ROLL CALL:

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

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
      Contra Costa County Superior Court, Case No. MSC16-01348

2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
   a. Town of Moraga
      Claim No. 2017-L-290
   b. William Strauss and Suzanne Strauss
      Claim No. 2018-L-076
   c. Diablo Ranch Estates Homeowners Association
      Claim No 2018-L-002
   d. Two matters.

3. Threat to public services or facilities pursuant to Government Code section 54957:
   Conference with Clifford C. Chan, Director of Operations and Maintenance; Andrew J. Levine,
   Manager of Information Systems; and William L. Johnson, Information System Division Manager.

   *(The Board will hold Closed Session in Conference Room 8)*
REGULAR BUSINESS MEETING
1:15 p.m., Board Room

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 8 recommendations, including 2 resolutions.)

1. Approve the [Special and Regular Meeting Minutes of July 24, 2018](#).

2. File correspondence with the Board.

3. Award a contract to the lowest responsive/responsible bidder, Farwest Corrosion Control Company, in the amount of $395,000 for construction of the Mokelumne Aqueducts Cathodic Protection Improvements under Specification 2131.

4. Authorize a contract beginning on January 1, 2019 with Sutter Health for health insurance coverage through the Sutter Health Plus HMO insurance plan, based on an estimated first year cost of $2,648,992 to automatically renew each year subject to modification of rates and benefits.

5. Authorize the execution of a Memorandum of Understanding between the Port of Oakland and the District to specify the manner in which the District will provide domestic water and fire water service within the Seaport Area owned and operated by the Port.

6. Authorize a two-year extension to current agreements awarded under Board Motion No. 078-13, which authorized a total of $3,000,000 from June 11, 2013 to August 14, 2018 for the disposal and recycling of District asphalt, asphalt grindings, concrete and petromat trench spoils, to July 31, 2020. No additional funds are requested.

7. Approve amendment to Article I – General Provisions of the 2017-2021 Memorandum of Understanding between East Bay Municipal Utility District and International Federation of Professional and Technical Engineers Local 21. (Resolution)

8. Appoint Manager of Regulatory Compliance. (Resolution)
DETERMINATION AND DISCUSSION:

9. Legislative Update:
   - Receive Legislative Report No. 08-18 and consider positions on the following bills: AB 1884 (Calderon) Food Facilities: Single-Use Plastic Straws; AB 2370 (Holden): Lead Exposure: Child Day Care Facilities: Family Day Care Homes; AB 2470 (Grayson) Invasive Species Council of California: California Invasive Species Advisory Committee; SB 998 (Dodd) Discontinuation of Residential Water Service: Urban and Community Water Systems; and receive information on Proposition 3 “The Water Supply and Water Quality Act of 2018”
   - Update on Legislative Issues of Interest to EBMUD

10. General Manager’s Report:
    - Monthly Report – July 2018

REPORTS AND DIRECTOR COMMENTS:

11. Committee Reports:
    - Finance/Administration
    - Planning
    - Legislative/Human Resources

12. Other Items for Future Consideration.

13. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 11, 2018 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

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.
<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
<th>Time/Location</th>
<th>Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, August 14</td>
<td><strong>Planning Committee</strong></td>
<td>8:30 a.m.</td>
<td>• FY18 Emergency Preparedness and Business Continuity Readiness</td>
</tr>
<tr>
<td></td>
<td>Mellon {Chair}; Linney; Young</td>
<td>Training Resource Center</td>
<td>• PG&amp;E Community Wildfire Safety Program</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Information Technology Security Update</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Dam Safety Program Annual Report</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Port of Oakland Memorandum of Understanding</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Water Quality Program Semi-Annual Update</td>
</tr>
<tr>
<td></td>
<td><strong>Legislative/Human Resources Committee</strong></td>
<td>10:00 a.m.</td>
<td>• Legislative Update</td>
</tr>
<tr>
<td></td>
<td>Coleman {Chair}; Patterson; Young</td>
<td>Training Resource Center</td>
<td>• Semi-Annual Update on District Values and Organizational Improvements Programs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Sutter Health Plan Contract</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Amendment No. 1 to the 2017-2021 Memorandum of Understanding between EBMUD and IFPTE, Local 21</td>
</tr>
<tr>
<td></td>
<td><strong>Board of Directors</strong></td>
<td>11:00 a.m.</td>
<td>• Closed Session</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1:15 p.m.</td>
<td>• Regular Meeting</td>
</tr>
<tr>
<td>Tuesday, August 28</td>
<td><strong>Finance/Administration Committee</strong></td>
<td>Cancelled</td>
<td>Cancelled</td>
</tr>
<tr>
<td></td>
<td>Patterson {Chair}; Coleman; Mellon</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Board of Directors</strong></td>
<td>Cancelled</td>
<td>Cancelled</td>
</tr>
<tr>
<td>Monday, September 3</td>
<td><strong>Labor Day</strong></td>
<td>District Offices Closed</td>
<td></td>
</tr>
<tr>
<td>Monday, September 10</td>
<td><strong>Admission Day</strong></td>
<td>District Offices Closed</td>
<td></td>
</tr>
<tr>
<td>Tuesday, September 11</td>
<td><strong>Planning Committee</strong></td>
<td>9:15 a.m.</td>
<td><strong>Legislative Update</strong></td>
</tr>
<tr>
<td></td>
<td>Mellon {Chair}; Linney; Young</td>
<td>Training Resource Center</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Legislative/Human Resources Committee</strong></td>
<td>10:15 a.m.</td>
<td>• Closed Session</td>
</tr>
<tr>
<td></td>
<td>Coleman {Chair}; Patterson; Young</td>
<td>Training Resource Center</td>
<td>• Regular Meeting</td>
</tr>
<tr>
<td></td>
<td><strong>Board of Directors</strong></td>
<td>11:00 a.m.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1:15 p.m.</td>
<td></td>
</tr>
</tbody>
</table>
President Lesa R. McIntosh called to order the Special Meeting of the Board of Directors at 9:30 a.m. in the Training Resource Center. The Board met in workshop session to receive information on the District’s Recycled Water Master Plan Update.

ROLL CALL

Directors John A. Coleman, Frank Mellon, William B. Patterson, Marguerite Young, and President Lesa R. McIntosh were present at roll call. Director Doug Linney arrived at 9:31 a.m. and Director Andy Katz arrived at 10:01 a.m. (absent).

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Water and Natural Resources Richard G. Sykes, Manager of Water Supply Improvements Michael T. Tognolini, Senior Civil Engineer Linda H. Hu, Associate Civil Engineer Paul B. Gilbert-Snyder, Special Assistant to the General Manager Alison A. Kastama, and Secretary of the District Rischa S. Cole. Also in attendance was Mary Cousins, consultant with the firm Woodard and Curran.

PUBLIC COMMENT

There was no public comment.

DISCUSSION

- The following was filed with the Board: 1) a presentation entitled “Recycled Water Master Plan Update,” dated July 24, 2018.

Manager of Water Supply Improvements Michael T. Tognolini summarized the workshop agenda and the District’s approach to managing its current Recycled Water Program and achieving the program goals. He highlighted the potential potable reuse options being considered in the Recycled Water Master Plan Update and how these options are currently regulated as well as lessons learned since the first master plan was developed in 1991.

Associate Civil Engineer Paul B. Gilbert-Snyder presented an overview of how the list of Recycled Water Master Plan project alternatives was developed and the status of current non-potable projects under construction or in progress. He reviewed the various non-potable projects evaluated for the master plan update and the criteria used to screen out projects. He discussed potential potable reuse sources in and around the District’s service area and possible District locations for potable reuse augmentation. Based on the initial assessment, Mr. Gilbert-Snyder said 14 non-potable and 36 potable project alternatives were evaluated for inclusion in the master plan update.
Mary Cousins with the firm Woodard and Curran reviewed the process used to evaluate the project alternatives and develop a recommended strategy. The process looked at project capital cost development, social and environmental considerations per District Policy 7.05 – Sustainability and Resilience, the complexity and risks of implementation, and an economic evaluation of how the project alternatives compare in cost to the District’s other water supply alternatives. She noted that the 14 non-potable alternatives were previously identified as potential projects and updates were made to their prior cost estimates for evaluation purposes. The 36 potable alternatives and their cost considerations are all new for the master plan update and the cost considerations do not include expenses for nutrient upgrades. The evaluation recommended that the District maintain its 20 million gallons per day (MGD) goal for 2040, implement four non-potable projects as part of the master plan update and forego implementing the potable reuse alternatives because the proposed projects are larger than current District water supply needs and cost prohibitive. However, Ms. Cousins said the District should continue monitoring these alternatives as regulations are developed for nutrient removal and criteria are adopted for raw and treated water augmentation.

Senior Civil Engineer Linda H. Hu discussed the District’s existing non-potable projects and those under construction. She highlighted the four non-potable projects recommended as part of the master plan update which would provide approximately nine additional MGD of recycled water to the District’s Water Recycling Program. These include a new project at the Phillips 66 Refinery in Rodeo (3.7 MGD), expansion of the District’s projects with Chevron at the Richmond Advanced Recycling Expansion Water Project (1.5 MGD) and the North Richmond Water Reclamation Plant (1.0 MGD), and expansion of the East Bayshore Recycled Water Project (1.9 MGD) and the DERWA Project (1.0 MGD). She reviewed the estimated project phasing schedule and associated capital costs and commented on how the District could use potable reuse in the future as a tool to provide long-term water supply reliability. Staff will continue monitoring the progress of potable reuse projects in the state, support development of potable reuse regulations and develop the District’s long-term strategy for potable investments. Recommendations for the District’s Recycled Water Program include maintaining the current program goal of 20 MGD by 2040; continuing customer outreach and expansion; evaluating revisions to the recycled water pricing strategy; continuing planning and design of the recommended non-potable projects; tracking potable reuse regulations, research, and developing projects; and re-evaluating potable reuse in approximately 10 years. Ms. Hu reviewed next steps for the master plan update and said a final Recycled Water Master Plan Update would be completed by February 2019.

Board Discussion

Board members thanked staff for the update and requested the following:

- A reassessment of potable reuse in 5 years versus the 10 years recommended in the evaluation findings and consider adjusting the District’s 20 MGD recycled water goal at that time;
- Determine if wastewater supplies are available for non-potable use and secure them;
- Confirm alignment of the District’s East Bayshore Recycled Water Project pipeline with potential customer projects;
• Additional information on how the District uses its water supply assessments to determine recycled water availability for projects and the rationale for when recycled water use is recommended to potential customers;
• Additional information on the non-cost factors used in the alternatives evaluation process;
• Consider how eventual transition from hydrocarbon use will impact recycled water projects at refineries;
• Additional information on the low scoring, lower cost potable reuse projects identified on presentation slide 29; and
• Staff follow-up with DERWA stakeholders regarding DERWA Project supply deficiencies.

**ADJOURNMENT**

President McIntosh adjourned the Special Meeting at 10:57 a.m.

**SUBMITTED BY:**

______________________________________
Rischa S. Cole, Secretary of the District

**APPROVED:** August 14, 2018

______________________________________
Lesa R. McIntosh, President of the Board

W:\Minutes 2018\Workshop\072418_Recycled Water Master Plan Update_minutes.docx
MINUTES

Tuesday, July 24, 2018

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

Regular Closed Session Meeting

President Lesa R. McIntosh called to order the Regular Closed Session Meeting of the Board of Directors at 11:02 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Assistant General Counsel Xanthe M. Berry (Items 1a, 2a and 2b), Attorney Derek McDonald (Items 1a, 2a and 2b), Director of Operations and Maintenance Clifford C. Chan (Items 1a, 2a and 2b), Engineering Manager Elizabeth Z. Bialek (Items 1a, 2a and 2b), Assistant General Counsel Fred S. Etheridge (Item 2c), Attorney Jonathan D. Salmon (Item 2c), Director of Water and Natural Resources Richard G. Sykes, and Engineering Manager Lena L. Tam (Item 2c).

PUBLIC COMMENT

- Addressing the Board was Eric Larsen, EBMUD Wastewater Plant Operator II, who introduced himself as the newly elected 1st Vice-President for AFSCME Local 444. The role was previously held by EBMUD Wastewater Plant Operator II Ruben Rodriguez.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President McIntosh announced the closed session agenda. The Board convened to Conference Room 8 for discussion.

Regular Business Meeting

President McIntosh called to order the Regular Business Meeting of the Board of Directors at 1:17 p.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer and Secretary of the District Rischa S. Cole.
BOARD OF DIRECTORS

President McIntosh led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Motion by Director Mellon, seconded by Director Young, to approve the recommended actions for Items 1-12 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 108-18** – Approved the Regular Meeting Minutes of July 10, 2018.


3. **Motion No. 109-18** – Awarded a contract to the lowest responsible/responsive bidder, Badger Meter, Inc., in the estimated annual amount of $2,371,813.25 for supplying various sized water meters to be installed throughout the District, for the period beginning July 25, 2018 and ending July 10, 2019 with four options to renew for additional one-year periods for a total cost of $11,859,066.25 under Request for Quotation No. 1805.

4. **Motion No. 110-18** – Authorized an agreement with National Plant Services, Inc., in an amount not to exceed $980,796 for cleaning of the Alameda siphons under Request for Proposal No. 927-1813.
5. **Motion No. 111-18** – Authorized a contract beginning on or after July 24, 2018 with Hyas Group, LLC, in the amount of $115,000 for a term of 17 months with two options to renew for an additional one-year period in the amount of $52,000 per option, for a total cost not to exceed $219,000 for investment and consulting services for the District’s 401(a), and 401(k) and 457 Deferred Compensation Committees and Deferred Compensation Plan Recordkeeper Request for Proposal Development Services.

6. **Motion No. 112-18** – Authorized an agreement with Sharper Technology, Inc., in an amount not to exceed $98,984 for maintenance support of all District Check Point firewall equipment for a one-year period beginning on or after August 1, 2018.

7. **Motion No. 113-18** – Authorized the sole source purchase of 15,000 feet of six-inch and 5,000 feet of eight-inch diameter Polyvinyl Chloride (PVC) pipe called iPVC from PPI America, Inc., in the amount of $178,897 including taxes for a District pilot project.

   - Director Coleman requested information on the manufacturer’s warranty terms for iPVC pipe. General Manager Coate advised staff will provide an information memo to the Board.

8. **Motion No. 114-18** – Authorized an amendment to the existing agreement with Rimini Street, Inc., beginning August 12, 2018 in an amount not to exceed $198,000 annually for software maintenance services for the PeopleSoft Human Resources Information Systems and Financial Information Systems for two years with three options to renew for an additional one-year period for a total cost of $880,000.

9. **Motion No. 115-18** – Authorized an amendment to the agreements awarded under Board Motion No. 051-15 dated April 14, 2015 to increase the estimated combined amount by $7,910,000 for rental of equipment beginning on or after July 24, 2018 through the remainder of the agreement period ending April 14, 2020 with the following vendors: Pape Machinery – Newark; Sky Rock, Inc.; Ibarra Team Construction Services, Inc.; Inder Trucking; Herc Rentals, Inc.; Coast Crane Company; Doc Bailey Construction Equipment, Inc.; BakerCorp; Nor Rental Group dba Cresco Equipment Rentals; Sunbelt Rentals, Inc.; Adam Moreno & Sons, Inc.; and Coast Counties Peterbilt PacLease.


**PUBLIC HEARING**

13. **Conduct a Public Hearing to consider objections and protests to the General Manager’s Report to Transfer Delinquent EBMUD Charges to the 2018-2019 Property Tax Rolls.**

President McIntosh opened the public hearing at 1:18 p.m. She announced that the hearing is to consider objections and protests to the General Manager’s Report to Transfer Delinquent EBMUD Charges to the 2018 - 2019 Property Tax Rolls. She noted that staff is available to
meet with customers who are protesting and/or want to make payment arrangements. There were no comments from the public. President McIntosh closed the public hearing at 1:19 p.m.

**DETERMINATION AND DISCUSSION**

14. **Adopt the General Manager’s Report to Transfer Delinquent EBMUD Charges to the 2018-2019 Property Tax Rolls and authorize the General Manager to exclude from the report any affected parcels or amounts as appropriate, including those that the District receives payment for on or before the reports are sent to Alameda and Contra Costa counties in electronic form by August 10, 2018.**

- Motion by Director Patterson, seconded by Director Coleman, to approve the recommended actions for Item 14, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35106-18** – Approving Transfer Of Unpaid Delinquent Charges To Alameda And Contra Costa Counties’ 2018-2019 Property Tax Rolls.

15. **Approve a tax exchange agreement between East Bay Municipal Utility District (District) and the City of Hayward (City) for the exchange of property tax revenue in connection to the reorganization of the District’s Service Area Boundary with the City, consistent with the Agreement on Water Service Boundary within the City of Hayward executed by the District and the City on May 4, 2016.**

- Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Item 15, carried (7-0) by the following voice vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young, and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

**Resolution No. 35107-18** – Approving Property Tax Revenue Exchange Agreement Between East Bay Municipal Utility District and The City Of Hayward.

16. **General Manager’s Report.**

General Manager Coate stated that the latest version of the Speakers’ Bureau and Outreach Record for CY18 was at Board places and requested that updates be provided to staff.

**REPORTS AND DIRECTOR COMMENTS**

17. **Committee Reports.**

- Filed with the Board were the Planning Committee and Legislative/Human Resources Committee Minutes of July 10, 2018.

18. **Other Items for Future Consideration.**

- None.
19. **Director Comments.**

Director Coleman reported on attending the DERWA Board meeting on July 23 in Dublin and plans to attend/participate in the following events: ACWA Executive Committee and Board meetings on July 27 in Sacramento; UMRWA Board meeting on July 27 in Pardee; San Ramon/Danville Realtor Marketing Association and Contra Costa Mayors’ Conference meetings in Danville on August 2; Lafayette City Council meeting on August 13 in Lafayette; and a meeting with representatives from Central Contra Costa Sanitary District, Dublin-San Ramon Services District and DERWA on September 4 in Martinez.

- Director Katz had no comment.

- Director Linney had no comment.

- Director Mellon reported attending/participating in the following events: Alameda County Special Districts Association meeting and LAFCo election on July 11 in Hayward; Alameda County Mayors’ Conference on July 11 in Livermore; Contra Costa Mayors’ Conference on July 12 in Pittsburg; Contra Costa Special Districts Association meeting on July 16 in Martinez; Hayward Area Recreation District Foundation golfing event on July 18 in Hayward; EBMUD Retirement Board meeting on July 19 in Oakland; EBMUD Utility District Employee Association Golf Tournament on July 21 in Castro Valley; and the DERWA Board meeting on July 23 in Dublin.

- Director Patterson reported on participating in the EBMUD Briefing event for Wards 3, 5 and 6 on July 11 in Oakland and plans to attend the UMRWA Board meeting on July 27 in Pardee.

- Director Young had no comment.

- President McIntosh had no comment.

**ADJOURNMENT**

President McIntosh adjourned the meeting at 1:24 p.m.

**SUBMITTED BY:**

____________________________________
Rischa S. Cole, Secretary of the District

APPROVED: August 14, 2018

____________________________________
Lesa R. McIntosh, President of the Board
MOKELMUNE AQUEUDCTS CATHODIC PROTECTION IMPROVEMENTS

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Farwest Corrosion Control Company, in the amount of $395,000 for construction of the Mokelumne Aqueducts Cathodic Protection Improvements under Specification 2131.

SUMMARY

Work includes improving six cathodic protection stations along the Mokelumne Aqueducts in Contra Costa County. The improvements include the installation of four new anode wells, the replacement of six rectifiers, and the installation of two remote monitoring wells.

DISCUSSION

The Mokelumne Aqueducts are protected from soil corrosion by a series of 44 cathodic protection systems. These systems rely on expendable anode groundbeds to provide protective current to the steel pipelines. The groundbeds must be systematically replaced, as they deteriorate and expire, to ensure continued corrosion control. This project supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

BID RESULTS

Bid documents were issued to 23 resource organizations and eight prospective bidders. Six bids were received, ranging from $395,000 to $601,000. The bid summary is attached. The engineer’s estimate for this work is $473,801.

The lowest responsive/responsible bidder, Farwest Corrosion Control Company, is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Farwest Corrosion Control Company and its listed subcontractors are properly registered with the State...
Mokelumne Aqueducts Cathodic Protection Improvements
August 14, 2018
Page 2

DIR. In the past five years, Farwest Corrosion Control Company has not filed a Government Code Claim, nor initiated any litigation against the District.

SUSTAINABILITY

Economic

This item is included in the FY18-19 budget for Aqueduct Cathodic Protection under the Corrosion Program.

Social

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

Work under this contract 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 444 was notified of the project on February 20, 2018, and did not raise any specific issues related to this contract.

Environmental

A Notice of Exemption was posted with the Contra Costa County Clerk on January 18, 2018.

ALTERNATIVES

Do not perform the work. This alternative is not recommended because failure to replace the anode groundbeds will ultimately result in corrosion of the aqueducts and eventual failure causing interruption in raw water transmission.

Perform the work with District forces. This alternative is not recommended because District forces do not have the experience to construct the specialized deep well anode installations or well destructions required for this project.

