET	ST	CAST IRON	8.00	1894	900	6/8/2020	6/8/2020	Y
OAKLAND		OAKDALE	AVE	CAST IRON	4.00	1940	2,880	6/8/2020	6/8/2020	Y
OAKLAND		OLIVE	ST	CAST IRON	4.00	1937	4,500	6/15/2020	6/15/2020	Y
OAKLAND		OUTLOOK	AVE	CAST IRON	6.00	1926	5,760	6/1/2020	6/4/2020	Y

***KPI = turn around time to repair the leak**

JUNE 2020 MAIN BREAK REPAIRS										
OAKLAND		THORNHILL	DR	CAST IRON	6.00	1955	5,760	6/23/2020	6/26/2020	Y
OAKLAND		WALLACE	ST	CAST IRON	6.00	1933	10,080	6/11/2020	6/17/2020	Y
OAKLAND		WALNUT	ST	CAST IRON	4.00	1937	4,500	6/11/2020	6/11/2020	Y
ORINDA		CAMINO LENADA		CAST IRON	8.00	1934	288,000	6/29/2020	6/30/2020	Y
ORINDA		CAMINO SOBRANTE		CAST IRON	6.00	1934	2,700	6/17/2020	6/17/2020	Y
RICHMOND		MOZART	DR	ASBESTOS CEMENT	8.00	1981	0	5/5/2020	6/1/2020	Y
RODEO		RODEO	AVE	CAST IRON	4.00	1951	7,200	6/12/2020	6/16/2020	Y
SAN LEANDRO		140TH	AVE	CAST IRON	6.00	1945	8,640	6/21/2020	6/26/2020	Y
SAN LEANDRO		BENEDICT	DR	ASBESTOS CEMENT	8.00	1961	43,200	6/24/2020	6/29/2020	Y
SAN LEANDRO		WINDING	BL	CAST IRON	6.00	1962	8,640	5/27/2020	6/1/2020	Y
SAN RAMON		SPRINGDALE	LN	ASBESTOS CEMENT	8.00	1971	900	6/9/2020	6/9/2020	Y
WALNUT CREEK		CELESTE	AVE	ASBESTOS CEMENT	6.00	1961	900	6/25/2020	6/25/2020	Y
							718,020			
Non-surfacing leaks discovered by leak detection technologies					0					
Breaks caused by contractors or other agencies					1					
Main breaks					44					
Total water main repairs					45					



Customer Account Delinquency Information											
June 2020											
(Data collection began September 1, 2017)											
CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	January	February	March	April	May ⁴	June	Totals				
New CAP Participants	157	214	191	304	289	271	5,517				
CAP Renewals	170	189	158	203	198	236	5,282				
CAP Departures	174	198	191	186	181	150	4,980				
Total Active CAP Participants w/Active Accounts	6,990	7,097	7,195	7,370	7,554	7,724					
PAYMENT PLANS	January	February	March	April	May	June	Totals				
Approved Payment Plans	5,476	4,555	4,207	1,501	1,097	1,487	159,990				
Payment Plans Established After Service Interruptions	79	13	1	-	-	-	1,320				
SERVICE INTERRUPTIONS - RESIDENTIAL	January	February	March	April ³	May ³	June ³	Totals				
15-day Final Collection Notices	13,603	13,945	16,744	14,693	15,374	16,405	532,545				
48-hr Service Interruptions Notices	7,946	7,754	7,627	9,351	8,015	10,284	283,410				
Service Interruption Orders Created	3,206	2,451	*	*	*	*	82,689				
Service Interruptions Completed (Actual)	1,155	436	*	*	*	*	22,712				
CAP Enrolled Service Interruptions	42	1	*	*	*	*	802				
WATER THEFT	January	February	March	April	May	June	Totals				
No. of Incidents	25	11	12	-	-	-	367				
No. of 2nd or 3rd Occurrences	3	1	3	-	-	-	41				
No. Water Theft Penalties Issued	15	6	6	-	-	-	227				
No. of Appeals Received	-	-	-	-	-	-	10				
No. of 1st Appeals Approved	-	-	-	-	-	-	5				
No. of 1st Appeals Denied	-	-	-	-	-	-	7				
Multi-Family Liens ¹	January	February	March	April	May	June	Totals				
Liens Filed	129	230	-	-	-	-	3,959				
Released	44	30	32	30	18	32	2,436				
Transferred to Alameda Cty.	-	-	-	-	-	-	1,356				
Transferred to Contra Costa Cty.	-	-	-	-	-	-	303				
Total/Month	173	260	32	30	18	32	8,054				
¹ Liens filed monthly represents delinquent accounts 4-6 months in arrears.											
BAD DEBT - WRITE OFFS	January	February	March	April	May	June	Totals				
Total Referred to Collection Agency	\$ 207,245	\$ 160,981	\$ 143,215	\$ 192,938	\$ 241,871	TBD ²	\$ 5,425,055				
Write-Off % to Billed Revenue	0.42%	0.36%	0.31%	0.38%	0.50%	TBD ²					
² Information not available until the 20th of the month is normally one month behind, CBA to July/August/September numbers in October 2019.											
³ 48-hours notices were generated, but not mailed to customers since March 23, 2020. Customers are receiving payment reminders in-lieu of 48-hours notices.											
⁴ CAP participation and renewals as of May 28, 2020.											
*Notes: - Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld mailing 48-hr notices to customers, and began restoring service to all customers shutoff as of January 2020. The DNP information will be omitted from this table until the District resumes DNP activities.											
Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Hayward	Hercules
Meter	2	1	2	12	2	2	1	2	1	6	4
Illegal Connection	-	-	-	-	-	-	-	-	-	-	-
Hydrant	-	-	-	-	-	-	-	-	-	-	-
Total	2	1	2	12	2	2	1	2	1	6	4
Water Theft Type/City	Oakland	Piedmont	Pinole	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Total as of 9/1/2017	
Meter	237	1	5	69	7	1	5	3	2	365	
Illegal Connection	2	-	-	-	-	-	-	-	-	2	
Hydrant	-	-	-	-	-	-	-	-	-	0	
Total	239	1	5	69	7	1	5	3	2	367	