Attachments: Location Map
Bid Summary
Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)
## EAST BAY MUNICIPAL UTILITY DISTRICT
### SPECIFICATION 2131
### MOKEUMNE AQUEDUCTS CATHODIC PROTECTION IMPROVEMENTS

**Bids Opened July 18, 2018**

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL AMOUNT BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farwest Corrosion Control Company</td>
<td>$395,000.00</td>
</tr>
<tr>
<td>12029 Regentview Ave.</td>
<td></td>
</tr>
<tr>
<td>Downey, CA  90241</td>
<td></td>
</tr>
<tr>
<td>(310) 532-9524</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Accurate Corrosion Control, Inc.</td>
<td>$416,496.77</td>
</tr>
<tr>
<td>7310 N. 108th Ave.</td>
<td></td>
</tr>
<tr>
<td>Glendale, AZ  85307</td>
<td></td>
</tr>
<tr>
<td>(623) 486-7800</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>American Construction and Supply, Inc.</td>
<td>$494,124.00</td>
</tr>
<tr>
<td>45 San Clement Dr., Ste. A-100</td>
<td></td>
</tr>
<tr>
<td>Corte Madera, CA  94925</td>
<td></td>
</tr>
<tr>
<td>(415) 927-2024</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Alisto Engineering Group, Inc. (SBE/DVBE)</td>
<td>$494,700.00 / $474,950.00*</td>
</tr>
<tr>
<td>2737 N. Main St., Ste. 200</td>
<td></td>
</tr>
<tr>
<td>Walnut Creek, CA  94597</td>
<td></td>
</tr>
<tr>
<td>(925) 279-5000</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Piping and Corrosion Specialties, Inc. (SBE/DVBE)</td>
<td>$559,969.00 / $540,219.00*</td>
</tr>
<tr>
<td>8371 Jumpers Hole Rd.</td>
<td></td>
</tr>
<tr>
<td>Millersville, MD  21108</td>
<td></td>
</tr>
<tr>
<td>(410) 544-3232</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Exaro Technologies Corp. (SBE/DVBE)</td>
<td>$601,000.00 / $581,250.00*</td>
</tr>
<tr>
<td>1831 Bayshore Hwy.</td>
<td></td>
</tr>
<tr>
<td>Burlingame, CA  94010</td>
<td></td>
</tr>
<tr>
<td>(650) 777-4324</td>
<td></td>
</tr>
</tbody>
</table>

SBE/DVBE – Small Business Enterprise or Disabled Veteran Business Enterprise

*Effective Bid Amount due to SBE/DVBE discount (5% of the low bid amount, not to exceed $250,000)*

**Engineer’s Estimate:** $473,801.00
# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

## TITLE
Mokelumne Aqueducts Cathodic Protection Improvements

## CONTRACTOR:
Farwest Corrosion Control Company  
Downey, CA 90241

## BID/PROPOSER'S PRICE:
$395,000 *

### FIRM'S OWNERSHIP
<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Gender</th>
<th>Contracting Objectives</th>
<th>Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Men</td>
<td></td>
<td>25%</td>
<td>0.0%</td>
</tr>
<tr>
<td>White Women</td>
<td></td>
<td>9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Ethnic Minorities</td>
<td></td>
<td>25%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

### CONTRACT EQUITY PARTICIPATION

#### COMPANY NAME
<table>
<thead>
<tr>
<th>ESTIMATED AMOUNT</th>
<th>ETHNICITY</th>
<th>GENDER</th>
<th>CONTRACTING PARTICIPATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>$395,000</td>
<td>White</td>
<td>X</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

#### TOTAL
| $395,000         | 0.0%      | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% |

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

- **No. of Employees:**
- **Percent of Total Employees:** INFORMATION NOT PROVIDED
- **MSA Labor Market %:**
- **MSA Labor Market Location:**

### COMMENTS
- **Contract Equity Participation** - 100% White Women participation.
- **Total contract amount:** $395,000

<table>
<thead>
<tr>
<th>Workforce Profile &amp; Statement of Nondiscrimination Submitted</th>
<th>Good Faith Outreach Efforts Requirement Satisfied</th>
<th>Award Approval Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

(P-035 - 7/11)  
Page 1 of 1  
3979_C
# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

<table>
<thead>
<tr>
<th>Title: Mokelumne Aqueducts Cathodic Protection Improvements</th>
<th>Ethnic Minority Percentages From U.S. Census Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spec. No.: 2131</td>
<td>National: 10.5 B, 10.7 H, 3.7 A/PI, 0.7 A/AN, 27.3 TOTAL</td>
</tr>
<tr>
<td>Date: 7/27/2018</td>
<td>9 Bay Area Counties: 5.5 B, 16.2 H, 14.2 A/PI, 0.4 A/AN, 39.9 TOTAL</td>
</tr>
<tr>
<td>R=Recipient, P=Prime, S=Sub</td>
<td>Alameda/CC Counties: 10.7 B, 15.6 H, 15.4 A/PI, 0.5 A/AN, 46.2 TOTAL</td>
</tr>
</tbody>
</table>

### Composition of Ownership

<table>
<thead>
<tr>
<th>Company Name, Owner/Contact Person, Address, and Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP                WW</td>
</tr>
<tr>
<td>Farwest Corrosion Control Company</td>
</tr>
<tr>
<td>Troy Rankin</td>
</tr>
<tr>
<td>12029 Regentview Avenue, Downey, CA 90241</td>
</tr>
<tr>
<td>Bay Area</td>
</tr>
<tr>
<td>310-532-9524</td>
</tr>
</tbody>
</table>

| P | WM | Company Wide | 2 | 14 | 3 | 1 | 20 | 29.0% | 18.5% |
| Accurate Corrosion Control, Inc.                            | Manager/Prof | 0 | 2 | 2 | 0 | 4 | 25.0% |
| Lisa Gomez                                                   | Technical/Sales | 0 | 1 | 0 | 0 | 1 | 25.0% |
| 7310 N. 108th Avenue, Glendale, AZ 85307                    | Clerical/Skilled | 0 | 3 | 1 | 0 | 4 | 19.0% |
| Bay Area                                                     | Semi/Unskilled | 2 | 8 | 1 | 0 | 11 | 39.3% |
| 523-486-7800                                                 | Co. Wide MSA:  Arizona # Employees-Co. Wide: 69 Bay Area: 0 |

| P | EMM: H | Company Wide | 0 | 7 | 0 | 0 | 7 | 31.8% | 48.4% |
| American Construction and Supply, Inc.                      | Manager/Prof | 0 | 3 | 0 | 0 | 3 | 37.5% |
| Susanna Castillio                                            | Technical/Sales | 0 | 0 | 0 | 0 | 0 | 0.0% |
| 45 San Clemente Drive, Suite A-100, Corte Madera, CA 94925  | Clerical/Skilled | 0 | 4 | 0 | 0 | 4 | 30.8% |
| Bay Area                                                     | Semi/Unskilled | 0 | 0 | 0 | 0 | 0 | 0.0% |
| 415-927-2024                                                 | Co. Wide MSA: California # Employees-Co. Wide: 22 Bay Area: 13 |

| P | EMM: A/PI - LSBNE | Company Wide | 16 | 19 | 26 | 0 | 61 | 53.0% | 48.4% |
| Alto Engineering Group, Inc.                                | Manager/Prof | 1 | 5 | 13 | 0 | 19 | 48.7% |
| Nancy Valero                                                 | Technical/Sales | 13 | 8 | 11 | 0 | 32 | 56.1% |
| 2737 N. Main Street, Suite 200, Walnut Creek, CA 94597      | Clerical/Skilled | 1 | 1 | 2 | 0 | 4 | 36.4% |
| Bay Area                                                     | Semi/Unskilled | 1 | 5 | 0 | 0 | 6 | 75.0% |
| 925-279-5000                                                 | Co. Wide MSA: California # Employees-Co. Wide: 115 Bay Area: 112 |

| P | WM: SBE | Company Wide | 0 | 4 | 0 | 0 | 4 | 10.5% | 35.6% |
| Piping and Corrosion Specialties, Inc.                      | Manager/Prof | 0 | 1 | 0 | 0 | 1 | 8.3% |
| Mikki Portsche                                              | Technical/Sales | 0 | 0 | 0 | 0 | 0 | 0.0% |
| 8371 Jumpers Hule Road, Millersville, MD 21108              | Clerical/Skilled | 0 | 1 | 0 | 0 | 1 | 16.7% |
| Bay Area                                                     | Semi/Unskilled | 0 | 2 | 0 | 0 | 2 | 10.0% |
| 410-544-3232                                                 | Co. Wide MSA: Maryland # Employees-Co. Wide: 38 Bay Area: 0 |

### Notes

VM=White Male, WM=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and A/AN=American Indian/Alaskan Native)
# Affirmative Action Summary (P-061)

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

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mokelumne Aqueducts Cathodic Protection Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spec. No.:</td>
<td>2131</td>
</tr>
<tr>
<td>R=Recnmkd P=Prime S=Sub</td>
<td></td>
</tr>
<tr>
<td>DATE:</td>
<td>7/27/2018</td>
</tr>
</tbody>
</table>

## Composition of Ownership

<table>
<thead>
<tr>
<th>Company Name, Owner/Contact Person, Address, and Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exaro Technologies Corp.</td>
</tr>
<tr>
<td>Hector Dominguez</td>
</tr>
<tr>
<td>1831 Bayshore Hwy.</td>
</tr>
<tr>
<td>Burlingame, CA 94010</td>
</tr>
<tr>
<td>650-777-4324</td>
</tr>
</tbody>
</table>

## Number of Ethnic Minority Employees

<table>
<thead>
<tr>
<th>Company</th>
<th>B</th>
<th>H</th>
<th>A/PI</th>
<th>AI/AN</th>
<th>TOTAL</th>
<th>PERCENT</th>
<th>MSA %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Wide</td>
<td>1</td>
<td>14</td>
<td>2</td>
<td>1</td>
<td>18</td>
<td>100.0%</td>
<td>47.9%</td>
</tr>
<tr>
<td>Manager/Prof</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>Technical/Sales</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>Clerical/Skilled</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>Semi/Unskilled</td>
<td>1</td>
<td>7</td>
<td>0</td>
<td>1</td>
<td>9</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>

**Bay Area**

| Co. Wide MSA: San Mateo         | # Employees-Co. Wide: 18 | Bay Area: 17 |

---

Wm=White Male, WW=White Women, EMM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)
AGENDA NO. 4.
MEETING DATE August 14, 2018

TITLE SUTTER HEALTH PLAN CONTRACT

□ MOTION □ RESOLUTION □ ORDINANCE

RECOMMENDED ACTION

Authorize a contract beginning on January 1, 2019 with Sutter Health for health insurance coverage through the Sutter Health Plus HMO insurance plan, based on an estimated first year cost of $2,648,992, to automatically renew each year subject to modification of rates and benefits.

SUMMARY

The proposed action will approve a new contract with Sutter Health for health insurance coverage through the insurance plan Sutter Health Plus HMO. The Sutter Health Plus HMO plan was approved during negotiation with the District’s unions and was authorized by the Board of Directors in Resolution Nos. 35074-18 and 35078-18. This item was discussed at the August 14, 2018 Legislative/Human Resources Committee meeting.

DISCUSSION

The District offers health insurance to all regular full-time, intermittent, limited-term, temporary construction, and job share employees. Since approximately 1994, the offered health plans have been Kaiser, Health Net, and Anthem Blue Cross via ACWA/JPIA. Over the past 15 years, the premium increases on the Health Net plan outpaced the premium increases on the Kaiser and Anthem Blue Cross plans. Due to the high cost of the Health Net plan, many employees left Health Net and transitioned to the Kaiser plan, such that approximately 72 percent of EBMUD employees are now covered by the Kaiser plan. During the 2017 negotiations, the District and the Unions agreed to transition to Sutter Health Plus HMO as a replacement for the Health Net plan.

At this time, staff are working on the setup of the Sutter Health Plus HMO, and with employees and retirees currently covered by Health Net to transition them to either the new Sutter Health Plus HMO or another District health plan. During the first year of this contract the Premium Rates will be: Employee Only $736.32, Employee +1 $1,472.65, and Employee +2 or more $2,083.79. The contract will automatically renew each year subject to modification of rates and benefits, also known as benefit renewal. Either party has the option to terminate at any time with a 60-day written notice. If the benefit

<table>
<thead>
<tr>
<th>Funds Available: FY</th>
<th>Budget Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT SUBMITTING</td>
<td>DEPARTMENT MANAGER or DIRECTOR</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Laura A. Acosta</td>
</tr>
</tbody>
</table>

General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.
renewal rates increase less than 15 percent annually, the Board of Directors has previously authorized the General Manager to approve the benefit renewal. Approving this contract with Sutter Health is needed to finalize setting up District coverage in the Sutter Health Plus HMO. This action supports the District’s Workforce Planning and Development Strategic Plan goal.

SERVICE PROVIDER SELECTION

The proposal is to authorize a direct award contract for Sutter Health to provide health insurance to District employees and non-Medicare retirees via Sutter Health Plus HMO which was selected during negotiations and authorized by the Board of Directors in Resolution Nos. 35074-18 and 35078-18.

SUSTAINABILITY

Economic

Funding for the contract is available in the Fiscal Year 2019 budget.

Social

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

Locals 2019, 444, 39, and 21 were notified of the proposed contract with Sutter Health during the 2017 negotiations.

 ALTERNATIVE

**Do not authorize the contract.** This alternative is not recommended because it would not comply with the terms of Memoranda of Understanding authorized under Resolution Nos. 35074-18 and 35078-18.

Attachments

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

I:\Sec\2018 Board Related Items\081418 Board Agenda Items\HRD\ Sutter Health Contract.doc
## 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**  
Sutter Health Plan Contract

### CONTRACTOR:

Sutter Health  
Sacramento, CA 95833

### PERCENTAGE OF CONTRACT DOLLARS

<table>
<thead>
<tr>
<th>FIRM'S OWNERSHIP</th>
<th>Contracting Objectives</th>
<th>Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Men</td>
<td>25%</td>
<td>0.0%</td>
</tr>
<tr>
<td>White Women</td>
<td>6%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Ethnic Minorities</td>
<td>25%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

### BID/PROPOSER’S PRICE:

$2,648,992 /yr.*  
Non-Profit

### CONTRACT EQUITY PARTICIPATION

#### COMPANY NAME

<table>
<thead>
<tr>
<th>ESTIMATED AMOUNT</th>
<th>ETHNICITY</th>
<th>GENDER</th>
<th>CONTRACTING PARTICIPATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,648,992</td>
<td>Non-Profit</td>
<td></td>
<td>100.0%</td>
</tr>
</tbody>
</table>

#### TOTAL

<table>
<thead>
<tr>
<th></th>
<th>M</th>
<th>W</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>White Men</th>
<th>White Women</th>
<th>Ethnic Minorities</th>
<th>Total Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>61</td>
<td>30</td>
<td>115</td>
</tr>
</tbody>
</table>

#### Percent of Total Employees:

- White Men: 20.9%
- White Women: 53.0%
- Ethnic Minorities: 26.1%

#### MSA Labor Market %:

- 32.7%  
- 30.0%  
- 37.3%

### MSA Labor Market Location:

Sacramento

### COMMENTS

*Contract Equity Participation* - Zero contract equity participation since firm is a non-profit organization.

*Total estimated annual amount.*

### Workforce Profile & Statement of Nondiscrimination Submitted

<table>
<thead>
<tr>
<th>Good Faith Outreach Efforts Requirement Satisfied</th>
<th>Award Approval Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

(P-035 - 7/11)
This summarizes information provided by the contractor(s)' P-025 Form regarding their workforce.

### Sutter Health Plan Contract

<table>
<thead>
<tr>
<th>General Services Agreement</th>
<th>DATE: 8/9/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Composition of Ownership</strong></td>
<td></td>
</tr>
</tbody>
</table>

#### Ethnic Minority Percentages From U.S. Census Data

<table>
<thead>
<tr>
<th></th>
<th>B</th>
<th>H</th>
<th>A/PI</th>
<th>A/AN</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>10.5</td>
<td>10.7</td>
<td>3.7</td>
<td>0.7</td>
<td>27.3</td>
</tr>
<tr>
<td>9 Bay Area Counties</td>
<td>5.5</td>
<td>15.2</td>
<td>14.2</td>
<td>0.4</td>
<td>39.9</td>
</tr>
<tr>
<td>Alameda/CC Counties</td>
<td>10.7</td>
<td>15.6</td>
<td>15.4</td>
<td>0.5</td>
<td>46.2</td>
</tr>
</tbody>
</table>

#### Number of Ethnic Minority Employees

<table>
<thead>
<tr>
<th>Company Name, Owner/Contact Person, Address, and Phone Number</th>
<th>B</th>
<th>H</th>
<th>A/PI</th>
<th>A/AN</th>
<th>TOTAL</th>
<th>PERCENT</th>
<th>MSA %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sutter Health</td>
<td>5</td>
<td>6</td>
<td>12</td>
<td>0</td>
<td>23</td>
<td>20.0%</td>
<td>37.3%</td>
</tr>
<tr>
<td>Cameron Ghazzagh</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>6</td>
<td>8.8%</td>
<td></td>
</tr>
<tr>
<td>2200 River Plaza Drive</td>
<td>2</td>
<td>1</td>
<td>7</td>
<td>0</td>
<td>10</td>
<td>52.6%</td>
<td></td>
</tr>
<tr>
<td>Sacramento, CA 95833</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>7</td>
<td>25.0%</td>
<td></td>
</tr>
<tr>
<td>Semi/Unskilled</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td>39.9%</td>
</tr>
</tbody>
</table>

916-733-8800

AA Plan on File: NA

Date of last contract with District: NA

Co. Wide MSA: Sacramento

# Employees-Co. Wide: 115

Bay Area: 0

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

RECOMMENDED ACTION

Authorize the execution of a Memorandum of Understanding (MOU) between the Port of Oakland (Port) and the District to specify the manner in which the District will provide domestic water and fire water service within the Seaport Area owned and operated by the Port.

SUMMARY

The District’s Regulations Governing Water Service to Customers (Regulations) defines a “premises” as a parcel of real estate including site improvements. To make this determination, the District takes into consideration such factors as assessor parcel lines, whether the parcel could reasonably be subdivided, whether the parcel is being used for a single enterprise, and whether the parcel is divided by a public or a private street. The Port has land use authority over the Seaport Area through the charter and legislative grants of state tide and/or submerged lands known as the Tidelands Trust Doctrine. Under this authority, the Port presides over the several large real estate parcels which make up the Seaport Area. This MOU would recognize that parcel lines within the Seaport Area do not coincide with a “premises” as defined in the Regulations, would provide clarity for both agencies to ensure all new and expanded water uses within the Seaport Area conform to District Regulations, including payment of the appropriate System Capacity Charges (SCC) and Wastewater Capacity Fees, and would recognize certain exceptions to the District’s Regulations to allow private fire water service to cross parcel lines. This item was discussed at the August 14, 2018 Legislative/Human Resources Committee meeting.

DISCUSSION

The Port’s active redevelopment of its Seaport Area to expand, improve, and facilitate commerce, shipping capacity, and operational efficiency includes leasing portions of the Port-owned land to tenants for the construction of new buildings, storage facilities, and other miscellaneous upgrades. In support of these improvements, the District received requests from the Port and its tenants to provide new water services and/or allow the use of its existing private fire water system to accommodate new construction and the renovation of its existing facilities.
The Port’s Seaport Area is composed of several large parcels with multiple structures served by multiple private fire water services crossing parcel lines, this arrangement is prohibited by District Regulations to prevent a subdivided property from cutting off water fire service to a neighboring parcel. However, the Port is unique in that it is prohibited from selling or transferring fee title of property within the Seaport Area except in very limited circumstances that typically require an act of the state legislature.

An MOU was developed to acknowledge the realities of property boundaries within the Seaport Area and to define a “premises” for the purposes of providing water under the Regulations as being an individual leasehold property within the Seaport Area regardless of parcel lines. Under the terms of the MOU, the Port is allowed continued operation of the existing fire water system in its current configuration to serve one or more leasehold properties within the Seaport Area. To ensure the fire water system is properly managed, the MOU would obligate the Port as the official applicant for each private fire water service within the Seaport Area and hold the Port responsible for execution of all necessary agreements.

Another key element of the MOU is the affirmation of the District’s authority to govern water use within the Seaport Area, specifically as it relates to new and expanded water use, individual metering for domestic water service, assessment of SCC, and water service review for change in property ownership. In order to support formal District review, the MOU would require the Port or its tenants to submit a Water Service Application and supporting design drawings for any improvement project that includes new and/or expanded water use within the Seaport Area. For those improvements that require the installation of domestic water service or a modification to the size of the meter, the Port or its tenants would be responsible to pay all fees in accordance with the District’s Rates and Charges. In the event that the Port sells or transfers fee title of property within the Seaport Area to a third party, the Port must provide the District advance written notice and work with the new property owner to ensure the sold property is in compliance with District Regulations. If approved, this action supports the District’s Long-Term Financial Stability and Customer and Community Services Strategic Plan goals now and in the future, while also addressing economic and social concerns.

SUSTAINABILITY

Economic

The MOU provides clarity for both entities regarding the Port’s responsibility to comply with District Regulations, including the payment of the appropriate SCC and WCF for new and expanded water demand triggered by new development and/or renovation of existing building facilities. Without this MOU, the Port could expand its water use without District review/approval and payment of the applicable SCCs and WCFs.

Social

The MOU ensures compliance with the District’s Regulations and prevents potential water quality threats to the public due to the expansion of the Port’s private water system.
PORT OF OAKLAND MEMORANDUM OF UNDERSTANDING
August 14, 2018
Page 3

ALTERNATIVE

Do not approve the MOU. This alternative is not recommended because it would be difficult for the
District to monitor the redevelopment activities within the Seaport Area to ensure compliance with
District Regulations as related to water use.
AGENDA NO. 6
MEETING DATE August 14, 2018

TITLE CONTRACT EXTENSION FOR DISPOSAL AND RECYCLING OF DISTRICT ASPHALT, CONCRETE AND ASPHALT GRINDINGS

☐ MOTION ___________ ☐ RESOLUTION ___________ ☐ ORDINANCE ___________

RECOMMENDED ACTION

Authorize a two-year extension to current agreements awarded under Board Motion No. 078-13 which authorized a total of $3,000,000 from June 11, 2013 to August 14, 2018 for the disposal and recycling of District asphalt grindings, concrete, and petromat trench spoils to July 31, 2020. No additional funds are required.

SUMMARY

The District needs to annually dispose of, or recycle, approximately 30,000 cubic yards of asphalt, asphalt grindings, concrete 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 and installation, and increases in city paving requirements. These agreements with vendors which are geographically dispersed throughout the service area, will enable field crews to dispose of these materials at the most cost-efficient locations by minimizing travel.

DISCUSSION

The original authorization, provided under Board Motion No. 078-13 dated June 11, 2013, was for three years with two one-year options for an estimated amount of $600,000 annually. Construction and demolition materials make up approximately 28 percent of California's waste stream, or 11 million tons. The Integrated Waste Management Act of 1989 required local governments to recycle 50 percent of their generated waste material by the year 2000. The District strives to exceed this goal through the use of outside vendors who are able to blend recycled asphalt and concrete 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 spoils to ensure that only clean fill is deposited at our Briores Reservoir and Miller Road trench soil sites. Costs were lower than expected over the initial five years; therefore, additional funds are not required for the additional two years. This action supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

Funds Available: FY19/20
Budget Code: 7999-5378

DEPARTMENT SUBMITTING
Operations and Maintenance

DEPARTMENT MANAGER or DIRECTOR
Clifford C. Chan

APPROVED
General Manager
SERVICE PROVIDER SELECTION

Staff identified 13 firms that accept and recycle asphalt, asphalt grindings, concrete, and incidental quantities of petromat. Requests for proposals were sent to each of these vendors and four responded initially and four vendors were added later. All responding firms have been included on the recommended supplier list. If additional vendors are identified, they will be added to the list to ensure that the most cost-effective opportunity is achieved.

SUSTAINABILITY

Economic

The FY19 operating and capital budgets include sufficient funds for these agreements.

Social

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

Environmental

The agreement allows for proper management and disposal of District-generated asphalt, asphalt grindings, concrete and petromat trench spoils in accordance with federal and state requirements, thus minimizing impacts to the environment.

ALTERNATIVES

Stockpile all concrete and asphalt trench spoils on District sites for future contract removal and disposal. This is not recommended as this would ultimately result in the same disposal fees and necessitate establishment of an inefficient double-handling regimen using interim transfer sites.

Do not extend contracts. This alternative is not recommended as the District is currently using all known sources that will take this material and as a result more cost-effective disposal locations are not available.

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:** General Services Agreement - Amendment  
Contract Extension for Disposal and Recycling of District Asphalt, Concrete and Asphalt Grindings - Two Year Contract Extension

**DATE:** August 2, 2018

**PERCENTAGE OF CONTRACT DOLLARS**

<table>
<thead>
<tr>
<th>FIRM’S OWNERSHIP</th>
<th>Availability Group</th>
<th>Contracting Objectives</th>
<th>Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethnicity</td>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White Men</td>
<td>25%</td>
<td>25%</td>
<td>75.0%</td>
</tr>
<tr>
<td>White Women</td>
<td>6%</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Ethnic Minorities</td>
<td>25%</td>
<td></td>
<td>25.0%</td>
</tr>
</tbody>
</table>

**BID/PROPOSER’S PRICE:**

$600,000 /yr.*  
See Below

**CONTRACT EQUITY PARTICIPATION**

<table>
<thead>
<tr>
<th>COMPANY NAME</th>
<th>ESTIMATED AMOUNT</th>
<th>ETHNICITY</th>
<th>GENDER</th>
<th>CONTRACTING PARTICIPATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nor-Cal Rock, Inc.</td>
<td>$75,000</td>
<td>Hispanic</td>
<td>X</td>
<td>12.5%</td>
</tr>
<tr>
<td>Dutra Materials</td>
<td>$75,000</td>
<td>White</td>
<td>X</td>
<td>12.5%</td>
</tr>
<tr>
<td>Argent Materials, Inc.</td>
<td>$75,000</td>
<td>White</td>
<td>X</td>
<td>12.5%</td>
</tr>
<tr>
<td>Bay Area Concrete Recycling</td>
<td>$75,000</td>
<td>Asian</td>
<td>X</td>
<td>12.5%</td>
</tr>
<tr>
<td>County Quarry Products</td>
<td>$75,000</td>
<td>White</td>
<td>X</td>
<td>12.5%</td>
</tr>
<tr>
<td>Diablo Valley Rock</td>
<td>$75,000</td>
<td>White</td>
<td>X</td>
<td>12.5%</td>
</tr>
<tr>
<td>Inner City Recycling</td>
<td>$75,000</td>
<td>White</td>
<td>X</td>
<td>12.5%</td>
</tr>
<tr>
<td>Vulcan Materials Company</td>
<td>$75,000</td>
<td>White</td>
<td>X</td>
<td>12.5%</td>
</tr>
</tbody>
</table>

**TOTAL**

$600,000  
75.0%  
0.0%  
25.0%  
0.0%  
0.0%  
0.0%

**CONTRACTOR’S WORKFORCE PROFILE (From P-025 Form)**

<table>
<thead>
<tr>
<th>White Men</th>
<th>White Women</th>
<th>Ethnic Minorities</th>
<th>Total Employees</th>
</tr>
</thead>
</table>

No. of Employees:

Percent of Total Employees:

MSA Labor Market %:

MSA Labor Market Location:

See Attached Form P-061

**COMMENTS**

Contract Equity Participation - 75% White Men participation and 25% Ethnic Minority participation.

*Total not to exceed: $3,000,000*
**AFFIRMATIVE ACTION SUMMARY (P-061)**

(Completed by District)

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

<table>
<thead>
<tr>
<th>Title</th>
<th>Ethnic Minority Percentages From U.S. Census Data</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>National</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td># Bay Area Counties</td>
</tr>
<tr>
<td></td>
<td>Alameda/CC Counties</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Services Agreement</th>
<th>DATE: 8/2/2018</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>R=Recommended</th>
<th>P=Prime</th>
<th>S=Sub</th>
</tr>
</thead>
<tbody>
<tr>
<td>Composition of Ownership</td>
<td>Number of Ethnic Minority Employees</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Company Name, Owner/Contact Person, Address, and Phone Number</th>
<th>Company Wide</th>
<th>B</th>
<th>H</th>
<th>A/PI</th>
<th>AI/AN</th>
<th>TOTAL</th>
<th>PERCENT</th>
<th>MSA %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nor-Cal Rock, Inc.</td>
<td>Manager/Prof</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>100.0%</td>
<td>47.8%</td>
</tr>
<tr>
<td>Frank Sanchez</td>
<td>Technical/Sales</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>768 46th Avenue</td>
<td>Clerical/Skilled</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>Oakland, CA 94609</td>
<td>Semi/Unskilled</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>100.0%</td>
<td>39.9%</td>
<td></td>
</tr>
<tr>
<td>510-636-9860</td>
<td>AA Plan on File: NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Date of last contract with District: 9/18/2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Co. Wide MSA:</td>
<td>Oakland</td>
<td># Employees-Co. Wide: 6</td>
<td>Bay Area: 6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dutra Materials</td>
<td>Manager/Prof</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>Patty Dutra Bruce</td>
<td>Technical/Sales</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>2350 Kerner Blvd.</td>
<td>Clerical/Skilled</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>26.3%</td>
<td></td>
</tr>
<tr>
<td>San Rafael, CA 94901</td>
<td>Semi/Unskilled</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>50.0%</td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td>39.9%</td>
<td></td>
</tr>
<tr>
<td>415-459-7740</td>
<td>Co. Wide MSA:</td>
<td>Marin County</td>
<td># Employees-Co. Wide: 32</td>
<td>Bay Area: 0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Argent Materials, Inc.</td>
<td>Manager/Prof</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>William Cottingham</td>
<td>Technical/Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8300 Baldwin Street</td>
<td>Clerical/Skilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oakland, CA 94621</td>
<td>Semi/Unskilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>510-638-7188</td>
<td>Co. Wide MSA:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Area Concrete Recycling</td>
<td>Manager/Prof</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P.O. Box 23424</td>
<td>Technical/Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oakland, CA 94623</td>
<td>Clerical/Skilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi/Unskilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Co. Wide MSA:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country Quarry Products</td>
<td>Manager/Prof</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norman Gorrell</td>
<td>Technical/Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5501 Imhoff Drive</td>
<td>Clerical/Skilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Martinez, CA 94553</td>
<td>Semi/Unskilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>925-682-0707</td>
<td>Co. Wide MSA:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diablo Valley Rock</td>
<td>Manager/Prof</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Danielle Gifford</td>
<td>Technical/Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5009 Forni Drive, Suite A</td>
<td>Clerical/Skilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concord, CA 94520</td>
<td>Semi/Unskilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>925-602-8800</td>
<td>Co. Wide MSA:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VM=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.

<table>
<thead>
<tr>
<th>Title:</th>
<th>Contract Extension for Disposal and recycling of District Asphalt, Concrete, and Asphalt Grindings - Two Year Contract Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td>8/2/2018</td>
</tr>
</tbody>
</table>

### Composition of Ownership

<table>
<thead>
<tr>
<th>Company Name, Owner/Contact Person, Address, and Phone Number</th>
<th>B</th>
<th>H</th>
<th>A/PI</th>
<th>AI/AN</th>
<th>TOTAL</th>
<th>PERCENT</th>
<th>MSA %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RP</strong> WM; L/SBE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inner City Recycling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9009 Railroad Avenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oakland, CA 94603</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>510-568-7625</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RP</strong> WM; LBE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vulcan Materials Company</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dom Didio</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4101 Dublin Blvd., Suite F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dublin, CA 94568</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>925-249-3085</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Number of Ethnic Minority Employees**

**Ethnic Minority Percentages From U.S. Census Data**

<table>
<thead>
<tr>
<th></th>
<th>B</th>
<th>H</th>
<th>A/PI</th>
<th>AI/AN</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>10.5</td>
<td>10.7</td>
<td>3.7</td>
<td>0.7</td>
<td>27.3</td>
</tr>
<tr>
<td>9 Bay Area Counties</td>
<td>5.5</td>
<td>10.2</td>
<td>14.2</td>
<td>0.4</td>
<td>39.9</td>
</tr>
<tr>
<td>Alameda/CC Counties</td>
<td>10.7</td>
<td>15.6</td>
<td>15.4</td>
<td>0.5</td>
<td>46.2</td>
</tr>
</tbody>
</table>

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)
AMENDMENT NO. 1 TO THE 2017-2021 MEMORANDUM OF UNDERSTANDING BETWEEN EAST BAY MUNICIPAL UTILITY DISTRICT AND INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS LOCAL 21

☐ MOTION  ☒ RESOLUTION  ☐ ORDINANCE

RECOMMENDED ACTION

Approve amendment to Article I—General Provisions of the 2017-2021 Memorandum of Understanding (MOU) between East Bay Municipal Utility District (District) and International Federation of Professional and Technical Engineers Local 21 (Local 21).

SUMMARY

On June 27, 2018, the United States Supreme Court (Court) issued its decision in Janus v. AFSCME Council 31, which deemed agency fees unlawful. On the same day, Governor Jerry Brown signed Senate Bill 866 (SB 866) which codifies the duties of public sector employers and Unions with respect to the collection of membership dues. Staff met and conferred with Local 21 to amend the MOU to remove agency shop language and to clarify the process for membership dues collection. This item was discussed at the August 14, 2018 Legislative/Human Resources Committee meeting.

DISCUSSION

An agency shop requires employees who work in classifications represented by Unions, as a condition of continued employment, to either join the union or pay a service fee.

On June 27, 2018, the Court issued a decision in Janus v. AFSCME Council 31, which overruled the decades-old Abood v. Detroit Board of Education precedent and which deemed the collection of agency fees unlawful, unless the employee affirmatively consents to pay. Additionally, Governor Jerry Brown signed SB 866 which codifies the duties of public sector employers and Unions with respect to the collection of membership dues. Accordingly, the District immediately stopped deducting service fees from employee paychecks and scheduled meetings with Locals 21, 39, 444 and 2019 to discuss the impacts of these changes in the law.

Funds Available: Budget Code:

DEPARTMENT SUBMITTING DEPARTMENT MANAGER or DIRECTOR APPROVED
Human Resources [Signature]
Laura A. Acosta [Signature]
General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.
Staff has met and conferred with Local 21, culminating in an agreement to amend the MOU in compliance with the Janus decision and SB 866. This Resolution approves Amendment No. 1 to the MOU which contains the following changes:

- Service fees are no longer required as a condition of employment.
- Upon certification by Local 21 that an employee has signed a deduction authorization, the District will deduct the appropriate dues from the employee’s pay, as established and as may be changed from time to time by Local 21, and remit such dues to Local 21.
- Any requests to cancel or change deductions must be directed to Local 21, rather than the District.
- Deductions will continue unless the employee mails a written revocation to Local 21 in accordance with the terms of the authorization form, or absent any such terms, by mailing a written revocation to Local 21 that is postmarked during the thirty (30) calendar day period immediately prior to the annual anniversary on which the employee signed an authorization form.
- The effective date of dues deductions for employees shall be made from the paycheck on the first payday of each calendar month immediately following Local 21’s notification to the District of the dues deduction authorization.
- The effective date of any revocation of any existing authorization shall end by the next calendar month from the employee’s paycheck due on the first payday following receipt by the District of Local 21’s written notice of revocation.

**SUSTAINABILITY**

**Economic**

There is no financial impact related to this amendment of the Local 21 2017-2021 MOU.

**Social**

The District met with Local 21 and they are in agreement with this action.

**ALTERNATIVE**

*Do not adopt the recommended amendment.* This alternative is not recommended as the District has negotiated the amendment with Local 21 pursuant to both the MOU between the parties and changes in the law.
RESOLUTION NO.____________________

APPROVE AMENDMENT TO THE 2017-2021 MEMORANDUM OF UNDERSTANDING WITH INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 21

Introduced by Director ; Seconded by Director

WHEREAS, the Board of Directors of the East Bay Municipal Utility District (District) authorized the 2017-2021 Memorandum of Understanding with the International Federation of Professional and Technical Engineers, Local 21 (IFPTE Local 21 or Local 21) on February 27, 2018 pursuant to Resolution No. 35074-18; and

WHEREAS, on June 27, 2018, the United States Supreme Court issued its decision in Janus v. AFSCME Council 31, deeming agency fees unlawful; and

WHEREAS, on June 27, 2018, California Governor Jerry Brown signed Senate Bill 866 into law, which codifies the duties of public sector employers and employee organizations with respect to the collection of union membership dues; and

WHEREAS, pursuant to Article XIII of the 2017-2021 Memorandum of Understanding with Local 21 (Local 21 MOU), the District and Local 21 mutually agreed to amend Article I of the 2017-2021 Local 21 MOU to delete provisions related to agency shop and to add the process for the collection of union membership dues; and

WHEREAS, the General Manager recommends that the Board of Directors approve the amendment to Article I of the 2017-2021 Local 21 MOU;

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

Article I of the 2017-2021 Local 21 MOU shall be amended as follows:

ARTICLE I- GENERAL PROVISIONS

A. Recognition. The District recognizes the Union as the exclusive bargaining representative for all employees of the District included in the unit and classifications listed in Appendix A of this Agreement. The terms and conditions of this Agreement shall be automatically applicable to any classification for which the Union has become the recognized bargaining representative during the term of this Agreement.

B. Automatic Payroll Deduction and Remittance. Effective June 27, 2018, upon certification by the Union that an employee has signed a deduction authorization, the District will deduct the appropriate dues from the employee’s pay, as established and as
may be changed from time to time by the Union, and remit such dues to the Union. Employee requests to cancel or change deductions must be directed to the Union, rather than the District. Deductions will continue unless the employee mails a written revocation to the Union in accordance with the terms of the authorization form, or absent any such terms, by mailing a written revocation to the Union that is postmarked during the thirty (30) calendar day period immediately prior to the annual anniversary on which the employee signed an authorization form.

The effective date of dues deductions for employees shall be made from the pay due employees on the first payday of each calendar month following the Union’s notification to the District of the dues deduction authorization. The effective date of any revocation to an existing authorization will be effective on the first pay day of the next calendar month following the Union’s written notice of revocation no less than seven (7) calendar days prior to the first payday of the month. Requests to begin or revoke dues that are received with less than seven (7) calendar days prior to the first payday of each month will be processed the following month.

1. The District shall not be liable to the Union by reason of the requirements of this Section for the remittance of payment of any sum other than that constituting actual deductions made from the pay earned by the employee. In addition, the Union shall indemnify and save the District harmless from any liability resulting from any and all claims, demands, suits or any other action arising from compliance with this Section, or in reliance on any list, notice, certification or authorization furnished under this Section. The Union agrees to refund to the District any amount paid to it in error.

B. Agency Shop/Dues Deduction

1. Eligibility. All permanent, probationary, limited-term, temporary construction, less than full-time (intermittent) and part-time employees in the classifications listed in Appendix "A" shall, as a condition of continued employment, become members of the Union; or shall pay a service fee in an amount not to exceed the standard initiation fee, periodic dues, and general assessments of the organization.

2. Compliance.

a) An employee in one of the classes included in "Appendix A", who desires to become a member of Local 21 may execute a Payroll Deduction Authorization for Membership Dues or Service Fee form and thereby become and remain a member in good standing in the union.

b) An employee in one of the classes in "Appendix A" shall (and, in the case of newly hired employee, within thirty (30) calendar days of employment) execute a payroll deduction authorization form furnished by the District, and thereby pay to the union a service fee in an amount not to exceed the standard initiation fee, periodic dues and general assessment of the organization from the employees paycheck.

c) If any current employee fails to authorize one of the above deductions, (or, in
the case of a newly-hired employee, within thirty (30) calendar days of hire into a classification represented by the union) the District shall deduct a service fee in an amount not to exceed the standard initiation fee, periodic dues and general assessment of the organization from the employee's paycheck:

3. Exemptions.

a) Any employee who is a member of a bona fide religious body or sect which has historically held conscientious objections to joining or financially supporting employee organizations shall not be required to join or financially support the Union. Such employees shall be required, in lieu of periodic dues, initiation fees, or agency shop fees to pay an amount equal to the periodic dues, initiation fees or agency shop fees to a non-religious tax-exempt charity, three such organizations to be mutually agreed upon by the parties.

b) To qualify for the designated charity fee deduction, an employee must certify to the Union that he/she is a member of a bona fide religion, body or sect, which has historically held conscientious objections to joining or financially supporting public employee organizations.

c) Such exempt unit employees will be required to submit to the Union a notarized letter certifying that person's membership in such a religion, body or sect, signed by a representative of the official bona fide religion, body or sect.

d) Employees in classifications represented by Local 21 on June 8, 2004 had a one-time opportunity to refrain from joining the union or paying a service fee. However, once an employee either joined the union or started to pay the service fee, the employee was obligated to continue paying dues or the service fee.

4. Union-Dues, and Service Fee, or Optional Union Contribution Deduction Checkoff.

a) During the period IFPTE Local 21 remains the exclusive representative of the classes included in Appendix A and to the extent the laws of the State of California permit and as provided in this Article, the District will deduct one month's current and periodic Union dues or service charge based upon a uniform dues schedule from the pay of each employee who has executed and delivered to the District a "Payroll Deduction and Authorization for Membership Dues or Service Fee" (Attachment 1).

b) Payroll deductions shall be made only from the pay due employees on the first payday of each calendar month; provided, however, the initial deduction for any employee shall not begin unless both (1) a properly executed "Payroll Deduction Authorization for Membership Dues or Service Charge", and (2) the amount of the monthly membership dues or service charge certified by the Secretary of the Union have been delivered to the District at least thirty (30) calendar days prior to the first payday of the calendar month. If the employee fails to properly execute the "Payroll Deduction Authorization for Membership Dues or Service Charge" within thirty (30) calendar days of hire into a classification covered by this MOU, the District will deduct the monthly membership dues or service charge automatically. Changes in the amount of the monthly membership dues or
service charge also must be delivered to the District at least thirty (30) calendar days prior to the first payday of the calendar month before the change will become effective.

e) All sums deducted by the District shall be remitted to the Union at an address given to the District by the Union, once each month by the fifteenth (15th) calendar day following the pay period in which the deductions were made, together with a list of names, mailing addresses and the amount deducted for each employee for whom a deduction was made along with the designation of the employee’s membership or fee payer status.

d) The District shall not be liable to the Union by reason of the requirements of this Section for the remittance of payment of any sum other than that constituting actual deductions made from the pay earned by the employee. In addition, the Union shall indemnify and save the District harmless from any liability resulting from any and all claims, demands, suits or any other action arising from compliance with this Section, or in reliance on any list, notice, certification or authorization furnished under this Section. The Union agrees to refund to the District any amount paid to it in error.

e) The District shall furnish, monthly, a list of all employees appointed within classifications contained in Appendix A of this MOU who are subject to the provisions of the agency shop agreement.

f) An optional voluntary Union deduction may be provided by members or service fee payers of the Union. Such deduction shall be requested by the member or service fee payer in even dollar amounts. The optional Union deduction shall be made only from the pay due employees on the first payday of each calendar month. Such request for optional Union deduction shall be made on the Local 21 T. J. Anthony Political Action Fund Authorization Card. The member or service fee payer may discontinue the optional Union deduction at any time by sending an e-mail to discontinue optional dues deduction to the Manager of Human Resources Information System with a copy to the Chapter President of Local 21. The Union and District agree that such optional Union deduction is not subject to the provisions of the agency shop agreement between the Union and District. The Union agrees to refund to the District any amounts paid to it in error.

g) Local 21 bargaining unit employees were allowed to exercise a one-time opt-out from membership or agency fee during a 14 calendar day period from July 1, 2004 through July 14, 2004.

h) Any Local 21 bargaining unit employee who exercised the opt-out option and then subsequently either joins the union or starts paying the agency fee will lose their opt-out and will be subject to the agency shop provision of the MOU thereafter until the employee leaves the Local 21 bargaining unit.

i) Any Local 21 bargaining unit employee who exercised the opt-out option and subsequently promotes or voluntarily demotes to another classification within the Local 21 bargaining unit will be subject to the agency shop arrangement thereafter until the employee leaves the Local 21 bargaining unit.
BE IT FURTHER RESOLVED that any provision in any Resolution in conflict herewith is hereby superseded.

ADOPTED this 14th day of August, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________  President

ATTEST:

______________________________  Secretary

APPROVED AS TO FORM AND PROCEDURE:

______________________________  General Counsel

{00030075;1}
AGENDA NO. 8
MEETING DATE August 14, 2018

TITLE APPOINTMENT OF MANAGER OF REGULATORY COMPLIANCE

☐ MOTION          ☒ RESOLUTION          ☐ ORDINANCE

RECOMMENDED ACTION

Appoint David M. Woodard as the Manager of Regulatory Compliance effective August 20, 2018.

SUMMARY

Following a comprehensive recruitment process, David M. Woodard is recommended for appointment as the Manager of Regulatory Compliance. The Manager of Regulatory Compliance is exempt from the civil service provisions of the Municipal Utility District Act in accordance with Section 12055(b) which excludes officers, assistant officers, and other persons and employees appointed by the Board of Directors.

DISCUSSION

Mr. Woodard has over 26 years of experience within and outside the District. Mr. Woodard is currently the Manager of Workplace Health and Safety in the Regulatory Compliance Office and has held this position for the past seven years. As the Manager of Workplace Health and Safety, he is responsible for the District’s workplace health and safety program including ensuring the District’s compliance with the Occupational Safety and Health Organization regulations. Mr. Woodard has a Bachelor of Science degree in Environmental Engineering from the California Polytechnic State University, and a Master of Business Administration degree from Santa Clara University.
RESOLUTION NO. ____________

APPOINTING DAVID M. WOODARD AS MANAGER OF
REGULATORY COMPLIANCE

Introduced by Director ; Seconded by Director

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

WHEREAS, the Manager of Regulatory Compliance position is exempt from the District civil service pursuant to State of California Public Utilities Code section 12055; and

WHEREAS, the General Manager has recommended that David M. Woodard be appointed to serve as Manager of Regulatory Compliance of the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that it hereby appoints David M. Woodard to serve as Manager of Regulatory Compliance effective August 20, 2018.

Adopted this 14th day of August, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________________________ President

ATTEST:

________________________________________ Secretary

APPROVED AS TO FORM AND PROCEDURE

________________________________________ General Counsel
DATE: August 9, 2018
MEMO TO: Board of Directors
FROM: Alexander R. Coate, General Manager
SUBJECT: Legislative Report No. 08-18

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.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 1884 (Calderon) Food facilities: single-use plastic straws; 2) Support AB 2370 (Holden) Lead exposure: child day care facilities: family day care homes; 3) Support AB 2470 (Grayson) Invasive Species Council of California: California Invasive Species Advisory Committee; 4) Support and Amend SB 998 (Dodd) Discontinuation of residential water service: urban and community water systems; and receive information on Proposition 3 “The Water Supply and Water Quality Act of 2018.”

STATE LEGISLATION

| AB 1884 (Calderon)          | FOOD FACILITIES: SINGLE-USE PLASTIC STRAWS | RECOMMENDED POSITION | SUPPORT |

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides that the State Department of Public Health is responsible for, regulating retail food facilities. In addition, existing law prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale.

AB 1884 (Calderon), as amended on August 6, 2018, is a pollution prevention measure and would primarily require full-service restaurants, as defined in the bill, to provide single-use plastic straws only upon request. Full-service restaurants that fail to comply would be subject to fines after two violations. Subsequent violations would be subject to a fine of $25 for each day the full-service restaurant is not in compliance, not to exceed $300 annually. In addition, AB 1884 would allow local agencies to further restrict full-service restaurants from providing single-use plastic straws.

According to the Senate Committee on Environmental Quality, “it is estimated that more than 500 million single-use plastic straws are used and thrown away every day” in the United States.
alone. According to the Ocean Protection Council, marine debris is a persistent and growing problem worldwide, with studies indicating that 60 to 80 percent comes from land-based sources and up to 80 percent of this marine debris is plastic. The National Oceanic and Atmospheric Administration notes that food and beverage packaging makes up the largest component of this marine debris.

According to the author, AB 1884 is intended to “reduce plastic pollution, thus preventing it from harming wildlife, clogging up our oceans and waterways, and eventually entering our food chain. By removing the default behavior of providing straws with every drink, a consumer is given the chance to make a deliberate small change that will lessen the impacts of discarded plastic straws in our environment.”

With regard to EBMUD, discarded plastic straws can end up in wastewater streams, as well as rivers and streams thereby disrupting fish habitat and disturbing aesthetic values of natural waterways. AB 1884’s requirement that full-service restaurants only provide single-use plastic straws upon request is expected to help reduce the amount of plastic debris that must be removed from the wastewater stream prior to treatment as well as reduce the amount of plastic debris found on EBMUD lands and natural waterways and would contribute to watershed habitat improvements.

EBMUD has previously supported plastic pollution prevention measures. In 2016, the EBMUD Board adopted a resolution to support ratification of SB 270 on a referendum to uphold SB 270's statewide ban on single-use carryout bags. In 2012, EBMUD supported AB 298 (Brownley), which would have banned single-use carry out bags. AB 298 failed to advance out of the legislature. In 2010, EBMUD supported AB 1998 (Brownley), which was substantially similar to AB 298. AB 1998 failed to advance out of the legislature.

The official list of support and opposition to a prior version of AB 1884 is shown below. An official list of support and opposition to the current version of the bill is not available.

Support
Algalita Marine Research and Education
Azul
California Association of Zoos and Aquariums
California Coastkeeper Alliance
California League of Conservation Voters
Californians Against Waste
CALPIRG
Center for Biological Diversity
Center for Oceanic Awareness, Research, and Education
Chico Bag
City and County of San Francisco
City of Berkeley
City of Dana Point
City of Encinitas
City of Hayward
City of West Hollywood
Clean Water Action
County of Santa Clara
Defenders of Wildlife
Environment California
Environmental Working Group
Friends Committee on Legislation of California
Heal the Bay
Jr Ocean Guardians
Los Angeles City Council
Monterey Bay Aquarium
National Parks Conservation Association
National Resources Defense Council
Plastic Pollution Coalition
RecycleSmart
Ridley the Seal
San Luis Obispo County Integrated Waste Management Authority
Save Our Shores
Save the Bay
SeaWorld
Seventh Generation Advisors
Sierra Club California
Surfrider Foundation
StopWaste
The 5 Gyres Institute
The Last Plastic Straw
The Story of Stuff Project
The Trust for Public Land
UPSTREAM Policy
WILDCOAST
Wishtoyo Chumash Foundation
Zero Waste USA
5 Individuals

Opposition
California Right to Life Committee
AB 2370
(Holden)

LEAD EXPOSURE: CHILD DAY CARE FACILITIES: FAMILY DAY CARE HOMES

Existing law provides for the regulation of day-care facilities and drinking water via the California Child Day Care Facilities Act, the Child Care and Development Services Act, and the California Safe Drinking Water Act.

AB 2370 (Holden), as amended August 6, 2018, would establish new drinking water testing requirements for licensed child care centers that are intended to reduce lead exposure in children. AB 2370 also includes specified lead exposure prevention training and notification requirements for licensed child care centers and family day-care homes.

AB 2370 would require the State Department of Social Services (DSS), in consultation with the State Water Resources Control Board (SWRCB), to adopt regulations via a public stakeholder process for drinking water testing at licensed child day-care centers to ensure lead levels do not exceed the action level established by the SWRCB. Public water agencies are included among the entities listed as stakeholders that may participate in the regulatory process.

Initial testing would be required for facilities constructed before January 1, 2010, and periodic testing would be required every five years thereafter. Sample collection would be required in accordance with SWRCB guidelines and those permitted to collect samples would include regulators, accredited laboratories, child day-care center providers, and other entities authorized by the SWRCB. The SWRCB would be required to post test results on its website and to transmit testing data to DSS under timelines developed via the regulatory process. Finally, the regulations would be required to include a prohibition on providing drinking water to children when lead levels exceed the SWRCB action level.

Funding for drinking water testing, remediating lead in drinking water systems, and providing technical assistance to child care centers would be provided to eligible entities via SWRCB grants.