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: July 9, 2020

MEMO TO: Board of Directors

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

FROM: Janetta M. Johnson, Assistant to the General Manager *JMJ*

SUBJECT: Finance/Administration Committee Minutes – June 23, 2020

Chair William B. Patterson called to order the Finance/Administration Committee meeting at 10:20 a.m. He announced that in light of the COVID-19 pandemic, the meeting will be conducted pursuant to California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate telephonically while Social Distancing Requirements are in effect. Directors John A. Coleman and Andy Katz were present at roll call. All Committee members participated via teleconference. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Internal Auditor Supervisor Barry N. Gardin, Principal Management Analyst Damien R. Charl  y, Special Assistant to the General Manager Kelly A. Zito, Secretary of the District Rischa S. Cole, and Assistant to the General Manager, Janetta M. Johnson.

Public Comment. None.

Monthly Investment Transactions Report. Director of Finance Sophia D. Skoda reviewed the report for May 2020 which will be presented to the Board for consideration at its meeting in the afternoon. Ms. Skoda reported, due to a decrease in interest rates, the District's investments are currently earning less than 1 percent, the lowest since June 2016. The Committee raised no questions. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) by roll call vote to forward the report to the Board for consideration.

Annual Update on Employees' Retirement System (ERS). Principal Management Analyst Damien Charl  y provided an update on ERS activities in 2019 and 2020. Over the past year, the ERS's funded ratio improved from 73.2 percent as of the end of fiscal year (FY) 2018 to 73.8 percent as of the end of FY19. The ERS includes both the pension plan and the Health Insurance Benefit (HIB) plan. The pension plan's funded ratio improved from 75.6 percent to 75.9 percent and the HIB plan's funded ratio improved from 29.7 percent to 33.0 percent over the same period. No changes were made to the actuarial assumptions and the long-term actuarially-expected rate of return remained at 7 percent. Investment results in FY19 were lower than in recent years (+5.25%) and below the long-term actuarially-expected rate of return. The ERS assets surpassed the \$1.8 billion mark, an increase of \$80 million from the prior year and the unfunded liability increased by over \$18 million to \$646 million. In FY21, the District contribution rates will remain at the FY20 levels (43.18% for the 1955/80 plan and 36.16% for the 2013 plan). Next, he highlighted the economic impact of the response to the COVID-19 pandemic, 2018 CEM Benchmarking, Inc. survey results, and results from the Retirement Board's first annual survey of investment managers regarding Environmental, Social, and Governance in their investment processes. The Committee asked staff to determine if there are funding ratio standards for the Health Insurance Benefit plan and provide an update at the next Finance/Administration Committee meeting. It was moved by Director Coleman, seconded by Director Katz and carried (3-0) by roll call vote to accept the report.

Revisions to District Policies. Internal Auditor Supervisor Barry N. Gardin reviewed the proposed revisions to six District policies: Policy 1.14 – Customer Assistance Policy; Policy 2.04 – Contractual Agreements with Former Employees; Policy 2.20 – Workforce Communications; Policy 4.20 – Use of District Technology Resources; Policy 7.05 – Sustainability and Resilience; and Policy 9.06 – Bay-Delta Protection. The Committee requested Policy 1.14, Program Initiative No. 8, be revised to include “and/or Medical Provider” after Primary Care Provider, and that it be brought to the Board for consideration at its afternoon meeting. It was moved by Director Katz, seconded by Director Coleman, and carried (3-0) by roll call vote to forward the policies, with revisions, to the Board for consideration.

Adjournment. Chair Patterson adjourned the meeting at 10:51 a.m.

CCC/JMJ