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 or mental development. Lead exposure in adults can result in kidney problems 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.

The intent of AB 2370, to help protect children from lead exposure, is consistent with EBMUD’s efforts to reduce lead exposure in drinking water, including EBMUD’s sponsorship of prior legislation and consistent with EBMUD’s current school testing program. AB 2370 would extend the state’s requirement for lead testing in schools to licensed day-care centers and appropriately places the oversight for testing in licensed day-care centers with DSS, the state agency that regulates licensed day-care centers.
EBMUD has historically supported measures to protect the public health by reducing exposure to lead in drinking water. 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 to 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. In 2008, EBMUD sponsored follow-up legislation, SB 1395 (Corbett), to require random testing of faucets through the Department of Toxics and Substance Control to help ensure that faucets and fittings sold in California complied with the lower lead standard set by AB 1953. SB 1395 was signed into law (Chapter 581 of 2008). EBMUD was also a strong proponent of subsequent federal legislation, S. 3874 (Boxer) in 2010, that was signed into law and essentially adopted AB 1953’s “lead-free” standard for pipes and plumbing fixtures nationwide.

The official list of support and opposition to a prior version of AB 2370 is shown below. An official list of support and opposition to the current version of the bill is not available.

Support
Environmental Working Group (Sponsor)
CALPIRG
California State PTA
Berkeley City Council
California Teachers Association
The Association of Regional Center Agencies (ARCA)
San Francisco Bay Area Physicians for Social Responsibility
The Arc and United Cerebral Palsy California Collaboration
Natural Resources Defense Council (NRDC)
California Coalition of Welfare Rights Organizations
Environmental Working Group
Clean Water Action
San Francisco Bay Area Physicians for Social Responsibility
Friends Committee on Legislation of California
Center for Food Safety
California League of Conservation Voters
Center for Environmental Health
SmartOakland.org
Western Center on Law and Poverty
Seventh Generation Advisors
Community Water Center
The Trust for Public Land
Healthy Black Families, Inc.
Coalition of California Welfare Rights Organizations
Children’s Advocacy Institute of the University of San Diego
AB 2470 (Grayson)  INVASIVE SPECIES COUNCIL OF CALIFORNIA: CALIFORNIA INVASIVE SPECIES ADVISORY COMMITTEE  SUPPORT

Under existing law responsibility for activities related to invasive species falls under the jurisdiction of multiple agencies and departments, including the California Department of Food and Agriculture, the Division of Boating and Waterways, the Department of Pesticide Regulation, and the Department of Fish and Wildlife (DFW).

AB 2470 (Grayson), as amended on June 13, 2018, is intended to promote a comprehensive approach to invasive species management and would primarily do five things: 1) establish the Invasive Species Council of California (Council) in statute to help coordinate prevention efforts, as well as control and eradication efforts; 2) establish the California Invasive Species Advisory Committee (Advisory Committee) in statute to advise the Council; 3) require the Council to develop a report, in coordination with the Advisory Committee, to be submitted to the legislature; 4) authorize an annual California Invasive Species Summit to develop new recommendations and to coordinate invasive species activities; and, 5) establish an Invasive Species Fund, subject to legislative appropriation, to fund projects and activities recommended by the Advisory Committee. Projects and activities that could be funded include but are not limited to preventing the introduction of invasive species; detection, control, and eradication efforts; emergency and non-emergency rapid response activities; reporting on invasive species impacts; statewide surveys and mapping of high-risk areas; statewide education and outreach activities; and, increased border inspections.

According to the Assembly Committee on Water, Parks, and Wildlife, an invasive species is a species that is non-native and “whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.” There are a large number of “insects, weeds, animals, and diseases that have entered the State of California from elsewhere on the globe, causing ecological damage and economic losses.”

While the suppression and eradication of invasive species falls under the purview of multiple state agencies, the Council was established in 2009 as an informal partnership of state agencies aimed at helping coordinate and ensure complementary, cost-efficient, environmentally sound effective state activities regarding invasive species. The Council appointed the Advisory Committee to help make recommendations to develop and prioritize an invasive species action plan. At this time, the Council and Advisory Committee have not been formally established in statute and there is no mechanism to provide continued and on-going funding for these entities.
In January 2018, stakeholders convened an invasive species summit to among other things, refine the state’s approach to invasive species control and make recommendations for further action. Key strategies that came out of the summit include but are not limited to formalizing the Council and the Advisory Committee and increasing funding to study invasive species. AB 2470 is intended to implement recommendations of the invasive species summit and would establish the Council and Advisory Committee in law to ensure that the work underway with regards to invasive species continues and that coordination between state programs is maintained, as well as provide funding, if appropriated by the legislature, to fund invasive species related projects and activities.

At the local level, many individual agencies, including EBMUD, have been addressing invasive species through comprehensive local and regional programs. For example, EBMUD has a proactive aquatic species prevention program, which includes a quagga and zebra mussel prevention and monitoring program for its water system in place since 2008. The quagga and zebra mussel prevention program, in place at all six reservoirs on which recreational boating is allowed, includes a vessel history survey and is usually accompanied by a physical inspection. In addition, Camanche Reservoir now has a boat decontamination station to allow boat owners to pay for a high pressure hot-water scrub to ensure that boats that may have been exposed to quagga or zebra mussels do not have quagga or zebra mussels on them when they enter EBMUD reservoirs. Boats which fail either the survey or inspection are not allowed to be launched into EBMUD reservoirs unless they complete this decontamination process. To date, neither quagga nor zebra mussels have been found within EBMUD’s water system.

As no single entity can stop the spread of invasive species by itself, support from the state in the form of information, program development, or additional funding sources would enhance local efforts and increase the overall effectiveness of these programs. AB 2470 would facilitate a coordinated approach to developing, and possible funding for, effective programs to help prevent the introduction of invasive species and provide for the control and eradication of invasive species.

EBMUD has previously sponsored and supported measures to combat invasive species in California. In 2017, EBMUD supported AB 1587, which would have helped prevent the spread of dreissenid mussels once they have been discovered in a water body and help fund prevention efforts. AB 1587 is pending in the legislature. In 2016, EBMUD supported AB 2549, which extended a sunset date in current law to allow DFW to continue efforts to prevent the spread of dreissenid mussels. AB 2549 was signed into law (Chapter 201). In 2014, EBMUD supported AB 2402 (Buchanan) to combat noxious and invasive weeds and protect California waterways by updating funding allocations from the Noxious Weed Management Account for various noxious and invasive weed management activities. AB 2549 was signed into law (Chapter 271 of 2014). EBMUD sponsored AB 2065 (Hancock) in 2008, which required the owners and operators of recreational reservoirs that are not infested with dreissenid mussels to implement a mussel prevention program. AB 2065 was signed into law (Chapter 667).

The official list of support and opposition to AB 2470 is shown below.
Support
California Association of Nurseries and Garden Centers (Co-sponsor)
California Invasive Plant Council (Co-sponsor)
Big Sur Land Trust
Bolsa Chica Land Trust
Butte County Weed Management Area
Cache Creek Conservancy
California Agricultural Commissioners and Sealers Association
California Association of Resource Conservation Districts
California Forest Pest Council
California Forestry Association
California Native Grasslands Association
California Native Plant Society – Marin Chapter
California Native Plant Society – San Luis Obispo Chapter
California Native Plant Society - Willis Linn Jepson Chapter
California Tahoe Alliance
California Urban Forests Council
California Wildlife Foundation
City of Arcata
City of Santa Cruz Water Department
City of Thousand Oaks
Conejo Open Space Foundation
County of Placer
County of San Mateo County Board of Supervisors
County of Santa Clara
Creekside Science
Defenders of Wildlife
Ecological Concerns Incorporated
Friends of Alhambra Creek
Friends of Aquatic Park
Friends of Corte Madera Creek Watershed
Friends of Edgewood
Friends of the Desert Mountains
Golden Gate National Parks Conservancy
Golden Hour Restoration Institute
Humboldt Weed Management Area
Marin Baylands Advocates
Marin Conservation League
Marin County Department of Agriculture
Mid Klamath Watershed Council
Midpeninsula Regional Open Space District
Mojave Desert Resource Conservation District
Mountains Recreation & Conservation Authority
SB 998 (Dodd)  DISCONTINUATION OF RESIDENTIAL WATER SERVICE: URBAN AND COMMUNITY WATER SYSTEMS  

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board (SWRCB) to administer provisions relating to the regulation of drinking water to protect public health. Under existing law, the California Public Utilities Commission (CPUC) regulates public utilities, including water corporations. Existing law requires certain notice to be given before a water corporation, public utility district, municipal utility district, or a municipally owned or operated public utility furnishing water may terminate residential service for nonpayment of a delinquent account.

SB 998 (Dodd), as amended on August 6, 2018, is intended to assist low-income water customers avoid discontinuation of water service for nonpayment by creating new statewide procedural safeguards including noticing provisions prior to discontinuation of service for nonpayment, prohibiting discontinuation of water service in specified circumstances, and providing for statewide limits on reconnection fees for low-income households. The bill also includes other provisions, such as tenant protections, enforcement provisions, and reporting requirements.

Earlier versions of SB 998 would have deleted sections 12822, 12823, and 12823.1 of EBMUD’s governing act, the MUD Act, and thus eliminated protections for EBMUD’s customers. These
protections include allowing tenants to become the customer of record so service does not have to be terminated, a prohibition on the discontinuation of service during the investigation of a dispute or complaint, 3rd party notification to help people over 65 and dependent adults keep their water on, more robust noticing than provided in SB 998, assisting low-income customers via the requirement to provide information on financial assistance, and requiring the restoration of wrongly-terminated service at no charge. Staff worked with the author’s office to craft an alternate approach to deleting sections of the MUD Act. Accordingly, the current version of SB 998 leaves the MUD Act intact and extends certain MUD Act protections that are afforded to EBMUD’s customers to all water utility customers, such as tenant notification and the ability of tenants to become the customer of record.

SB 998’s provisions are discussed below.

Procedural safeguards
SB 998 would require the implementation of new procedural safeguards for discontinuation of water service due to nonpayment. Specifically, SB 998 would do the following five things: 1) require an urban and community water system, defined in the bill as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of residential service for nonpayment that includes specified criteria including but not limited to a plan for deferred or reduced payments and alternative payment schedules with respect to all delinquent amounts; 2) prevent discontinuation of service unless a customer has been delinquent for at least 60 days and the customer has been contacted no less than seven business days prior to discontinuation of service by phone or written notice; 3) require an urban and community water system when contacting a customer by phone regarding discontinuation of service to offer to provide the customer with the written policy and offer to discuss options to avert discontinuation, including deferred payments and alternative payment schedules; 4) require that if written notice is provided, it must include specified information, and shall be mailed to the owner of the residence, as well as the customer, if the customer’s address is not where residential service is provided; and, 5) require, when telephone contact or mail delivery is not successful, an urban and community water system to make a good faith effort to visit the residence and leave or make arrangements for placement of a notice of imminent discontinuation and the urban and community water system’s policy for discontinuation.

Prohibitions on discontinuation of water service
SB 998 would prohibit discontinuation of service if all of the following conditions are met: 1) the customer or tenant of a customer submits a certification from a primary care provider that discontinuation of water service would be life threatening or pose a serious threat to the health and safety of a resident where the water service is provided; 2) the customer demonstrates that he or she is unable to pay for service within the normal billing cycle – a customer would be deemed unable to pay if any member of the customer’s household receives state assistance, including but not limited to CalWORKS, CalFresh, Medi-Cal, or Supplemental Security Income or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level; and, 3) the customer is willing to enter into an amortization agreement, alternative
payment schedule, or a plan for deferred or reduced payment. SB 998 would also prohibit discontinuation of service while an appeal of a water bill is pending.

Reconnection fees and waiver of interest fees
SB 998 would limit reconnection fees for residential customers who demonstrate that the customer’s household income is below 200 percent of the federal poverty level, and require that interest charges on delinquent bills for these customers be waived once every 12 months. The bill states that “An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level.”

Reconnection fees for these residential customers during normal business hours must be set at $50 or less, not to exceed the actual cost of reconnection. The reconnection fee for these residential customers during nonbusiness hours must be set at $150 or less, not to exceed the actual cost of reconnection. Beginning, January 1, 2021, both of these fees could be adjusted annually in accordance with changes in the Consumer Price Index. EBMUD currently charges $48 for reconnections during normal business hours and $66 during nonbusiness hours.

Tenant provisions
SB 998 provides a mechanism to protect tenants from discontinuation of service as a result of delinquent charges if the landlord is the customer of record and fails to pay the water bill by allowing a tenant or tenants to become the customer and assume responsibility for subsequent charges. SB 998 includes a provision to allow waiver of delinquent charges if a tenant in a single-family residence becomes the customer and can verify that the customer of record associated with the delinquent charges is or was the landlord. These provisions are based on the MUD Act.

Enforcement
Under SB 998, the state attorney general is authorized to sue urban and community water systems that do not comply with the bill’s provisions. For urban and community water systems that are regulated by the CPUC, the bill allows the CPUC to sue those systems for failure to comply with SB 998’s provisions.

Other provisions
SB 998 includes language specifying that its provisions do not apply to termination of unauthorized water service, which will allow urban and community water systems to continue to take appropriate action to address connections via meter tampering and other unauthorized connections. In addition, SB 998 requires urban and community water systems to report on their websites, and to the SWRCB, the number of annual discontinuations of residential service for inability to pay.
Discussion
According to the author, “Many low-income ratepayers face troubling tradeoffs in order to pay water bills.” Though “there are consistent lifeline programs for people having difficulty paying their electric, gas and telephone bills, there is nothing more than a local patchwork set of policies addressing long-term water bill delinquencies.” In addition, Proposition 218 restricts the ability of water agencies to provide assistance to low-income ratepayers who are unable to pay for their water.

SB 998’s objective to assist low-income water customers avoid discontinuation of service for non-payment is consistent with EBMUD’s enabling act, its Customer Assistance Policy (Policy 1.14), and its efforts to assist customers avoid discontinuation of service.

In accordance with the MUD Act and EBMUD’s Customer Assistance Policy, EBMUD provides numerous protections and programs to help customers maintain service and avoid discontinuation. Generally, customers are notified of delinquent charges 60 days after a bill is due, provided notice of a possible discontinuation of service 15 days in advance and again 48 hours prior to discontinuation. If customers pay all the delinquent charges or pay a portion of the delinquent charges to reduce the delinquent amount to below $25 water service is not discontinued.

In addition, EBMUD offers payment plans of up to 12 months and assists customers with making arrangements to pay a bill over an extended period of time and through smaller incremental amounts, as well as offering a Customer Assistance Program (CAP) funded by non-rate revenue to provide rate assistance to low-income customers. EBMUD also provides assistance to customers with special medical needs to prevent discontinuations of service and offers a third-party notification service so that a friend or relative can be notified to intervene in advance prior to any action to discontinue service for non-payment. With regard to tenants in multi-family residences (MFR), in 2010, EBMUD sponsored SB 1035 (Hancock) to provide EBMUD with lien authority to prevent discontinuation of service for tenants of master-metered MFR. Rather than discontinuing service to tenants, liens are placed on an MFR property when an account is delinquent and the balance is $100 or more.

EBMUD’s noticing and assistance practices are consistent with SB 998 and in some instances go further. For example, consistent with SB 998, EBMUD does not discontinue service unless a customer has been delinquent for at least 60 days, EBMUD provides information to customers on options to avoid discontinuation of service, and does not discontinue service if a customer enters into a payment plan for the delinquent charges. In some aspects EBMUD goes further than SB 998 requires. For example, EBMUD provides more time than the bill requires between notice of a discontinuation and the actual discontinuation of service. EBMUD provides notice 15 days prior to discontinuation of service where SB 998 requires notice at least seven days prior, and EBMUD provides additional notice 48 hours prior to discontinuation. In addition, EBMUD provides third-party notification so discontinuation can be avoided and utilizes lien authority to avoid discontinuation of service for MFR properties.
SB 998’s intent is laudable and many of its provisions are consistent with EBMUD’s existing practices. There is one area where an amendment would facilitate implementation of the bill and protect an urban and community water system from unreasonable enforcement action.

SB 998 provides protections from discontinuation of service and limits on reconnection fees for low-income customers. However, the bill uses two inconsistent requirements: (1) Section 116910(a)(2) states that a residential customer must demonstrate that they are unable to pay or that their household income is below 200 percent of the federal poverty level for these provisions to apply; and (2) Section 116914(b) states that an urban and community water system shall deem a customer to have a household income below 200 percent of the federal poverty level if any member of the household receives state assistance or the customer declares that the household income is below 200 percent of the federal poverty level. The first approach is consistent with EBMUD CAP practices of requiring the customer to provide information that EBMUD would not otherwise know. The second approach is problematic in that it would require the water system to make a determination about the household without requiring that the customer provide information to the water utility. This would place a water utility at risk of enforcement action for something the water system has no way to know. SB 998 would be strengthened by amending Section 116914(b) as follows:

116914(b) An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line if the customer demonstrates that any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level.

The official list of support and opposition to a prior version of SB 998 is shown below. An official list of support and opposition to the current version of the bill is not available.

Support
American Civil Liberties Union of California Center for Advocacy and Policy
Audubon California
California Rural Legal Assistance Foundation
California State Association of Counties
Clean Water Action
Community Water Center
Food & Water Watch
Leadership Counsel for Justice & Accountability
League of Women Voters of California
Pacific Institute
Rural County Representatives of California
Sierra Club California
Western Center on Law & Poverty
Opposition
American Water Works Association California-Nevada Section
Association of California Water Agencies
California Municipal Utilities Association
California Special Districts Association
California Water Association
Camrosa Water District
Central Basin Water Association
City of Dinuba
City of Lakewood
City of Livermore
City of Palo Alto
City of Riverside
City of Thousand Oaks
East Orange County Water District
Eastern Municipal Water District
Elsinore Valley Water District
Irvine Ranch Water District
League of California Cities
Long Beach Water Department
Mesa Water District
Mission Springs Water District
Modesto Irrigation District
Municipal Water District of Orange County
Olivehain Municipal Water District
Regional Water Authority
San Gabriel Valley Water Association
San Diego County Water Authority
Santa Clarita Valley Water Agency
Southwest Water Coalition
Truckee Donner Public Utility District
Twentynine Palms Water District
Valley Center Municipal Water District

PROP. 3  THE WATER SUPPLY AND WATER QUALITY ACT OF 2018  INFORMATION

The Water Supply and Water Quality Act of 2018 is an $8.9 billion general obligation bond that has qualified as an initiative and will be on the November 2018 ballot as Proposition 3.

Overview
The $8.9 billion bond measure would provide funding for a wide variety of water and natural resource programs including water quality and supply, flood management, stormwater capture,
groundwater sustainability, watershed activities, land management, natural fisheries restoration, habitat protection and restoration, infrastructure, and infrastructure maintenance and repair. Proposition 3 also includes specific provisions to assist disadvantaged communities, often placing a priority on funding of projects that serve such communities. The 17 funding chapters are summarized below and additional detail is provided in the attached table.

- Safe Drinking Water - $750 million;
- Water Recycling and Desalination - $800 million;
- Water Conservation - $365 million;
- Flood Management - $500 million;
- Water Measurement and Information - $60 million;
- Stormwater Capture and Use - $550 million;
- Integrated Regional Water Management - $5 million;
- Watershed Improvements - $2.355 billion;
- Land and Water Management - $100 million;
- California Conservation Corps - $40 million;
- Central Valley Fisheries Restoration - $400 million;
- Groundwater Sustainability and Storage - $685 million;
- Water for Wildlife, Pacific Flyway Restoration, and Habitat Restoration - $930 million;
- Sacramento Region Water Reliability and Habitat Protection - $10 million;
- Bay Area Regional Reliability - $250 million;
- Improved Conveyance and Conservation - $855 million; and
- Oroville Dam Flood Safety - $222 million.

Policy provisions
Proposition 3 contains provisions that are inconsistent with prior bond measures and would result in significant policy changes creating new precedents for state bonds that are of serious concern and are more appropriately addressed through the legislative process. These policy changes include the continuous appropriation of funds, inconsistencies with the beneficiary pays principle, federal government funding eligibility, and the direct allocation of other state non-bond revenues.

Continuous appropriation
Proposition 3 would continuously appropriate the funds from bond sales to more than a dozen different state departments, agencies, boards, and conservancies. The administration would have the full authority for fund allocation for most program categories. Contrary to prior bond measures, the legislature would not have the authority to appropriate funds through the annual state budget and would have little to no oversight over bond implementation. This is a departure from nearly every water and resources-related bond that has been approved by the voters.

Inconsistent with beneficiary pays
Proposition 3 strays far from the “beneficiary pays” principle by directing nearly $1 billion to two specific agencies for operation and maintenance items – $750 million to Friant Water
Authority for maintenance of its aqueducts and over $200 million to the Department of Water Resources (DWR) for maintenance and repair of the Oroville Dam spillway. Not only do these payments not adhere to beneficiary pays, the payment to Oroville is based on a premature finding that Federal Emergency Management Agency and/or the United States Corps of Engineers will not contribute to the repair of Oroville. Given that the federal agencies have not yet made a determination, the bond’s finding seems premature. Additionally, the repairs to the aqueducts and the spillway are the result of deferred maintenance, which should be the responsibility of the project beneficiaries, not the state taxpayers, which include EBMUD’s ratepayers. These two projects alone account for more than 10 percent of the overall $8.9 billion bond measure.

Federal government is eligible for funding
Proposition 3 allows federal agencies to compete equally with California’s local governments, special districts and tribes for state-funded bond money. While prior water and resource-related bonds have allowed funding for federal projects, such as the Bay-Delta program and projects on federal land, allowing federal agencies to compete for state-funded grants and loans raises the serious policy question of whether it is appropriate for the federal government itself to be eligible for state bonds.

Allocation of other non-bond state revenues
Proposition 3 would allocate other state revenues that are not bond revenues, including Cap and Trade revenue and the Cigarette and Tobacco Products Surtax Fund revenue. The legislature has the responsibility for allocating revenues for these funds in accordance with its priorities. Proposition 3 would completely bypass the legislature by directly allocating these non-bond state revenues via continuous appropriation. No future changes to these allocations could be made without a vote of the people.

Cap and Trade Revenue
Separate from the $8.9 billion bond, Proposition 3 would change how the state must spend some existing funding related to greenhouse gas (GHG) emission reduction revenues, also known as “Cap and Trade” revenue. Proposition 3 would require that an unspecified portion of the funding the state receives as Cap and Trade revenue be provided to the DWR, the Metropolitan Water District of Southern California, the Contra Costa Water District, and the San Luis and Delta Mendota Water Authority. Proposition 3 does not specify the amount of money that would be diverted from the Cap and Trade revenue and instead states that the amount of funding would be equal to each agency’s additional electricity costs associated with state programs to reduce GHGs. The receiving water agencies would be required to spend the funds they receive on water conservation program though there is no oversight to ensure the funds are being spent appropriately or effectively.

According to the Legislative Analyst’s Office (LAO), these costs could total tens of millions of dollars annually. By appropriating these funds via Proposition 3, the funds would no longer be available for the state to spend on other activities. Because the funds would be allocated via a continuous appropriation, there is no legislative oversight for allocation or expenditure of the funds.
Cigarette and Tobacco Products Surtax Fund
Proposition 3 would eliminate the sunset date in current law that requires the State Controller to annually transfer 10 percent of funds from a subaccount within the Cigarette and Tobacco Products Surtax Fund to the Habitat Conservation Fund. The current sunset date is July 1, 2020. Proposition 3 would delete the sunset so that this fund transfer would occur as a continuous appropriation in perpetuity unless changed by a vote of the people.

Fiscal considerations

State general fund
Proposition 3 is the largest water-related bond in the state’s history. Since 2000, voters have approved seven water-related general obligation bonds that total about $28.8 billion, with the most recent being Proposition 68, a $4.1 billion bond approved by voters in June 2018. The state repays general obligation bonds from its general fund so any new bond obligates general fund revenue to cover bond repayment and debt service for the life of the bond.

According to the LAO, the state is spending about $1 billion annually in debt service for previous water and environmental general obligation bonds, including June’s Proposition 68. Proposition 3 would cost the state an additional $433 million a year for a period of 40 years, or a total of $17.9 billion. This will divert funds that could otherwise be used to address pressing issues of statewide concern, present a challenge to other programs that currently rely on the General Fund, and put additional pressure on the state to find alternative revenue sources to fund programs of statewide concern.

EBMUD ratepayers
There are several areas of potential funding eligibility for EBMUD, which include grant funding opportunities within the chapters addressing drinking water, recycled water, regional sustainability, habitat restoration, and watershed management. In addition, Proposition 3 would provide $250 million in direct funding to the Bay Area Regional Reliability Partnership (BARR), of which EBMUD is one of eight member agencies. BARR has identified 15 projects at a total cost of about $8 billion over the next decade or more and this proposed bond funding represents about 3 percent of that total.

An assessment of the four bond measures prior to this year’s Proposition 68 from which funds have been appropriated – Proposition 50, Proposition 1E, Proposition 84, and Proposition 1 – revealed that EBMUD secured approximately 0.17 percent of the total funding. In an effort to estimate what benefit EBMUD ratepayers might expect to receive from Proposition 3, this same percentage was applied to the $8.9 billion total with an additional allocation made for EBMUD’s potential share of the BARR allocation. This resulted in an estimated benefit to EBMUD ratepayers on the order of about $45 million.

When compared to the estimated cost of the bond, EBMUD ratepayers are likely to pay significantly more than the benefit they are likely to receive. EBMUD ratepayers would pay their
proportionate share (based on population) of the total bond cost $17.3 billion, or about $605 million for the bond.

Conclusion
Staff is not recommending a position on Proposition 3 due to the significant policy changes imbedded within the measure, the obligation of additional state general fund revenue to cover bond debt obligations, and the overall cost to EBMUD ratepayers. Though there are areas of potential funding eligibility for EBMUD, past experience indicates that any amount secured would be significantly less than the cost to EBMUD’s ratepayers. Any funding that may be secured from the bond would be viewed as a way to mitigate the cost impact on EBMUD’s ratepayers.

With regard to positions on prior bond measures, EBMUD did not adopt a position on the June 2018 Proposition 68, the $4 billion California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018. EBMUD supported Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014. Proposition 1 was a $7.545 billion bond that replaced the $11.1 billion bond approved by the legislature in 2009. The $11.1 billion bond was scheduled to be placed on the statewide ballot in 2010 and 2012 but was withdrawn both times. Proposition 1 was the result of reworking and reducing the original $11.1 billion effort. EBMUD did not support the original $11.1 billion bond when it was before the legislature or when it was scheduled for the ballot.


ARC:MD:JW

Attachment

I:\SEC\2018 Board Related Items\Committees2018\081418 LegHRCmte\OGM- Legislative Report No. 08-18.docx
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Amount</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 – Safe Drinking Water</td>
<td>$750,000,000</td>
<td>$500M - Small systems, DACs*, ≤ $10 million to schools</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$250M - Wastewater treatment projects</td>
</tr>
<tr>
<td>5.2 – Water Recycling &amp; Desalination</td>
<td>$800,000,000</td>
<td>$400M - Wastewater recycling projects</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$400M - Desalination projects</td>
</tr>
<tr>
<td>5.3 – Water Conservation</td>
<td>$365,000,000</td>
<td>$300M - Turf removal, leak detection, toilet replacement, energy saving</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$15M - Energy Commission; deployment of energy/water saving technology</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$50M - Improve Delta tributary flows via agricultural water projects</td>
</tr>
<tr>
<td>5.4 – Flood Management for Improved Water Supply</td>
<td>$500,000,000</td>
<td>$200M – Central Valley Flood Protection Board; floodways and bypasses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100M – Flood control reservoir repair and reoperation, including seismic</td>
</tr>
<tr>
<td></td>
<td></td>
<td>retrofit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$200M – SF Bay Restoration Authority; flood management, wetlands, &amp;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>restoration</td>
</tr>
<tr>
<td>5.5 – Funding for Water Measurement &amp; Information</td>
<td>$60,000,000</td>
<td>$20M – DWR; develop methods and install measurement equipment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10M – SWRCB; develop information systems to improve water rights</td>
</tr>
<tr>
<td></td>
<td></td>
<td>management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10M – Water Data Administration Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$20M – Specified colleges &amp; universities</td>
</tr>
<tr>
<td>5.6 – Capture &amp; Use of Urban Runoff and Stormwater</td>
<td>$550,000,000</td>
<td>$400M – Multi-benefit projects in Stormwater Resource Plans</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$30M – California Tahoe Conservancy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$40M – Santa Monica Mountains Conservancy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$40M – San Gabriel &amp; Lower LA Rivers and Mountains Conservancy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$40M – State Coastal Conservancy</td>
</tr>
<tr>
<td>5.7 – Integrated Regional Water Management (IRWM)</td>
<td>$5,000,000</td>
<td>$5M – Maintain ongoing IRWM planning &amp; implementation efforts</td>
</tr>
<tr>
<td>6.1 – Watershed Improvement for Water Supply &amp; Water Quality Enhancement</td>
<td>$2,355,000,000</td>
<td>$1,180M – State governmental agencies and State Coastal Conservancy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,150M – Local/regional conservancies, including Sierra Nevada and SF Bay</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$25M – University of California</td>
</tr>
<tr>
<td>6.2 – Land &amp; Water Management for Water Supply Improvement</td>
<td>$100,000,000</td>
<td>$100M – Wildlife Conservation Board; public &amp; private rangelands, various</td>
</tr>
<tr>
<td></td>
<td></td>
<td>land &amp; riparian area improvements, increase groundwater recharge &amp;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>water supply</td>
</tr>
</tbody>
</table>

*DACs: Disadvantaged Communities*

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Amount</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3 - Conservation Corps</td>
<td>$40,000,000</td>
<td>$40M - Conservation Corps; improve water quality/supply &amp; riparian/watershed health</td>
</tr>
<tr>
<td>6.4 - Central Valley Fisheries Restoration</td>
<td>$400,000,000</td>
<td>$353M – CA Natural Resources Agency; with no funds to hatcheries</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$35M – CA Riparian Habitat Conservation Program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5M – Central Valley Salmon Partnership Habitat Implementation Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$7M – Department of Fish &amp; Wildlife; native fish restoration below Oroville Dam</td>
</tr>
<tr>
<td>7 - Groundwater Sustainability &amp; Storage</td>
<td>$685,000,000</td>
<td>$10M – SWRCB</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$640M – Groundwater sustainability agencies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$35M – Borrego Water District</td>
</tr>
<tr>
<td>8 - Water for Wildlife, Pacific Flyway Restoration, &amp; Dynamic Habitat Restoration</td>
<td>$930,000,000</td>
<td>$300M – Wildlife Conservation Board; water acquisition</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$50M – Department of Fish &amp; Wildlife; projects on private lands</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$300M – Wildlife Conservation Board; coastal &amp; central valley fish restoration</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$280M – Wildlife Conservation Board; protect migratory birds</td>
</tr>
<tr>
<td>8.6 - Sacramento Region Water Reliability &amp; Habitat Protection</td>
<td>$10,000,000</td>
<td>$10M – Regional Water Authority and City of Sacramento; improve American River flow &amp; temperature, increase water use efficiency and conservation</td>
</tr>
<tr>
<td>9 - Bay Area Regional Water Reliability (BARR)</td>
<td>$250,000,000</td>
<td>$250M – BARR; new facilities that provide region-wide benefits</td>
</tr>
<tr>
<td>10 - Improved Water Conveyance and Conservation</td>
<td>$855,000,000</td>
<td>$750M – Friant Water Authority; increased conveyance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100M – CA Natural Resources Agency; San Joaquin River Restoration</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5M – DWR; planning for relocation of North Bay Aqueduct diversion</td>
</tr>
<tr>
<td>11 - Oroville Dam Flood Safety</td>
<td>$222,000,000</td>
<td>$200M – Oroville spillways repair and reconstruction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$21M – Feather River sediment management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1M – Butte County emergency preparedness</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$8,877,000,000</td>
<td></td>
</tr>
</tbody>
</table>

*DACs: Disadvantaged Communities*
Introduction by Assembly Members Calderon and Bloom
(Coauthor: Senator Stern)

January 17, 2018

An act to add Chapter 5.2 (commencing with Section 42270) to Part 3 of Division 30 of the Public Resources Code, relating to food facilities.

LEGISLATIVE COUNSEL’S DIGEST

AB 1884, as amended, Calderon. Food facilities: single-use plastic straws.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, as defined. Existing law defines “enforcement officer,” for purposes of enforcing these provisions, to mean certain appointees of the State Public Health Officer, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

Existing law prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale.
This bill would prohibit a food facility, full-service restaurant, as specified, where food may be consumed on the premises, from providing single-use plastic straws, as defined, to consumers unless requested by the consumer. The bill would specify that the first and 2nd violations of these provisions would result in a warning notice of violation and any subsequent violation would be an infraction punishable by a fine of $25 for each day the food facility full-service restaurant is in violation, but not to exceed an annual total of $300. The provisions would be enforced by the same officers authorized to enforce the California Retail Food Code. By creating a new crime and imposing additional enforcement duties on local health agencies, this bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


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

SECTION 1. Chapter 5.2 (commencing with Section 42270) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.2. SINGLE-USE PLASTIC STRAWS

42270. For purposes of this chapter, the following definitions shall apply:

(a) “Consumer” has the same meaning as in Section 113757 of the Health and Safety Code.

(b) “Enforcement officer” has the same meaning as in Section 113774 of the Health and Safety Code.

(c) “Food facility” has the same meaning as in Section 113789 of the Health and Safety Code:
(d) "Single-use plastic straw" means a single-use, disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage. "Single-use plastic straw" does not include a straw made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

(d) "Full-service restaurant" means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and where all of the following actions are taken by an employee of the establishment:

(1) The consumer is escorted or assigned to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer's need for accommodation or other request.

(2) The consumer's food and beverage orders are taken after the consumer has been seated at the assigned seating area.

(3) The food and beverage orders are delivered directly to the consumer.

(4) Any requested items associated with the consumer's food or beverage order are brought to the consumer.

(5) The check is delivered directly to the consumer at the assigned eating area.

42271. (a) A food facility where food may be consumed on the premises. A full-service restaurant shall not provide a single-use plastic straw to a consumer unless requested by the consumer. For purposes of this section, a food facility shall not include a facility listed in paragraphs (1) through (11), inclusive, of subdivision (b) of Section 113789 of the Health and Safety Code, and shall not include a food facility with a self-service beverage station.

(b) This section shall be enforced by an enforcement officer. The first and second violations of subdivision (a) shall result in a warning; notice of violation, and any subsequent violation shall constitute an infraction punishable by a fine of twenty-five dollars ($25) for each day the food facility full-service restaurant is in violation, but not to exceed three hundred dollars ($300) annually.

(c) Nothing in this section shall prevent a city, county, city and county, or other local public agency from adopting and implementing an ordinance or rule that would further restrict a
food facility full-service restaurant from providing a single-use plastic straw to a consumer.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
An act to amend Section 8278.3 of the Education Code, and to amend Section 1596.866 of, and to add Sections 1596.7996 and 1597.16, 1596.7996, 1597.16, and 116278 to, the Health and Safety Code, relating to lead exposure.

LEGISLATIVE COUNSEL'S DIGEST

AB 2370, as amended, Holden. Lead exposure: child day care facilities: family day care homes.

(1) Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates child day care facilities, as defined, and family day care home licensees. The act requires that, as a condition of licensure and in addition to any other required training, at least one director or teacher at each day care center, and each family day care home licensee who provides care, have at least 15 hours of health and safety training, covering specified components, including a preventive health practices course or courses
on recognition, management, and prevention of infectious diseases and prevention of childhood injuries. A willful or repeated violation of the act, or any rule or regulation promulgated under the act, is a misdemeanor punishable by a fine not to exceed $1,000 or by imprisonment in a county jail for a period not to exceed 180 days, or by both the fine and imprisonment, and a serious violation of the act is subject to daily civil penalties, as specified.

This bill would additionally require, as a condition of licensure for licenses issued on or after July 1, 2020, the health and safety training to include instruction in the prevention of lead exposure as a part of the preventive health practices course or courses component. The bill would require the child day care facility, upon enrolling or reenrolling any child, to provide the parent or guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, as specified.

This bill, on or before July 1, 2021, would require the State Department of Social Services, in consultation with the State Water Resources Control Board (state board), to adopt regulations for the testing of drinking water at licensed child day care centers to ensure that the drinking water is lead-free: lead levels in a center’s drinking water do not exceed the relevant action level established by the state board. The bill would require an entity collecting or delivering a center’s drinking water sample to a laboratory to verify, under penalty of perjury, that the collection or delivery was performed in accordance with guidelines specified in the bill. The bill would require the adoption of regulations by the department to include a specified public stakeholder process, as specified. The bill would require the regulations to include, among other things, a requirement that the drinking water testing results shall be submitted to the state board within 3 months of testing, and timelines by which the state board shall transmit the testing data to the department. The bill would authorize the department to deem a licensed child day care center provider that tests its drinking water after December 31, 2018, but before the adoption of regulations under the bill, to have satisfied the initial drinking water test required by the bill, under prescribed circumstances. Because a violation of certain requirements of this bill or regulations adopted under the bill would be a crime, and because the bill would expand the crime of perjury, the bill would impose a state-mandated local program.
This bill would require the state board to provide grants for testing drinking water lead levels in licensed child day care centers and other specified activities, from any funds appropriated to the state board in the Budget Act of 2018 for those purposes.

(2) 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, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water; enforcing the federal Safe Drinking Water Act, adopting implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies.

This bill would require the state board, by January 1, 2020, to develop guidelines for the collection, delivery to laboratories, and testing of child day care center drinking water samples, as specified. The bill would authorize the state board to identify certified or licensed entities qualified to collect and deliver a valid drinking water sample.

(3) Existing law, the Child Care and Development Services Act, has a purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law establishes the Child Care Facilities Revolving Fund in the State Treasury to provide funding for loans for the renovation, repair, or improvement of an existing building to make the building suitable for licensure for child care and development services, and for the purchase of new relocatable child care facilities for the lease to local educational agencies and contracting agencies that provide child care and development services.

This bill would specify that a licensed child day care center is eligible to apply for, and receive, loan funding pursuant to these provisions. The bill would require a licensed child day care center that receives loan funding pursuant to these provisions to demonstrate both a financial need and a lack of reasonable alternative funding sources.

(3) 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. 
State-mandated local program: yes.

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

SECTION 1. Section 8278.3 of the Education Code is amended to read:
8278.3. (a) (1) The Child Care Facilities Revolving Fund is hereby established in the State Treasury to provide funding for loans for the renovation, repair, or improvement of an existing building to make the building suitable for licensure for child care and development services, and for the purchase of new relocatable child care facilities for lease to local educational agencies and contracting agencies that provide child care and development services, pursuant to this chapter. The Superintendent may transfer state funds appropriated for child care facilities into this fund for allocation to local educational agencies and contracting agencies, as specified, for the purchase, transportation, and installation of facilities for replacement and expansion of capacity. Local educational agencies and contracting agencies using facilities purchased by the use of these funds shall be charged a leasing fee, either at a fair market value for those facilities or at an amount sufficient to amortize the cost of purchase and relocation, whichever amount is lower, over a 10-year period. Upon full repayment of the purchase and relocation costs, title shall transfer from the State of California to the local educational agency or contracting agency. Loans for renovation or repair shall be repaid within a period that does not exceed 10 years. The Superintendent shall deposit all revenue derived from the lease payments or renovation or repair loan repayments into the Child Care Facilities Revolving Fund.
(2) Notwithstanding Section 13340 of the Government Code, all moneys in the fund, including moneys deposited from lease payments or loan repayments, are continuously appropriated, without regard to fiscal years, to the Superintendent for expenditure pursuant to this article.
(3) Augmentations to the Child Care Facilities Revolving Fund made in the Budget Act of 2014 shall be used for loans for
renovation or repair of existing local educational agency facilities
to ensure those facilities meet applicable health and safety
standards or the purchase of new relocatable child care facilities
for lease to local educational agencies, for the purpose of expanding
access to California state preschool program services pursuant to
this chapter.
(b) On or before August 1 of each fiscal year, the Superintendent
shall submit to the Department of Finance and the Legislative
Analyst’s Office a report detailing the number of funding requests
received and their purpose, the types of agencies that received
funding from the Child Care Facilities Revolving Fund, the
increased capacity that these facilities generated, a description of
the manner in which the facilities are being used, and a projection
of the lease payments and loan repayments collected and the funds
available for future use.
(c) A local educational agency that provides child care pursuant
to the California School Age Families Education Program (Article
7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of
Division 4 of Title 2) is eligible to apply for and receive funding
pursuant to this section.
(d) A licensed child day care center, as defined in Section
1596.76 of the Health and Safety Code, is eligible to apply for,
and receive, loan funding pursuant to this section to remediate lead
contamination at its center and to pay for drinking water system
improvements that are necessary to ensure that the center’s drinking
water is lead-free, as determined by the regulations established by
the State Department of Social Services, pursuant to Section
1597.16 of the Health and Safety Code. does not contain lead
levels that exceed the relevant action level established by the State
Water Resources Control Board. A licensed child day care center
that receives loan funding pursuant to this section shall demonstrate
both a financial need and a lack of reasonable alternative funding
sources.
SEC. 2. Section 1596.7996 is added to the Health and Safety
Code, to read:
1596.7996. (a) A licensed child day care facility, upon
enrolling or reenrolling any child, shall provide the parent or
guardian with written information, to be developed by the
department, in consultation with the State Department of Public
Health, on all of the following:
(1) Risks and effects of lead exposure.
(2) Blood lead testing recommendations and requirements.
(3) Options for obtaining blood lead testing, including any state
or federally funded programs that offer free or discounted tests.
(b) For purposes of this section, "child day care facility" has
the same meaning as in Section 1596.750.
SEC. 3. Section 1596.866 of the Health and Safety Code is
amended to read:
1596.866. (a) (1) In addition to other required training, at
least one director or teacher at each day care center, and each
family day care home licensee who provides care, shall have at
least 15 hours of health and safety training, and if applicable, at
least one additional hour of training pursuant to clause (ii) of
subparagraph (C) of paragraph (2).
(2) The training shall include the following components:
(A) Pediatric first aid.
(B) Pediatric cardiopulmonary resuscitation (CPR).
(C) (i) A preventive health practices course or courses that
include instruction in the recognition, management, and prevention
of infectious diseases, including immunizations, prevention of
childhood injuries, and, for licenses issued on and after July 1,
2020, instruction in the prevention of lead exposure.
(ii) For licenses issued on or after January 1, 2016, at least one
director or teacher at each day care center, and each family day
care home licensee who provides care, shall have at least one hour
of childhood nutrition training as part of the preventive health
practices course or courses.
(3) The training may include instruction in sanitary food
handling, emergency preparedness and evacuation, and caring for
children with special needs.
(b) Day care center directors and licensees of family day care
homes shall ensure that at least one staff member who has a current
course completion card in pediatric first aid and pediatric CPR
issued by the American Red Cross, the American Heart
Association, or by a training program that has been approved by
the Emergency Medical Services Authority pursuant to this section
and Section 1797.191 shall be onsite at all times when children
are present at the facility, and shall be present with the children
when children are offsite from the facility for facility activities.
Nothing in this subdivision shall be construed to require, in the
event of an emergency, additional staff members, who are onsite
when children are present at the facility, to have a current course
completion card in pediatric first aid and pediatric CPR.
(c) (1) The completion of health and safety training by all
personnel and licensees described in subdivision (a) shall be a
condition of licensure.
(2) Training in pediatric first aid and pediatric CPR by persons
described in subdivisions (a) and (b) shall be current at all times.
Training in preventive health practices, as described in
subparagraph (C) of paragraph (2) of subdivision (a), is a one-time
only requirement for persons described in subdivision (a).
(3) The department shall issue a provisional license for otherwise
qualified applicants who are not in compliance with this section.
This provisional license shall expire 90 days after the date of
issuance and shall not be extended.
(4) A notice of deficiency shall be issued by the department at
the time of a site visit to a licensee who is not in compliance with
this section. The licensee shall, at the time the notice is issued,
develop a plan of correction to correct the deficiency within 90
days of receiving the notice. The facility's license may be revoked
if it fails to correct the deficiency within the 90-day period. Section
1596.890 shall not apply to this paragraph.
(d) Completion of the training required pursuant to subdivisions
(a) and (b) shall be demonstrated, upon request of the licensing
agency, by the following:
(1) Current pediatric first aid and pediatric CPR course
completion cards issued by the American Red Cross, the American
Heart Association, or by a training program approved by the
Emergency Medical Services Authority pursuant to Section
1797.191.
(2) (A) A course completion card for a preventive health
practices course or courses, as described in subparagraph (C) of
paragraph (2) of subdivision (a), issued by a training program
approved by the Emergency Medical Services Authority pursuant
to Section 1797.191.
(B) Persons who, before September 21, 1998, have completed
a course or courses in preventive health practices, as described in
clause (i) of subparagraph (C) of paragraph (2) of subdivision (a),
and have a certificate of completion of a course or courses in
preventive health practices, or certified copies of transcripts that
identify the number of hours and the specific course or courses
taken for training in preventive health practices, shall be deemed
to have met the training in preventive health practices.
(3) In addition to training programs specified in paragraphs (1)
and (2), training programs or courses in pediatric first aid, pediatric
CPR, and preventive health practices offered or approved by an
accredited college or university are considered to be approved
sources of training that may be used to satisfy the training
requirements of paragraph (2) of subdivision (a). Completion of
this training shall be demonstrated to the licensing agency by a
certificate of course completion, course completion cards, or
certified copies of transcripts that identify the number of hours
and the specified course or courses taken for the training, as defined
in paragraph (2) of subdivision (a).
(e) The training required under subdivision (a) shall not be
provided by a home study course. This training may be provided
through in-service training, workshops, or classes.
(f) All personnel and licensees described in subdivisions (a) and
(b) shall maintain current course completion cards for pediatric
first aid and pediatric CPR issued by the American Red Cross, the
American Heart Association, or by a training program approved
by the Emergency Medical Services Authority pursuant to Section
1979.191, or shall have current certification in pediatric first aid
and pediatric CPR from an accredited college or university in
accordance with paragraph (3) of subdivision (d).
(g) The department shall have the authority to grant exceptions
to the requirements imposed by this section in order to meet the
requirements of the federal Americans with Disabilities Act of
1990 (42 U.S.C. Sec. 12101 et seq.).
(h) The department shall adopt regulations to implement this
section.
SEC. 4. Section 1597.16 is added to the Health and Safety
Code, to read:

1597.16. (a) On or before July 1, 2021, the department, in
consultation with the State Water Resources Control Board, shall
adopt regulations for the testing of drinking water at licensed child
day care centers, as defined in Section 1596.76, to ensure that the
drinking water is lead-free. lead levels in a center's drinking water
do not exceed the relevant action level established by the State
Water Resources Control Board. The regulations shall include, at
a minimum, all of the following:
(1) A requirement that a licensed child day care center shall
provide potable, noncontaminated drinking water to children in
its care. Not provide to children in its care drinking water that
contains lead levels that exceed the relevant action level
established by the State Water Resources Control Board.
(2) A requirement that initial testing of drinking water at a
licensed child day care center, if the building was constructed
before January 1, 2010, shall be performed by January 1, 2023,
and that periodic testing is performed every five years thereafter.
(A) Drinking water testing and sample collection shall be
performed in accordance with guidelines developed by the State
Water Resources Control Board pursuant to Section 116278.
(B) The following entities may collect a center’s drinking water
sample for testing, and deliver it to be tested:
(i) A regulator.
(ii) An environmental laboratory accredited pursuant to Article
3 (commencing with Section 100825) of Chapter 4 of Part 1 of
Division 101.
(iii) A child day care center provider. If a child day care center
provider collects the sample, the provider shall ensure that at least
two parents of children enrolled in the center attest in writing that
the sample was collected and delivered to be tested in accordance
with the guidelines developed pursuant to Section 116278. Parents
attesting to the appropriate collection and delivery shall not have
a fiduciary or employment interest in the center.
(iv) Any other licensed or certified entity that the State Water
Resources Control Board determines, pursuant to subdivision (d)
of Section 116278, is qualified to collect and deliver a valid sample.
(C) An entity collecting or delivering a center’s drinking water
sample to a laboratory shall verify in writing under penalty of
perjury that the collection and delivery of the sample was
performed in accordance with the guidelines developed pursuant
to Section 116278.
(D) Testing of a child day care center’s drinking water shall be
performed by an environmental laboratory accredited pursuant
to Article 3 (commencing with Section 100825) of Chapter 4 of
Part 1 of Division 101. Environmental laboratories shall submit
all test results to the State Water Resources Control Board.
(E) Drinking water samples shall be periodically audited to ensure that the required sampling and delivery guidelines developed pursuant to Section 116278 are followed.

(3) A requirement that the drinking water testing results shall be submitted to the State Water Resources Control Board within three months of testing, and timelines Timelines by which the State Water Resources Control Board shall transmit the testing data to the department.

(4) A fair and reasonable enforcement mechanism.

(5) Parental notification requirements.

(A) Parental notification requirements shall include the requirement that parents of children enrolled in a center shall be notified in advance of:

(i) A center's plan to test its drinking water.

(ii) The time and date of the sample collection and testing.

(iii) The sample collection and testing guidelines that are required to be followed.

(iv) The entity or entities that will collect the sample and test the water.

(B) Parents shall be allowed to observe the sample's collection and delivery to an accredited environmental laboratory.

(C) Parents shall be informed of all test results and any remediation action taken to ensure that lead levels in a center's drinking water do not exceed the relevant action level established by the State Water Resources Control Board.

(b) In adopting regulations under this section, the department shall include a public stakeholder process. Participating stakeholders may include, but are not limited to, all of the following:

(1) Child care providers.

(2) Child care workers.

(3) Parents of children in care.

(4) Child care resource and referral networks.

(5) Public water agencies.

(6) State public health and environmental agencies.

(7) County public and environmental health officers.

(8) Regional centers.

(9) Pediatricians.

(10) Academic researchers.

(11) Environmental health advocates.
(12) Clean water advocates.
(13) Advocates for children's rights, children's health, individuals with developmental disabilities, and families receiving public assistance.

(c) As used in this section, "noncontaminated drinking water" means, among other qualifications, as determined by the department, in consultation with the State Water Resources Control Board, drinking water that is lead-free.

(d) A licensed child day care center provider that tests the center's drinking water after December 31, 2018, but before the adoption of regulations under subdivision (a), shall be deemed by the department to have satisfied the initial drinking water test required by paragraph (2) of subdivision (a), but not the subsequent tests required by that paragraph, if all of the following apply:

(1) The test is performed in accordance with procedures approved by the State Water Resources Control Board.

(2) The test results demonstrate that the drinking water at the center is potable and noncontaminated.

(3) The provider submits the test results to the department, via the State Water Resources Control Board, as required by paragraph (3) of subdivision (a).

SEC. 5. Section 116278 is added to the Health and Safety Code, to read:

116278. (a) By January 1, 2020, the state board shall develop guidelines for the collection, delivery to laboratories, and testing of child day care center drinking water samples, as required pursuant to Section 1597.16. The guidelines developed pursuant to this section shall include protocols to ensure that the samples collected and delivered are valid.

(b) The state board shall collect the results of drinking water tests performed in accordance with Section 1597.16 and provide those results to the State Department of Social Services. When providing these results to the department, the state board shall identify those tests that indicate a center's drinking water contains lead levels that exceed the relevant action level established by the state board.

(c) The state board shall post the results of all drinking water tests performed in accordance with Section 1597.16, or child day care center drinking water tests paid for by any funds appropriated to the board in the Budget Act of 2018, on the state board's Internet
Web site. The posted test results shall identify those tests that indicate a center's drinking water contains lead levels that exceed the relevant action level established by the state board.

(d) The state board may identify certified or licensed entities qualified to collect and deliver a valid drinking water sample.

(e)(1) Upon the state board's adoption of the guidelines required by this section, child day care center drinking water tests paid for by funds appropriated to the state board in the Budget Act of 2018 shall comply with subparagraphs (A) to (E), inclusive, of paragraph (2) of, and paragraph (5) of, subdivision (a) of Section 1597.16.

(2) Upon the state board's adoption of guidelines to expend funds appropriated to it in the Budget Act of 2018 to pay for child day care center drinking water tests, any tests funded through that appropriation prior to the adoption of guidelines under paragraph (1) of this subdivision shall comply with subparagraphs (A) to (E), inclusive, of paragraph (2) of, and paragraph (5) of, subdivision (a) of Section 1597.16.

SEC. 6. The State Water Resources Control Board shall provide grants for testing drinking water lead levels in licensed child day care centers, remediating lead in drinking water systems of child day care centers, as defined in Section 1596.76 of the Health and Safety Code, and providing technical assistance to child care centers requiring help applying for the grants, from any funds appropriated to the board in the Budget Act of 2018 for those purposes.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
Introduced by Assembly Members Grayson and Gonzalez Fletcher

February 14, 2018

An act to add Division 37.5 (commencing with Section 72900) to the Public Resources Code, relating to invasive species. An act to amend Section 7271 of, and to add Part 4.5 (commencing with Section 7700) to Division 4 of, the Food and Agricultural Code, relating to invasive species.

LEGISLATIVE COUNSEL’S DIGEST

AB 2470, as amended, Grayson. Invasive species—Invasive Species Council of California: California Invasive Species Advisory Committee.

(1) Under existing law, the Department of Food and Agriculture is designated as the lead department in noxious weed management, and requires the department, in cooperation with the Secretary of the Natural Resources Agency, to implement provisions relating to noxious weed management.

This bill would establish the Invasive Species Council of California, with a prescribed membership, to help coordinate a comprehensive effort to prevent the introduction of invasive species in the state and to provide for the control or eradication of invasive species already established in the state, as specified.

This bill would establish the California Invasive Species Advisory Committee, with a prescribed membership, to advise the council on a
broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as minimizing the economic, ecological, and human health impacts that invasive species cause, as specified.

This bill would require the council and the advisory committee to coordinate with state and local public agencies, publicly funded educational institutions, and stakeholder groups to develop a plan for the cure or suppression of diseases associated with the spread of invasive shot hole borers.

(2) Existing law creates the Noxious Weed Management Account in the Department of Food and Agriculture Fund, and provides for the allocation of those moneys, by percentage, for specified purposes, including control and abatement and research, and to the department for purposes of carrying out those provisions relating to noxious weed management.

This bill would establish the Invasive Species Fund, and moneys in the fund would be available, upon appropriation, to the council for the purposes of funding invasive species projects and activities recommended by the advisory committee.

This bill would revise the purposes for which 20% of the moneys in the Noxious Weed Management Account are to be allocated for research to instead be made available through a grant program administered by the department for proposals evaluated in consultation with the advisory committee and the Range Management Advisory Committee, with an emphasis placed on the funding of needs-based, applied and practical research, as specified.

This bill would authorize moneys from the Noxious Weed Management Account to be available, upon appropriation, to the Secretary of Food and Agriculture for allocation to projects for the control and abatement of noxious and invasive weeds.

This bill would authorize the secretary to allocate moneys, upon appropriation, to the University of California, Agriculture and Natural Resources, or another qualified academic or research institution for invasive species research and outreach activities that are coordinated with the council and recommended by the advisory committee.

Existing law regulates the discharge of nonindigenous species into the waters of the state or into waters that may impact waters of the state, through ballast water management requirements.

This bill would establish the Invasive Species Council of California, composed as prescribed, to help coordinate a comprehensive effort to
prevent the introduction of invasive species in the state and to provide for the control or eradication of invasive species already established in the state. The bill would establish a California Invasive Species Advisory Committee to advise the council on a broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as minimizing the economic, ecological, and human health impacts that invasive species cause. The bill would establish the Invasive-Species Fund and, upon appropriation by the Legislature, monies in the fund would be available for the purposes of funding invasive species projects. The bill would provide that upon appropriation by the Legislature, funding would be available to the University of California for invasive species research and outreach activities that are coordinated with the council and recommended by the committee.

Existing law designates the Department of Food and Agriculture as the lead department in noxious weed management and provides for the formation of a weed management area. Under existing law, a weed management area is a local organization that brings together all interested landowners, land managers, special districts, and the public in a county or other geographical area for the purpose of coordinating and combining their action and expertise to deal with their common weed control problems.

This bill would provide that, upon appropriation by the Legislature, funding would be available to the Secretary of Food and Agriculture to be allocated to the Noxious Weed Management Account for projects for the control and abatement of noxious and invasive weeds.


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

1 SECTION 1. Section 7271 of the Food and Agricultural Code
2 is amended to read:
3 7271. (a) The Legislature designates the Department of Food
4 and Agriculture department as the lead department in noxious
5 weed management and the department is responsible for the
6 implementation of this article in cooperation with the Secretary of
7 the Natural Resources Agency.
8 (b) There is hereby created in the Department of Food and
9 Agriculture Fund the Noxious Weed Management Account.
(c) **Funds:** Moneys appropriated for expenditure by the secretary for the purposes of this article may be spent without regard to fiscal year and shall be allocated as follows:

1. Sixty percent of the moneys in the account shall be made available to eligible weed management areas or county agricultural commissioners for the control and abatement of noxious and invasive weeds according to an approved integrated weed management plan. These control moneys shall be made available through a grant program administered by the department. Proposals shall be evaluated based on the strategic importance for local and regional eradication of high priority noxious and invasive weeds.

2. (A) Twenty percent shall be made available toward research on the biology, ecology, or management of noxious and invasive weeds; the mapping, risk assessment, and prioritization of weeds; and the prevention of weed introduction and spread. These research moneys shall be made available to qualified researchers applicants through a grant program administered by the department. Proposals shall be evaluated in consultation with the California Invasive Species Advisory Committee, established pursuant to Section 7702, and the Range Management Advisory Committee, established pursuant to Section 741 of the Public Resources Code, with an emphasis placed on funding of needs-based, applied and practical research.

   (B) For purposes of this paragraph, a qualified applicant includes nonprofits, publicly funded educational institutions, state and local agencies, and California Native American tribes.

3. Twenty percent shall be made available to the department, and shall only be used for the following purposes:

   (A) Carrying out the provisions of this article.

   (B) Developing noxious weed control strategies.

   (C) Seeking new, effective biological control agents for the long-term control of noxious weeds.

   (D) Conducting private and public workshops as needed to discuss and plan weed management strategies with all interested and affected local, state, and federal agencies, private landowners, educational institutions, interest groups, and county agricultural commissioners.

   (E) Appointing a noxious weed coordinator and weed mapping specialist to assist in weed inventory, mapping, and control strategies.
SEC. 2. Part 4.5 (commencing with Section 7700) is added to Division 4 of the Food and Agricultural Code, to read:

PART 4.5. INVASIVE SPECIES COUNCIL OF CALIFORNIA

7700. (a) There is in state government the Invasive Species Council of California. The purpose of the council is to help coordinate a comprehensive effort to prevent the introduction of invasive species in the state and to provide for the control or eradication of invasive species already established in the state. The council shall address nonnative organisms that cause economic or environmental harm. Invasive species within the scope of the council's duties do not include humans, domestic livestock, domestic or domesticated species exempted pursuant to Section 2118 of the Fish and Game Code, or nonharmful exotic organisms.

(b) The Invasive Species Council of California shall consist of the following six members:

(1) The secretary or his or her designated representative.

(2) The Secretary of the Natural Resources Agency or his or her designated representative.

(3) The Secretary for Environmental Protection or his or her designated representative.

(4) The Secretary of Transportation or his or her designated representative.

(5) The Secretary of California Health and Human Services or his or her designated representative.

(6) The Director of Emergency Services or his or her designated representative.

(c) The Secretary of the Natural Resources Agency, or his or her designated representative, and the secretary, or his or her designee, shall serve as co-chairs of the council.

(d) The Invasive Species Council of California shall meet annually and as needed as determined by the co-chairs.

(e) The Invasive Species Council of California shall select an executive director and a liaison to further the purposes of this part.

7702. (a) There is in state government the California Invasive Species Advisory Committee. The purpose of the committee is to advise the Invasive Species Council of California on a broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as
minimizing the economic, ecological, and human health impacts that invasive species cause.

(b) The California Invasive Species Advisory Committee shall consist of the following 19 members:

(1) Four members designated by the secretary.
(2) Four members designated by the Secretary of the Natural Resources Agency or his or her designated representative.
(3) One member appointed by the Secretary for Environmental Protection or his or her designated representative.
(4) One member appointed by the Secretary of Transportation or his or her designated representative.
(5) One member appointed by the Secretary of California Health and Human Services or his or her designated representative.
(6) One member appointed by the Director of Emergency Services or his or her designated representative.
(7) Six members appointed by the Invasive Species Council of California co-chairs to create a diverse makeup of federal, nonprofit organization, tribal, industry, and other representatives.
(8) One member appointed by the California Agricultural Commissioners and Sealers Association.

(c) The California Invasive Species Advisory Committee shall meet quarterly and as needed as determined by the co-chairs of the Invasive Species Council of California.

7704. (a) (1) The Invasive Species Council of California shall develop a report in coordination with the California Invasive Species Advisory Committee through a public process and submit the report to the advisory committee.

(2) The California Invasive Species Advisory Committee shall review and approve the report.

(3) Once reviewed and approved by the California Invasive Species Advisory Committee, the final report shall be submitted to the Legislature and be available for public review.

(4) A report to be submitted pursuant to paragraph (3) shall be submitted in compliance with Section 9795 of the Government Code.

(b) The California Invasive Species Advisory Committee may hold an annual California Invasive Species Summit to develop new recommendations and to coordinate invasive species activities.
(c) The California Invasive Species Advisory Committee shall recommend expenditures from the Invasive Species Fund to the Invasive Species Council of California.

7706. The Invasive Species Fund is hereby established in the State Treasury. Moneys in the fund are available, upon appropriation by the Legislature, to the Invasive Species Council of California for the purposes of funding invasive species projects and activities recommended by the California Invasive Species Advisory Committee. Those projects and activities may include, but are not limited to, any of the following:

(a) The prevention of the introduction of invasive species.
(b) The detection, control, and eradication of invasive species.
(c) Emergency and nonemergency detection and rapid response activities.
(d) The conducting of comprehensive reports on the ecological, agricultural, and economic impacts of invasive species.
(e) The development and maintenance of statewide surveys and mapping of high-risk areas.
(f) The development of statewide education, outreach, and branding of invasive species.
(g) Increased coordination and collaboration amongst invasive species partners.
(h) Increased inspections at state and national boundaries.

7708. (a) The Invasive Species Council of California and the California Invasive Species Advisory Committee shall coordinate with state and local public agencies, publicly funded educational institutions, and stakeholder groups to develop a plan for the cure or suppression of diseases associated with the spread of invasive shot hole borers, including, but not limited to, the Polyphagous and Kuroshio shot hole borers.

(b) (1) Upon the completion of the plan required pursuant to subdivision (a), the department, subject to the availability of appropriations, shall support the efforts of state and local agencies, California Native American tribes, and nonprofits to cure or suppress the diseases affiliated with the invasive shot hole borer infestation as provided in paragraph (2).

(2) Support provided by the department pursuant to this section may include, but is not limited to, the following:

(A) Grants to support research related to the identification of infected trees and methods to prevent further infestation.
(B) Grants to state and local agencies, California Native American tribes, and nonprofits to support suppression or cure efforts.

(c) No state moneys shall be awarded to a local agency pursuant to subdivision (b) unless the local agency has contributed from local resources a dollar amount that is equal to the dollar amount of state moneys to be awarded or the local agency is located in a disadvantaged community, as identified pursuant to Section 39711 of the Health and Safety Code.

7710. (a) Upon appropriation by the Legislature, moneys from the Noxious Weed Management Account, created pursuant to Section 7271, shall be available to the secretary for allocation to projects for the control and abatement of noxious and invasive weeds.

(b) (1) Upon appropriation by the Legislature, moneys may be allocated by the secretary to the University of California, Agriculture and Natural Resources, or another qualified academic or research institution for invasive species research and outreach activities that are coordinated with the Invasive Species Council of California and recommended by the California Invasive Species Advisory Committee. These moneys may be allocated to complement the research and outreach needs of the Invasive Species Council of California and recommended by the California Invasive Species Advisory Committee.

(2) For purposes of this subdivision, research and outreach activities include, but are not limited to, training events, educational materials, and online resources.

SECTION 1. Division 37.5 (commencing with Section 72000) is added to the Public Resources Code, to read:

DIVISION 37.5. INVASIVE SPECIES COUNCIL OF CALIFORNIA

72000. (a) There is in state government the Invasive Species Council of California. The purpose of the council is to help coordinate a comprehensive effort to prevent the introduction of invasive species in California and to provide for the control or eradication of invasive species already established in the state. The council shall address nonnative organisms that cause economic or environmental harm. Invasive species within the scope of the
council's duties do not include humans, domestic livestock, or nonharmful exotic organisms.

(b) The council shall consist of the following eight members:

(1) The Secretary of Food and Agriculture or his or her designated representative.

(2) The Secretary of the Natural Resources Agency or his or her designated representative.

(3) The Secretary for Environmental Protection or his or her designated representative.

(4) The Secretary of Transportation or his or her designated representative.

(5) The Secretary of California Health and Human Services or his or her designated representative.

(6) The Director of Emergency Services or his or her designated representative.

(7) The Director of the Department of Forestry and Fire Protection or his or her designated representative.

(8) The Chair of the State Lands Commission or his or her designated representative.

(c) The Secretary of the Natural Resources Agency, or his or her designated representative, and the Secretary of Food and Agriculture, or his or her designee, shall serve as cochairpersons of the council.

(d) The council shall meet annually and as needed as determined by the cochairpersons:

(1) The council shall review and approve a yearly progress report submitted by the California Invasive Species Advisory Committee. The council shall develop a final approved report in coordination with the committee through a public process. Once approved by the council, the final report shall be sent to the Legislature and available for public review and comment.

(2) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

72005. (a) There is in state government the California Invasive Species Advisory Committee. The purpose of the committee is to advise the Invasive Species Council of California on a broad array of issues related to preventing the introduction of invasive species
and providing for their control or eradication, as well as minimizing
the economic, ecological, and human health impacts that invasive
species cause.

(b) The committee shall consist of the following 13 members:
(1) One appointee designated by the Secretary of Food and
Agriculture;
(2) One appointee designated by the Secretary of the Natural
Resources Agency;
(3) One appointee designated by the Secretary for Environmental
Protection;
(4) One appointee designated by the Secretary of Transportation
or his or her designated representative;
(5) One appointee designated by the Secretary of California
Health and Human Services or his or her designated representative;
(6) One appointee designated by the Director of Emergency
Services or his or her designated representative;
(7) One appointee designated by the Director of the Department
of Forestry and Fire Protection or his or her designated
representative;
(8) One appointee designated by the Chair of the State Lands
Commission or his or her designated representative;
(9) Four appointees selected by the Invasive Species Council
of California, cochairpersons with demonstrated expertise on
invasive species that shall include one representative each from a
federal agency, nonprofit organization, tribal government, and
industry;
(10) One appointee designated by the California Agricultural
Commissioners and Sealers Association;
(c) The committee shall meet quarterly and as needed as
determined by the cochairpersons of the Invasive Species Council
of California. The committee shall submit a yearly progress report
to the council for review and approval;
(d) The committee may hold an annual California Invasive
Species Summit to develop new recommendations and to
coordinate invasive species activities.

72010. The Invasive Species Fund is hereby established in the
State Treasury. Money in the fund are available, upon
appropriation by the Legislature, to the Invasive Species Council
of California for the purposes of funding invasive species projects
that may include, but are not limited to, the following projects:
(a) Emergency and nonemergency rapid response and dedication activities, including, but not limited to, activities relating to invasive shot-hole borer activity.

(b) Conducting comprehensive reports on the ecological, agricultural, and economic impacts of invasive species.

(c) Developing and maintaining statewide surveys and mapping of high-risk areas.

(d) Developing statewide education, outreach, and branding of invasive species.

(e) Increasing border inspections.

(f) Increasing coordination and collaboration amongst invasive species partners.

(g) Other invasive species activities recommended by the California Invasive Species Advisory Committee.

SEC. 2. (a) Upon appropriation by the Legislature, funding shall be allocated to the Secretary of Food and Agriculture to be allocated to the Noxious Weed Management Account established in Section 7271 of the Food and Agriculture Code for projects for the control and abatement of noxious and invasive weeds.

(b) Upon appropriation by the Legislature, funding shall be available to the University of California for invasive species research and outreach activities that are coordinated with the Invasive Species Council of California and recommended by the California Invasive Species Advisory Committee. These funds shall be used to complement the research and outreach needs of the council and committee. For the purposes of this subdivision, research and outreach activities include, but are not limited to, trainings, events, educational materials, and online resources.
Introduced by Senator Dodd

February 5, 2018

An act to add Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

LEGISLATIVE COUNSEL’S DIGEST

SB 998, as amended, Dodd. Discontinuation of residential water service: urban and community water systems.

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. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including water corporations. Existing law requires certain notice to be given before a water corporation, public utility district, municipal utility district, or a municipally owned or
operated public utility furnishing water may terminate residential service for nonpayment of a delinquent account, as prescribed.

This bill would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment available in prescribed languages. The bill would require the policy to include certain components, be available on the system's Internet Web site, and be provided to customers in writing, upon request. The bill would provide for enforcement of these provisions, including making a violation of these provisions punishable by a civil penalty issued by the board in an amount not to exceed $1,000 for each day in which the violation occurs, and would require the enforcement moneys collected by the board to be deposited in the Safe Drinking Water Account. The bill would prohibit an urban and community water system from discontinuing residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. The bill would require an urban and community water system to contact the customer named on the account and provide the customer with the urban and community water system's policy on discontinuation of residential service for nonpayment no less than 7 business days before discontinuation of residential service, as prescribed.

This bill would prohibit residential service from being discontinued under specified circumstances. The bill would require an urban and community water system that discontinues residential service to provide the customer with information on how to restore service and petition for a waiver of reconnection fees. The bill would require an urban and community water system to waive reconnection fees and offer a reduction or waiver of interest charges on delinquent bills for and would limit the amount of a reconnection of service fee imposed on a residential customer who demonstrates, as prescribed, to the urban and community water system household income below 200% of the federal poverty line and would limit the amount of a reconnection of service fee imposed on any other residential customer. The bill would require an urban and community water system that furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit structure, mobilehome park, or permanent residential structure in a labor camp, and that the owner, manager, or operator of the dwelling, structure, or park is the customer of record, to make every good faith effort to inform the
residential occupants by written notice that service will be terminated and that the residential occupants have the right to become customers, as specified. The bill would require an urban and community water system to report the number of annual discontinuations of residential service for inability to pay on its Internet Web site and to the board, and the bill would require the board to post on its Internet Web site the information reported. The bill would require an urban water supplier, as defined, or an urban and community water system regulated by the commission, to comply with the bill's provisions on and after February 1, 2020, and any other urban and community water system to comply with the bill's provisions on and after April 1, 2020. The bill would provide that the provisions of the bill are in addition to the provisions in existing law duplicative of the bill and that where the provisions are inconsistent, the provisions described in the bill apply.


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

SECTION 1. The Legislature finds and declares as follows:

(a) All Californians have the right to safe, accessible, and affordable water as declared by Section 106.3 of the Water Code.

(b) It is the intent of the Legislature to minimize the number of Californians who lose access to water service due to inability to pay.

(c) Water service discontinuations threaten human health and well-being, and have disproportionate impact on infants, children, the elderly, low-income families, communities of color, people for whom English is a second language, physically disabled persons, and persons with life-threatening medical conditions.

(d) When there is a delinquent bill, all Californians, regardless of whether they pay a water bill directly, should be treated fairly, and fair treatment includes the ability to contest a bill, seek alternative payment schedules, and demonstrate medical need and severe economic hardship.

(e) The loss of water service causes tremendous hardship and undue stress, including increased health risks to vulnerable populations.

(f) It is the intent of the Legislature that this act provide additional procedural protections and expand upon the procedural
safeguards contained in the Public Utilities Code and Government
Code as of January 1, 2018, relating to utility service
disconnections.
SEC. 2. Chapter 6 (commencing with Section 116900) is added
to Part 12 of Division 104 of the Health and Safety Code, to read:
CHAPTER 6. DISCONTINUATION OF RESIDENTIAL WATER
SERVICE

116900. This chapter shall be known, and may be cited, as the
Water Shutoff Protection Act.

116902. For the purposes of this chapter, the following
definitions apply:
(a) "Board" means the State Water Resources Control Board.
(b) "Public water system" has the same meaning as defined in
Section 116275.
(c) "Residential service" means water service to a residential
connection that includes—individually-metered single-family
residences, individually-metered and master-metered multifamily
residences, master-metered mobilehome parks, individually
metered mobilehomes, including, but not limited to, mobilehomes
in mobilehome parks, or farmworker housing.
(d) "Urban and community water system" means a public water
system that supplies water to more than 200 service connections.
(e) "Urban water supplier" has the same meaning as defined in
Section 10617 of the Water Code.

116904. (a) An urban water supplier not regulated by the
Public Utilities Commission shall comply with this chapter on and
after February 1, 2020.
(b) An urban and community water system regulated by the
Public Utilities Commission shall comply with this chapter on and
after February 1, 2020. The urban and community water system
regulated by the Public Utilities Commission shall file advice
letters with the commission to conform with this chapter.
(c) An urban and community water system not described in
subdivision (a) or (b) shall comply with this chapter on and after
April 1, 2020.
116904. (a) An urban and community water system shall have
a written policy on discontinuation of residential service for
nonpayment available in English, the languages listed in Section
1632 of the Civil Code, and any other language spoken by at least
10 percent of the people residing in its service area. The policy
shall include all of the following:
(1) A plan for deferred or reduced payments.
(2) Alternative payment schedules.
(3) A formal mechanism for a customer to contest or appeal a
bill.
(4) A telephone number for a customer to contact to discuss
options for averting discontinuation of residential service for
nonpayment.
(b) The policy shall be available on the urban and community
water system's Internet Web site, if an Internet Web site exists. If
an Internet Web site does not exist, the urban and community water
system shall provide the policy to customers in writing, upon
request.
(c) (1) The board may enforce the requirements of this section
pursuant to Sections 116577, 116650, and 116655. The provisions
of Section 116585 and Article 10 (commencing with Section
116700) of Chapter 4 apply to enforcement undertaken for a
violation of this section.
(2) All moneys collected pursuant to this subdivision shall be
deposited in the Safe Drinking Water Account established pursuant
to Section 116590.
116904. (a) (1) (A) An urban and community water system
shall not discontinue residential service for nonpayment until a
payment by a customer has been delinquent for at least 60 days.
No less than seven business days before discontinuation of
residential service for nonpayment, an urban and community water
system shall contact the customer named on the account by
telephone or written notice.
(B) When the urban and community water system contacts the
customer named on the account by telephone pursuant to
subparagraph (A), it shall offer to provide in writing to the
customer the urban and community water system's policy on
discontinuation of residential service for nonpayment. An urban
and community water system shall offer to discuss options to avert
discontinuation of residential service for nonpayment, including,
but not limited to, alternative payment schedules, deferred
payments, minimum payments, procedures for requesting
amortization of the unpaid balance, and petition for bill review
and appeal.
(C) When the urban and community water system contacts the
customer named on the account by written notice pursuant to
subparagraph (A), the written notice of payment delinquency and
impending discontinuation shall be mailed to the customer of the
residence to which the residential service is provided. If the
customer’s address is not the address of the property to which
residential service is provided, the notice also shall be sent to the
address of the property to which residential service is provided,
addressed to “Occupant.” The notice shall include, but is not
limited to, all of the following information in a clear and legible
format:
(i) The customer’s name and address.
(ii) The amount of the delinquency.
(iii) The date by which payment or arrangement for payment is
required in order to avoid discontinuation of residential service.
(iv) A description of the process to apply for an extension of
time to pay the delinquent charges.
(v) A description of the procedure to petition for bill review and
appeal.
(vi) A description of the procedure by which the customer may
request a deferred, reduced, or alternative payment schedule,
including an amortization of the delinquent residential service
charges, consistent with the written policies provided pursuant to
subdivision (a) of Section 116904.116906.
(2) If the urban and community water system is unable to make
contact with the customer or an adult occupying the residence by
telephone, and written notice is returned through the mail as
undeliverable, the urban and community water system shall make
a good faith effort to visit the residence and leave, or make other
arrangements for placement in a conspicuous place of, a notice of
imminent discontinuation of residential service for nonpayment
and the urban and community water system’s policy for
discontinuation of residential service for nonpayment.
(b) If an adult at the residence appeals the water bill to the urban and community water system or any other administrative or legal body to which such an appeal may be lawfully taken, the urban and community water system shall not discontinue residential service while the appeal is pending.

116910. (a) An urban and community water system shall not discontinue residential service for nonpayment if all of the following conditions are met:

1. The customer, or a tenant of the customer, submits to the urban and community water system the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.

2. The customer demonstrates that he or she is financially unable to pay for residential service within the urban and community water system's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the urban and community water system's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

3. The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies provided pursuant to subdivision (a) of Section 116904; 116906, with respect to all delinquent charges.

(b) (1) If the conditions listed in subdivision (a) are met, the urban and community water system shall offer the customer one or more of the following options:

(A) Amortization of the unpaid balance.

(B) Participation in an alternative payment schedule.
(C) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.

(D) Temporary deferral of payment.

(2) The urban and community water system may choose which of the payment options described in paragraph (1) the customer undertakes and may set the parameters of that payment option. Ordinarily, the repayment option offered should result in repayment of any remaining outstanding balance within 12 months. An urban and community water system may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

(3) Residential service may be discontinued no sooner than 5 business days after the urban and community water system posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

(A) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more.

(B) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

116912. An urban and community water system that discontinues residential service for nonpayment shall provide the customer with information on how to restore residential service and petition for a waiver of reconnection fees pursuant to Section 116912. service.

116914. (a) For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the urban and community water system shall waive reconnection fees and offer a reduction or waiver of do both of the following:

(1) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars ($50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer
Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars ($150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(2) Waive interest charges on delinquent bills once every 12 months. An urban and community water system may waive reconnection fees and offer a reduction or waiver of interest charges on delinquent bills more than once every 12 months. An

(b) An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household’s annual income is less than 200 percent of the federal poverty level.

(b) For a residential customer not described in subdivision (a), an urban and community water system shall set a reconnection of service fee for reconnection during normal operating hours at fifty dollars ($50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars ($150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

116916. (a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If an urban and community water system furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in
a labor camp as defined in Section 17008 of the Health and Safety
Code; 17008, and the owner, manager, or operator of the dwelling,
structure, or park is the customer of record, the urban and
community water system shall make every good faith effort to
inform the residential occupants, by means of written notice, when
the account is in arrears that service will be terminated at least 10
days prior to the termination. The written notice shall further
inform the residential occupants that they have the right to become
customers, to whom the service will then be billed, without being
required to pay any amount which may be due on the delinquent
account.

(c) The urban and community water system is not required to
make service available to the residential occupants unless each
residential occupant agrees to the terms and conditions of service
and meets the requirements of law and the urban and community
water system’s rules and tariffs. However, if one or more of the
residential occupants are willing and able to assume responsibility
for the subsequent charges to the account to the satisfaction of the
urban and community water system, or if there is a physical means
legally available to the urban and community water system of
selectively terminating service to those residential occupants who
have not met the requirements of the urban and community water
system’s rules and tariffs, the urban and community water system
shall make service available to those residential occupants who
have met those requirements.

(d) If prior service for a period of time is a condition for
establishing credit with the urban and community water system,
residence and proof of prompt payment of rent or other credit
obligation acceptable to the urban and community water system
for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the
urban and community water system pursuant to this section whose
periodic payments, such as rental payments, include charges for
residential water service, where those charges are not separately
stated, may deduct from the periodic payment each payment period
all reasonable charges paid to the urban and community water
system for those services during the preceding payment period.

(f) In the case of a detached single-family dwelling, the urban
and community water system may do any of the following:
(1) Give notice of termination at least seven days prior to the proposed termination.

(2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

[*94914*]:

116918. An urban and community water system shall report the number of annual discontinuations of residential service for inability to pay on the urban and community water system's Internet Web site, if an Internet Web site exists, and to the board. The board shall post on its Internet Web site the information reported.

[*94916*]:

116920. (a) The Attorney General, at the request of the board or upon his or her own motion, may bring an action in state court to restrain by temporary or permanent injunction the use of any method, act, or practice declared in this chapter to be unlawful.

(b) For an urban and community water system regulated by the Public Utilities Commission, the commission may bring an action in state court to restrain by temporary or permanent injunction the use by an urban and community water system regulated by the commission of any method, act, or practice declared in this chapter to be unlawful.

[*94917*]:

116922. All written notices required under this chapter shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by 10 percent or more of the customers in the urban and community water system's service area.

[*94918*]:

116924. Where provisions of existing law are duplicative of this chapter, compliance with one shall be deemed compliance with the other. Where those provisions are inconsistent, the provisions of this chapter shall apply. Nothing in this chapter shall be construed to limit or restrict the procedural safeguards against
the disconnection of residential water service existing as of December 31, 2018. This chapter does not apply to the termination of a service connection by an urban and community water system due to an unauthorized action of a customer.
DATE: August 14, 2018

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager

SUBJECT: Monthly Report – July 2018

HIGHLIGHTS

On July 24, the California Water Commission awarded $459 million to the Los Vaqueros Expansion Project, the full amount requested, in maximum conditional eligibility and $13.65 million in early funding to support planning and design under the Water Storage Investment Program. The Contra Costa Water District, EBMUD and other potential participating agency staff are discussing governance, finance, schedule and other issues to better understand the potential for participating in the project.

WATER SUPPLY

In July, staff continued working on the development of a voluntary settlement agreement as part of the Bay-Delta Water Quality Control Plan Update. Staff met weekly with the California Department of Fish and Wildlife and all Mokelumne River stakeholders to advance the voluntary settlement agreement for flow and non-flow measures as part of the Water Quality Control Plan Update process. Staff also met with the Central Valley Project Improvement Act Science Integration Team, the Mokelumne River Tactical Advisory Committee, and the Mokelumne Fish Hatchery Coordination Team.

On July 11, the District began a review and assessment of the U.S. Bureau of Reclamation’s (USBR) CalSim III (CS3) Mokelumne Module. The District’s CS3 assessment will include, in part, rationing, Pardee and Camanche bathymetry, Pardee inflows, upper Mokelumne diversions, and Jackson Valley Irrigation District diversions. The District will provide its assessment to the USBR by the fall. USBR expects to release a CS3 model that includes representation of the Mokelumne system by the end of December.

On July 16, the District made its first delivery to North San Joaquin Water Conservation District (NSJWCD) as part of the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project. The District provided up to 111 acre-feet of Mokelumne River water to NSJWCD during the month of July as an initial test of the NSJWCD’s conveyance system.
On July 18, staff met with representatives from the Department of Water Resources (DWR) to discuss the Prop 1 Grant for the development of the East Bay Plain Basin Groundwater Sustainability Plan (GSP). Staff discussed the District’s current process and schedule for developing the East Bay Plain Basin GSP. The next step is to develop a grant agreement with DWR.

On July 19 and 20, staff met with USBR representatives to discuss the potential impacts, if any, to the District’s Central Valley Project water contracts if the District participates in the Los Vaqueros Reservoir Expansion Project during dry years. The meeting also included discussion on other ongoing work such as, long-term and short-term Warren Act Contracts for using Folsom South Canal to convey Placer County Water Agency and Yuba County Water Agency water transfers.

Precipitation. There was no East Bay precipitation for July and the season total was 0.00 inches (0 percent of average). The Mokelumne precipitation for July was 0.08 inches (33 percent of average) and the season total is 0.08 inches (33 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for July was 353 cfs (314 cfs generation, 26 cfs sluice, and 13 cfs through the hatchery), and the average flow below Woodbridge Dam was 49 cfs, both in accordance with the Joint Settlement Agreement "Below Normal" criteria.

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

Water Storage

Mokelumne reservoirs storage is 112 percent of average. As of July 31, 2018, Pardee was at 566.6 feet or 102 percent of average, and Camanche was at 228.0 feet or 119 percent of average. Combined Pardee and Camanche reservoir storage was 564,000 acre-feet compared to 573,000 acre-feet last year.

East Bay reservoirs storage is 101 percent of average. As of July 31, 2018, USL was at 450.1 feet or 102 percent of average, San Pablo was at 306.1 feet or 107 percent of average, and Briones was at 566.4 feet or 97 percent of average. Total terminal reservoir storage was 129,000 acre-feet compared to 127,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for July 2018 was 168 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 July:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>East of Hills</td>
<td>72 MGD</td>
<td>75 MGD</td>
<td>88 MGD</td>
<td>99 MGD</td>
</tr>
<tr>
<td>West of Hills</td>
<td>134 MGD</td>
<td>136 MGD</td>
<td>152 MGD</td>
<td>187 MGD</td>
</tr>
<tr>
<td>Total</td>
<td>206 MGD</td>
<td>211 MGD</td>
<td>240 MGD</td>
<td>286 MGD</td>
</tr>
<tr>
<td>Max Day Production</td>
<td>220 MGD</td>
<td>227 MGD</td>
<td>259 MGD</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(7/9/2018)</td>
<td>(7/7/2017)</td>
<td>(7/1/2013)</td>
<td></td>
</tr>
</tbody>
</table>

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

WATER QUALITY AND ENVIRONMENTAL PROTECTION

Staff continues to meet with the Central Valley Regional Water Quality Control Board (CV RWQCB) to discuss alternatives for evaluating the scope and impact of Camanche South Shore Wastewater Treatment Plant (CASS WWTP) effluent on local underlying groundwater. Following CV RWQCB’s agreement with staff’s approach to determining if effluent from the CASS WWTP ponds was the source of exceedences in the groundwater, staff reviewed historical documents and conducted a site visit. The site visit revealed that the District’s small solar panel field installed under a power purchase agreement was placed on top of a landfill. Staff plans to consult with a landfill expert to perform an integrity check.

In July, various watershed cleanup projects were performed. Staff cleaned up the Upper San Leandro watershed and dam by recycling or disposing of old fence, scrap metal and dock materials. Also debris was cleared from a structure on San Pablo Creek upstream of Bear Creek Road restoring flow capacity and maintaining fish passage.

In July, staff performed various fire fuel reduction activities in preparation for fire season. Staff mowed the recreational trail system and fire roads in the north and south watersheds and coordinated annual grazing plan projects. At Lafayette Reservoir, encroaching and low-hanging limbs along the Paved and Rim Trails and a dead Ponderosa Pine in the upper parking lot were removed. The irrigation system for the lawn areas was repaired.

On July 12, the Bay Area Air Quality Management District (BAAQMD) issued a Notice of Violation (NOV) to the District for a torn vapor recovery hose on a gasoline dispenser used for fueling District vehicles at the MWWTP. Staff inspects the hoses monthly and no damage was observed during the June 21 inspection. The damaged hose was red-tagged by BAAQMD and repairs were subsequently completed on July 17.

On July 18, the District received the San Francisco Bay Regional Water Quality Control Board’s (SFRWQCB) report on the compliance inspection of the Oakport Wet Weather Facility (WWF) conducted in June. The report identified opportunities to improve the District’s training and record keeping at the wet weather facilities, particularly with respect to
calibration of the pH meter. Staff will implement these improvements by 1) updating the Standard Operating Procedure (SOP) for calibration of the meter to ensure the proper steps are followed and information documented on the facility operations report for wet weather events, and 2) including a detailed review of this SOP in annual trainings. The District will provide a formal response to the SFRWQCB by September 14, 2018, as requested.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with permit limits for the month of July. This is the 227th consecutive month that the MWWTP experienced no exceedances.

The District received two odor reports in July from the public. Investigation of the first complaint determined that the MWWTP was the possible cause. Some hydrogen sulfide may have been released in the sewer system in the area of the complainant’s residence when full flows were restored to the South Interceptor after completion of rehabilitation work on that day. To be conservative, chemical dosing was increased at the influent pump station to avoid any additional potential odor releases. Investigation of the second complaint determined that the source of the odors was due to an outage at the MWWTP that was required to facilitate repairs on a plant process water line that failed. Odors were present as a result of the inability to provide chemical dosing during this period.

INFRASTRUCTURE INVESTMENT

The Sobrante and Upper San Leandro (USL) Water Treatment Plants (WTP) Ozone Systems Improvement Project Update. On July 2, the project reached a key milestone of automated control system testing at Sobrante. Ozone generation capability at USL is expected to be achieved in September.

In July, customer enhancement projects were completed in recreation areas. At San Pablo Reservoir, staff completed repairs to the boat rental dock and replaced and upgraded major structural and electrical components. Staff also began the installation of fencing and gates to exclude grazing in the Briones trench soils site.

On July 10, the District submitted an application to the California Division of Safety of Dams for work in support of the Lafayette Reservoir Outlet Tower Retrofit Project. The work includes concrete coring and testing, and geophysical soils borings investigations, including concrete sampling and testing to provide a better understanding of the actual in-situ concrete properties and to determine the best retrofit design alternative. The work also includes an over-water boring in close vicinity of the Outlet Tower to obtain the soil and rock conditions and other data needed to develop design parameters for analysis of the tower.

Virginia Street pipeline replacement project in Berkeley was completed. Over 5,755 feet of 8-inch mortar-lined plastic coated steel (MLPCS) pipe was installed. Final paving is expected to be completed in July.
Final paving of the East 19th Avenue area in Oakland was completed. Approximately 4,000 linear feet of asphalt was installed following installation of 3,545 feet of 6-inch PVC pipe.

Main breaks in July totaled 74. The attached table lists the main breaks that were repaired by staff in July sorted by city and street. The associated map shows the location of the breaks.

CUSTOMER AND COMMUNITY SERVICES

Water Bottling Filling Stations Update. As of July 2018, water bottle filling stations have been installed at seven locations throughout the District’s service area, including the Oakland Zoo, three public schools, Lafayette Reservoir Recreation Area, San Pablo Reservoir Recreation Area, and the District Administration Building. Usage data shows that a total of over 3,600 water bottles have been filled by these stations. Staff is working on agreements for additional installations at MacArthur BART Station, public parks, and high schools. The goal is to have at least two water bottle filling stations located in each of the District’s seven wards.

Main Wastewater Treatment Plant Tour Program Update. In FY18, staff conducted 61 tours that reached 1,010 people, an increase from 52 tours and 679 attendees in FY17. The free tours for East Bay residents are offered on the first and third Saturday of each month and tours for middle and high school students on the first Wednesday and fourth Thursday of each month from March to October. Since the tour program began in 2016, the District has hosted over 2,000 tour attendees.

State of the District Address Events. During July, staff presented 7 of 10 State of the District Addresses at Pardee Center, the Administration Building, Adeline Maintenance Center, and South and North Area Service Centers, reaching approximately 700 employees.

On July 11, the Trails Advisory Committee held its first meeting at the Orinda Watershed Headquarters. The meeting focused on the opening of two trails in the watershed to bicycle use, following adoption of the East Bay Watershed Master Plan Update. Nine members of the public attended representing hikers, cyclists, and equestrians, and received information from staff on new trail signage, monitoring and enforcement. The participants offered a variety of constructive comments, and agreed to meet quarterly to remain engaged on issues.

On July 16, the District opened two multi-use trail segments in the East Bay. The Pinole Ridge Multi-Use Trail is 6.7 miles and consists of service roads and some sections newly open for public use. It provides a continuous stretch of trail spanning from the trailhead at the intersection of Alhambra Valley and Pereira Roads up to Pinole Ridge, terminating at Alhambra Valley Road near the intersection with Pinole Valley Road. The Eagle’s Nest Multi-Use Trail is 0.8 miles and offers passage from Nimitz Way in Wildcat Canyon Regional Park to San Pablo Dam Road in Orinda.

On July 19, staff conducted a tour of the District’s laboratory for a group of high school teachers. The five high school science and math teachers were from five school districts within
the District’s service area, including Alameda, Oakland, Hayward, San Lorenzo, and West Contra Costa. The tour provided the teachers with a better understanding of science careers in the water and wastewater utility sector to the benefit of their students.

**On July 31, a public meeting was held on the proposed new fence at South Reservoir and Amito Pumping Plant sites located in Oakland.** Approximately 24 people attended.

**Media.** Staff responded to media inquiries on the Mokelumne Wild and Scenic designation; follow-up stories on the Moraga landslide, lead in schools, blue green algae at Lafayette Reservoir, flood releases, and water sales relating to the Woodbridge Irrigation District.

**Social Media.** The top tweet on Twitter featured the Mokelumne River as the newest California Wild and Scenic River, generating 3,560 impressions. Twitter followers reached 2,277, an increase of 45 over last month.

On Facebook, a video of the District’s summer internship program was highlighted, generating 114 views. Facebook followers reached 560, an increase of 30 over last month.

The top post on LinkedIn featured the District’s emergency preparedness efforts, generating 786 impressions. LinkedIn followers reached 4,022, an increase of 54 over last month.

On Nextdoor, staff provided information to residents in the entire service area informing them of the Mokelumne River as the newest California wild and scenic river.

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

- Carisbrook Reservoir Replacement Project Concrete Pour (Oakland)
- Diablo Vista Pumping Plant (Lafayette)
- E. 24th St Pipeline Replacement Project Night Work (Oakland)
- Fire Trail and Jensen Pumping Plants Water Outage (Castro Valley)
- MacArthur Davenport Pipeline Replacement Project – South Alignment (Oakland)
- North Interceptor Relief Sewer Project (Berkeley)
- North Reservoir (Richmond)
- Panoramic Hill Improvements Projects (Berkeley)
- Schapiro Pumping Plant Rehabilitation (San Pablo)
- South Reservoir Replacement Project Extended Work Hours (Castro Valley)
- Wildcat Pipeline (Berkeley)

**Contract Equity**

**On July 18, staff participated in the Northern California Economic Development Summit, Empow(her) in San Francisco, hosted by the Women’s Business Enterprise Council –**
Pacific in San Francisco. Staff provided information on the District’s Contract Equity Program and technology-related contract opportunities. Approximately 75 people attended.

On July 22-24, staff participated in the American Indian Chamber of Commerce of California’s 2018 Expo “Collaborating Today to Build Tomorrow” in Rancho Mirage. Staff participated on a panel on the Procurement Seeking, Pitching & Winning and provided information on the District’s Contract Equity Program including small business incentives and contracting process. Approximately 350 people attended.

On July 26, staff participated in the California Hispanic Chamber of Commerce’s “Elevate: A Procurement and Symposium and Business Matchmaking” in Oakland. Staff participated on a workshop panel, matchmaking sessions and provided information on the District’s Contract Equity Program including small business incentives and contracting process. Approximately 75 people attended.

Staff participated in the following business community event:

July 26 - Oakland African American Chamber of Commerce 2018 Chairman's Reception, Oakland – 75 people attended

Water Conservation

On July 12, staff attended the grand opening of the Oakland Zoo’s new exhibit - California Trail. The new exhibit is the home to eight California native animal species. The District partnered with the Zoo on water efficiency improvements, conservation rebates and demonstration garden grants for the exhibit. The District also purchased several water bottle filing stations in concert with the Drink Tap program. Approximately 150 people attended the ribbon cutting ceremony.

Between July 28-29, staff participated in the Alameda Art and Wine Festival. Staff provided information regarding water conservation services including rebate programs and water saving tips. The District’s Water-On-Wheels trailer was on-site and was a popular attraction for the attendees to quench their thirst. This event attracted more than 100,000 attendees over the weekend. Approximately 1,200 visited the District booth.

WORKFORCE PLANNING AND DEVELOPMENT

Staff Rotation Program Update. In July, one employee completed their six-month rotation assignment, while another commenced their six-month rotation where they will broaden their experience and enhance their skills by working in a new work unit. These rotations provide staff with a better understanding of how their regular work assignments complement and connect with other District work groups.
On July 12, the District trained staff on high-density polyethylene (HDPE) service saddles in preparation for service installations for an applicant project in the Faria Development. These saddles will make fusing easier and more efficient because they come equipped with a strap, eliminating the need for special tooling and wait time for the special tooling to become available for subsequent saddles. Staff worked with an HDPE manufacturer to develop the training.

Between July 14-18, staff participated in the American Society of Civil Engineering (ASCE) 2018 Pipelines Conference in Toronto, Canada. Staff was the keynote speaker for the preconference ASCE Committee workshop on Upcoming Manual of Practice for Seismic Design for Buried Pipelines. During the conference staff also chaired a track on Condition Assessment.

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

- **July 13** – staff participated in the Oakland Unified School District’s high school S.T.E.M. program graduation ceremony. Staff spoke with students and families about EBMUD careers and internships. Approximately 60 people attended.

- **July 18-20** – the District hosted five junior high and high school teachers as part of a teacher externship program funded by a grant from the State of California Workforce Investment Board and partners with City of Hayward, BAYWORK, Jewish Vocational Services, and Ignited. Staff conducted a tour of numerous District facilities, provided an overview of history and operations of water and wastewater systems, and information on work processes, trades careers in water and wastewater industry. The teachers’ job-shadowed staff in water conservation, watershed maintenance, and geotechnical engineering. Through this program, teachers will develop and implement new curricula that are contextualized to the water and wastewater industry, thereby increasing student awareness, interest and skills for the water and wastewater industry.

- **July 24** – staff conducted a tour of the Plumbers Training Academy in Richmond. Staff facilitated a tour for three EBMUD Summer Youth Program high school interns, Jewish Vocational Services, and Richmond Build in order to build awareness and help develop a stronger pool of diverse, well-qualified, local candidates for entry-level plumber position.

- **July 25** – staff conducted a tour of various workgroups in the Administration Building for five UC Berkeley Boost students and staff. Staff provided information on careers and internship opportunities at the District. Boost program attendees (pre-college) are from across our service area.
- **July 25 – the District held a celebration for the 2018 Summer Youth Program high school interns.** The celebration recognized 42 summer high school interns and the work they have performed. Three interns spoke about their experiences and the skills they obtained and will utilize throughout their education and future careers.

### Tuition Reimbursement

<table>
<thead>
<tr>
<th></th>
<th>July 2017</th>
<th>FY18 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td># of Employees</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td># of Classes</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Total Reimbursed</td>
<td>$30,910</td>
<td>$30,910</td>
</tr>
</tbody>
</table>

### Employment Information

<table>
<thead>
<tr>
<th></th>
<th>July 2017</th>
<th>FY18 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirements – Regular</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Retirements – Vested</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Hires/Rehires</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Other Separations</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

### FINANCIAL STABILITY

**Revenues from the District’s Resource Recovery Program remained stable in FY18.** Revenue from trucked waste customers, including tip fees and other service charges, totaled $11.8 million, while sales of surplus energy associated with the Resource Recovery Program added $1.1 million to Program revenues for a total of $12.9 million; a marginal increase from $12.8 million in FY17.

**The Net Mokelumne Power Revenue for July was $326,769.** The District sold renewable power and related Renewable Energy Credits (REC) to Marin Clean Energy. Sales of RECs generated $38,000. Resource Adequacy capacity revenue from Shell North America totaled $11,265. Net Mokelumne Power Revenue for July is an estimated $326,769 which is 8.8 percent of the FY19 budgeted $3.7 million. The FY19 total revenue forecast is $6.0 million.

**There were no material, supply or construction contracts from $80,001 to $100,000 approved by the General Manager in July 2018.**
Water Sales (Consumption)

The following consumption information is the average water consumption in million gallons per day (MGD) for FY18. The budgeted average daily water consumption for FY18 was 137 MGD. The table below shows the average billed water consumption for FY18 was 144.5 MGD and includes detailed information by customer class with a comparison to FY17 data. FY18 actual water consumption was 8.9% above FY17 consumption and 5.5% above budget.

<table>
<thead>
<tr>
<th>Usage Type</th>
<th>FY18 (MGD)</th>
<th>FY17 (MGD)</th>
<th>Year-over-Year (% change)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>74.4</td>
<td>67.5</td>
<td>10.2%</td>
</tr>
<tr>
<td>Commercial</td>
<td>48.3</td>
<td>44.5</td>
<td>8.5%</td>
</tr>
<tr>
<td>Industrial</td>
<td>15.3</td>
<td>15.1</td>
<td>1.3%</td>
</tr>
<tr>
<td>Public Authority</td>
<td>6.5</td>
<td>5.6</td>
<td>16.1%</td>
</tr>
<tr>
<td>Total Billed Water Consumption</td>
<td>144.5</td>
<td>132.7</td>
<td>8.9%</td>
</tr>
</tbody>
</table>
Water Sales (Revenue)

Water revenues billed for FY18 were $480.8 million or 14.4% more than the FY17 revenue of $420.1 million. This increase reflects the net impact of higher consumption and the 9.25% rate increase for FY18. FY18 water revenues were $26.1 million (5.7%) greater than the budgeted water revenue of $454.7 million. FY18 actual revenue was 14.4% above FY17 revenue and 5.7% above budget.

*CUMULATIVE BILLED WATER REVENUE ($ MILLIONS)*

*Includes prorated drought surcharge revenue from the July and August billing cycles for consumption from May and June 2016.

Source: Customer Information System
<table>
<thead>
<tr>
<th>City</th>
<th>Pre</th>
<th>Street</th>
<th>Suf</th>
<th>Pipe Material</th>
<th>Pipe Diameter</th>
<th>Year Installed</th>
<th>Est Water Loss (Gal)</th>
<th>Identified On</th>
<th>Completed On</th>
<th>KPI Met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALBANY</td>
<td></td>
<td>SANTA FE</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1928</td>
<td>7,200</td>
<td>7/4/2018</td>
<td>7/4/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>BERKELEY</td>
<td></td>
<td>DELAWARE</td>
<td>ST</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>2006</td>
<td>1,800</td>
<td>7/24/2018</td>
<td>7/25/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>BERKELEY</td>
<td></td>
<td>EUCLID</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1901</td>
<td>20,160</td>
<td>7/6/2018</td>
<td>7/7/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>BERKELEY</td>
<td></td>
<td>MCKINLEY</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1929</td>
<td>1,350</td>
<td>7/24/2018</td>
<td>7/24/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>BERKELEY</td>
<td></td>
<td>SAN ANTONIO</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1929</td>
<td>27,000</td>
<td>7/1/2018</td>
<td>7/1/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>BERKELEY</td>
<td></td>
<td>SAN LUIS</td>
<td>RD</td>
<td>STEEL</td>
<td>8.00</td>
<td>2004</td>
<td>1,800</td>
<td>7/14/2018</td>
<td>7/14/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>CASTRO VALLEY</td>
<td></td>
<td>MALABAR</td>
<td>AVE</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1981</td>
<td>1,800</td>
<td>7/30/2018</td>
<td>7/31/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>CASTRO VALLEY</td>
<td></td>
<td>SEAVIEW</td>
<td>AVE</td>
<td>STEEL</td>
<td>12.00</td>
<td>1961</td>
<td>1,440</td>
<td>7/19/2018</td>
<td>7/19/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>CASTRO VALLEY</td>
<td></td>
<td>SOMERSET</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>8.00</td>
<td>1931</td>
<td>22,500</td>
<td>7/5/2018</td>
<td>7/5/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>CASTRO VALLEY</td>
<td></td>
<td>STANTON</td>
<td>AVE</td>
<td>STEEL</td>
<td>12.00</td>
<td>1955</td>
<td>27,360</td>
<td>6/29/2018</td>
<td>7/7/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>DANVILLE</td>
<td></td>
<td>ST NORBERT</td>
<td>DR</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1976</td>
<td>12,960</td>
<td>7/29/2018</td>
<td>7/31/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>EL CERRITO</td>
<td></td>
<td>DEVONSHIRE</td>
<td>DR</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1927</td>
<td>18,000</td>
<td>7/29/2018</td>
<td>7/30/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>EL CERRITO</td>
<td></td>
<td>ELM</td>
<td>CT</td>
<td>CAST IRON</td>
<td>2.00</td>
<td>1946</td>
<td>21,600</td>
<td>7/7/2018</td>
<td>7/11/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>EMERYVILLE</td>
<td></td>
<td>ADELINE</td>
<td>ST</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1930</td>
<td>12,960</td>
<td>7/11/2018</td>
<td>7/19/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>KENSINGTON</td>
<td></td>
<td>COLUSA</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>8.00</td>
<td>1930</td>
<td>22,500</td>
<td>7/17/2018</td>
<td>7/17/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td></td>
<td>BLACKHAWK</td>
<td>RD</td>
<td>ASBESTOS CEMENT</td>
<td>8.00</td>
<td>1958</td>
<td>0</td>
<td>7/18/2018</td>
<td>7/23/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td></td>
<td>BLACKHAWK</td>
<td>RD</td>
<td>ASBESTOS CEMENT</td>
<td>8.00</td>
<td>1958</td>
<td>0</td>
<td>7/23/2018</td>
<td>7/24/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td></td>
<td>HASTINGS</td>
<td>CT</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1956</td>
<td>7,200</td>
<td>7/22/2018</td>
<td>7/23/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td></td>
<td>LA CANADA</td>
<td>RD</td>
<td>CAST IRON</td>
<td>2.00</td>
<td>1937</td>
<td>8,640</td>
<td>6/27/2018</td>
<td>7/2/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td></td>
<td>OAK</td>
<td>ST</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1955</td>
<td>8,910</td>
<td>7/18/2018</td>
<td>7/18/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>MORAGA</td>
<td></td>
<td>RHEEM</td>
<td>BL</td>
<td>STEEL</td>
<td>12.00</td>
<td>Unknown</td>
<td>28,800</td>
<td>7/8/2018</td>
<td>7/9/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>MORAGA</td>
<td></td>
<td>WANDEL</td>
<td>DR</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1958</td>
<td>0</td>
<td>7/8/2018</td>
<td>7/8/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>OAKLAND</td>
<td></td>
<td>68TH</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1938</td>
<td>7,200</td>
<td>6/29/2018</td>
<td>7/3/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>OAKLAND</td>
<td></td>
<td>74TH</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1939</td>
<td>18,720</td>
<td>7/14/2018</td>
<td>7/26/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>OAKLAND</td>
<td></td>
<td>BALDWIN</td>
<td>ST</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1947</td>
<td>23,040</td>
<td>7/2/2018</td>
<td>7/9/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>OAKLAND</td>
<td></td>
<td>BALDWIN</td>
<td>ST</td>
<td>CAST IRON</td>
<td>8.00</td>
<td>1947</td>
<td>2,880</td>
<td>7/9/2018</td>
<td>7/9/2018</td>
<td>Yes</td>
</tr>
<tr>
<td>OAKLAND</td>
<td></td>
<td>BROADWAY</td>
<td></td>
<td>ASBESTOS CEMENT</td>
<td>8.00</td>
<td>1958</td>
<td>12,960</td>
<td>7/22/2018</td>
<td>7/30/2018</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*KPI=turnaround time to repair the leak
<table>
<thead>
<tr>
<th>City</th>
<th>Pre</th>
<th>Street</th>
<th>Suf</th>
<th>Pipe Material</th>
<th>Pipe Diameter</th>
<th>Year Installed</th>
<th>Est Water Loss (Gal)</th>
<th>Identified On</th>
<th>Completed On</th>
<th>KPI Met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>OAKLAND</td>
<td>BURDECK</td>
<td>DR</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1972</td>
<td>0</td>
<td>6/27/2018</td>
<td>7/12/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>CHABOT</td>
<td>CT</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1959</td>
<td>7,200</td>
<td>7/16/2018</td>
<td>7/17/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>FAIR</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1969</td>
<td>720</td>
<td>7/9/2018</td>
<td>7/9/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>FAIRHILL</td>
<td>CT</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1935</td>
<td>1,800</td>
<td>7/8/2018</td>
<td>7/8/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>FOOTHILL</td>
<td>BL</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1936</td>
<td>900</td>
<td>7/13/2018</td>
<td>7/13/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>GHORMLEY</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1943</td>
<td>0</td>
<td>7/13/2018</td>
<td>7/18/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>HANLY</td>
<td>RD</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1927</td>
<td>15,750</td>
<td>7/4/2018</td>
<td>7/4/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>HENRIETTA</td>
<td>ST</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1954</td>
<td>25,920</td>
<td>7/19/2018</td>
<td>7/24/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>LEIMERT</td>
<td>BL</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1940</td>
<td>0</td>
<td>7/6/2018</td>
<td>7/16/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>MORAGA</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1912</td>
<td>33,120</td>
<td>6/14/2018</td>
<td>7/6/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>MORGAN</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1965</td>
<td>630</td>
<td>7/23/2018</td>
<td>7/24/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>MORGAN</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1939</td>
<td>0</td>
<td>7/24/2018</td>
<td>7/24/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>OAKLAND</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>8.00</td>
<td>1908</td>
<td>900</td>
<td>7/21/2018</td>
<td>7/22/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>SUNNYSIDE</td>
<td>ST</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1937</td>
<td>27,000</td>
<td>7/17/2018</td>
<td>7/17/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>THOUSAND OAKS</td>
<td>ST</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1978</td>
<td>720</td>
<td>7/2/2018</td>
<td>7/2/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>OAKLAND</td>
<td>VALLEJO</td>
<td>ST</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1933</td>
<td>12,960</td>
<td>6/24/2018</td>
<td>7/2/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>ORINDA</td>
<td>ARDILLA</td>
<td>RD</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1934</td>
<td>8,640</td>
<td>7/17/2018</td>
<td>7/18/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>ORINDA</td>
<td>DARYL</td>
<td>DR</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1947</td>
<td>18,000</td>
<td>7/10/2018</td>
<td>7/10/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>ORINDA</td>
<td>ESTATES</td>
<td>DR</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1940</td>
<td>4,500</td>
<td>7/28/2018</td>
<td>7/28/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>ORINDA</td>
<td>SOUTHWOOD</td>
<td>DR</td>
<td>ASBESTOS CEMENT</td>
<td>4.00</td>
<td>1960</td>
<td>3,600</td>
<td>7/18/2018</td>
<td>7/18/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>ORINDA</td>
<td>VIA HERMOSA</td>
<td>DR</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1934</td>
<td>9,090</td>
<td>7/11/2018</td>
<td>7/11/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>ORINDA</td>
<td>VIA HERMOSA</td>
<td>DR</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1934</td>
<td>630</td>
<td>7/17/2018</td>
<td>7/17/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>ORINDA</td>
<td>VIA HERMOSA</td>
<td>DR</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1934</td>
<td>3,150</td>
<td>7/24/2018</td>
<td>7/24/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>PIEDMONT</td>
<td>ST JAMES</td>
<td>DR</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1940</td>
<td>18,000</td>
<td>7/14/2018</td>
<td>7/14/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>PLEASANT HILL</td>
<td>APOLLO</td>
<td>WAY</td>
<td>ASBESTOS CEMENT</td>
<td>12.00</td>
<td>1957</td>
<td>36,000</td>
<td>7/2/2018</td>
<td>7/2/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>PLEASANT HILL</td>
<td>OAK PARK</td>
<td>BL</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1941</td>
<td>30,240</td>
<td>6/29/2018</td>
<td>7/5/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>42ND</td>
<td>ST</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1952</td>
<td>22,500</td>
<td>7/15/2018</td>
<td>7/15/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>43RD</td>
<td>ST</td>
<td>CAST IRON</td>
<td>8.00</td>
<td>1921</td>
<td>22,500</td>
<td>7/17/2018</td>
<td>7/17/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>37TH</td>
<td>ST</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1941</td>
<td>18,720</td>
<td>6/29/2018</td>
<td>7/11/2018</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Pre</td>
<td>Street</td>
<td>Suf</td>
<td>Pipe Material</td>
<td>Pipe Diameter</td>
<td>Year Installed</td>
<td>Est Water Loss (Gal)</td>
<td>Identified On</td>
<td>Completed On</td>
<td>KPI Met?</td>
</tr>
<tr>
<td>--------------</td>
<td>--------</td>
<td>--------------</td>
<td>-----</td>
<td>----------------------</td>
<td>---------------</td>
<td>------------------</td>
<td>----------------------</td>
<td>---------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>RICHMOND</td>
<td>CASTILLA</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1943</td>
<td>34,560</td>
<td>7/3/2018</td>
<td>7/10/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>CUTTING</td>
<td>BL</td>
<td>STEEL</td>
<td>12.00</td>
<td>1990</td>
<td>2,880</td>
<td>7/15/2018</td>
<td>7/16/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>GARVIN</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1999</td>
<td>36,000</td>
<td>7/15/2018</td>
<td>7/15/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>MANOR</td>
<td>RD</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1947</td>
<td>4,320</td>
<td>7/9/2018</td>
<td>7/9/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>OHATCH</td>
<td>DR</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1969</td>
<td>18,000</td>
<td>7/8/2018</td>
<td>7/8/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>ROLLINGWOOD</td>
<td>DR</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1943</td>
<td>1,440</td>
<td>7/24/2018</td>
<td>7/24/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RODEO</td>
<td>3RD</td>
<td>ST</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1969</td>
<td>18,000</td>
<td>7/7/2018</td>
<td>7/7/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>RODEO</td>
<td>GARRETSON</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1949</td>
<td>5,760</td>
<td>7/17/2018</td>
<td>7/20/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SAN LEANDRO</td>
<td>155TH</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1938</td>
<td>450</td>
<td>7/19/2018</td>
<td>7/19/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SAN LEANDRO</td>
<td>W</td>
<td>AVE 153TH</td>
<td>CAST IRON</td>
<td>4.00</td>
<td>1938</td>
<td>4,500</td>
<td>7/25/2018</td>
<td>7/25/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SAN LEANDRO</td>
<td>DEL MONTE</td>
<td>WAY</td>
<td>ASBESTOS CEMENT</td>
<td>4.00</td>
<td>1956</td>
<td>14,400</td>
<td>7/22/2018</td>
<td>7/31/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SAN LEANDRO</td>
<td>PARK</td>
<td>ST</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1940</td>
<td>14,400</td>
<td>7/10/2018</td>
<td>7/19/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SAN LEANDRO</td>
<td>WARREN</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1951</td>
<td>10,080</td>
<td>6/26/2018</td>
<td>7/2/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SAN PABLO</td>
<td>SUTTER</td>
<td>AVE</td>
<td>CAST IRON</td>
<td>6.00</td>
<td>1938</td>
<td>18,000</td>
<td>7/15/2018</td>
<td>7/15/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SAN RAMON</td>
<td>NORRIS CANYON</td>
<td>PL</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1984</td>
<td>1,170</td>
<td>7/19/2018</td>
<td>7/19/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>WALNUT CREEK</td>
<td>HAWTHORNE</td>
<td>DR</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1957</td>
<td>8,640</td>
<td>7/30/2018</td>
<td>7/31/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>WALNUT CREEK</td>
<td>NORRIS</td>
<td>RD</td>
<td>ASBESTOS CEMENT</td>
<td>6.00</td>
<td>1960</td>
<td>17,910</td>
<td>7/16/2018</td>
<td>7/16/2018</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>WALNUT CREEK</td>
<td>OAKVALE</td>
<td>RD</td>
<td>CAST IRON</td>
<td>12.00</td>
<td>1953</td>
<td>23,040</td>
<td>7/3/2018</td>
<td>7/10/2018</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** 875,520
# Customer Account Delinquency Information

## July 2018

(Data collection began September 1, 2017)

### CUSTOMER ASSIST, PROGRAM (CAP) ENROLLMENT

<table>
<thead>
<tr>
<th></th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>New CAP Participants</td>
<td>182</td>
<td>191</td>
<td>179</td>
<td>180</td>
<td>1,762</td>
</tr>
<tr>
<td>CAP Renewals</td>
<td>149</td>
<td>149</td>
<td>157</td>
<td>144</td>
<td>1,619</td>
</tr>
<tr>
<td>CAP Departures</td>
<td>116</td>
<td>119</td>
<td>117</td>
<td>129</td>
<td>1,240</td>
</tr>
<tr>
<td>Total Active CAP Participants w/Active Accounts</td>
<td>6,362</td>
<td>6,442</td>
<td>6,477</td>
<td>6,613</td>
<td></td>
</tr>
</tbody>
</table>

### PAYMENT PLANS

<table>
<thead>
<tr>
<th></th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment Plans Established After Shut-off</td>
<td>0</td>
<td>16</td>
<td>16</td>
<td>9</td>
<td>683</td>
</tr>
<tr>
<td>Approved Payment Plans</td>
<td>5,422</td>
<td>5,093</td>
<td>4,531</td>
<td>5,221</td>
<td>37,115</td>
</tr>
</tbody>
</table>

### SHUT-OFFS - RESIDENTIAL

<table>
<thead>
<tr>
<th></th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-day Final Collection Notices</td>
<td>16,283</td>
<td>15,178</td>
<td>15,458</td>
<td>15,699</td>
<td>172,898</td>
</tr>
<tr>
<td>48-hr Shut-off Notices</td>
<td>7,866</td>
<td>8,189</td>
<td>7,436</td>
<td>8,641</td>
<td>89,475</td>
</tr>
<tr>
<td>Shut-off Orders Created</td>
<td>2,229</td>
<td>2,784</td>
<td>2,028</td>
<td>2,575</td>
<td>28,825</td>
</tr>
<tr>
<td>Shut-offs Completed (Actual)</td>
<td>806</td>
<td>878</td>
<td>600</td>
<td>346</td>
<td>8,616</td>
</tr>
<tr>
<td>CAP Enrolled Shut-offs</td>
<td>34</td>
<td>40</td>
<td>22</td>
<td>17</td>
<td>366</td>
</tr>
</tbody>
</table>

### WATER THEFT

<table>
<thead>
<tr>
<th></th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Incidents</td>
<td>10</td>
<td>11</td>
<td>9</td>
<td>5</td>
<td>101</td>
</tr>
<tr>
<td>No. of 2nd or 3rd Occurrences</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>No. Water Theft Penalties Issued</td>
<td>13</td>
<td>10</td>
<td>6</td>
<td>2</td>
<td>72</td>
</tr>
<tr>
<td>No. of Appeals Received</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>No. of 1st Appeals Approved</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>No. of 1st Appeals Denied</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>

### Multi-Family Liens

<table>
<thead>
<tr>
<th></th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liens Filed</td>
<td>16</td>
<td>307</td>
<td>158</td>
<td>0</td>
<td>1,539</td>
</tr>
<tr>
<td>Released</td>
<td>51</td>
<td>28</td>
<td>55</td>
<td>46</td>
<td>491</td>
</tr>
<tr>
<td>Transferred to Alameda Cty.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,356</td>
</tr>
<tr>
<td>Transferred to Contra Costa Cty.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>147</td>
</tr>
<tr>
<td>Total/Month</td>
<td>67</td>
<td>335</td>
<td>213</td>
<td>46</td>
<td>3,524</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Write-off % to Billed Revenue</td>
<td>0.34%</td>
<td>0.41%</td>
<td>0.30%</td>
<td>TBD*</td>
<td>TBD*</td>
</tr>
</tbody>
</table>

### BAD DEBT - WRITE-OFFS

<table>
<thead>
<tr>
<th></th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Referred to Collection Agency</td>
<td>$133,542</td>
<td>$173,939</td>
<td>$146,516</td>
<td>TBD*</td>
<td>$1,624,518</td>
</tr>
</tbody>
</table>

*Information not available until the 20th of the month and will lag one month

**Updated June CAP Renewals and New CAP Participants**

**July CAP Renewals and New CAP Participants is incomplete by the last few days of July**

* Field Services has updated the information displayed

### Water Theft Type/City

<table>
<thead>
<tr>
<th>Water Theft Type/City</th>
<th>Alameda</th>
<th>Albany</th>
<th>Berkeley</th>
<th>Darwin</th>
<th>Hayward</th>
<th>Oakland</th>
<th>Pinole</th>
<th>Richmond</th>
<th>Rodeo</th>
<th>San Leandro</th>
<th>San Pablo</th>
<th>San Ramon</th>
<th>Total as of 8/1/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meter</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>70</td>
<td>1</td>
<td>16</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>101</td>
</tr>
<tr>
<td>Illegal Connection</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>Hydrant</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>71</td>
<td>1</td>
<td>16</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>101</td>
</tr>
</tbody>
</table>

As of 8/2/2018
DATE: August 9, 2018
MEMO TO: Board of Directors
THROUGH: Alexander R. Coate, General Manager
FROM: Rischa S. Cole, Secretary of the District
SUBJECT: Finance/Administration Committee Minutes – July 24, 2018

Chair William B. Patterson called to order the Finance/Administration Committee meeting at 9:04 a.m. in the Training Resource Center. Directors John A. Coleman and Frank Mellon were present at roll call. Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Internal Auditor Supervisor Barry N. Gardin, Special Assistant to the General Manager Alison A. Kastama, and Secretary of the District Rischa S. Cole.

**Public Comment.** None.

**Quarterly Financial Reports.** Director of Finance Sophia D. Skoda filed the reports for payroll, disbursements and a summary of real estate services for the Water and Wastewater Systems and investment transactions for the period ending June 30, 2018. The reports were filed in compliance with government statutes. The Committee raised no questions. It was moved by Director Mellon, seconded by Director Coleman and unanimously carried (3-0) to accept the reports.

**Monthly Investment Transactions Report.** Director of Finance Sophia D. Skoda filed the report for June 2018. The Committee raised no questions. It was moved by Director Mellon, seconded by Director Coleman and unanimously carried (3-0) to forward the report to the Board for consideration.

**Annual Internal Audit Report.** Internal Auditor Supervisor Barry N. Gardin submitted the annual report which included the proposed Fiscal Year 2019 (FY19) Internal Audit Plan. The Committee raised no questions. It was moved by Director Mellon, seconded by Director Coleman and unanimously carried (3-0) to accept the annual report and the FY19 Internal Audit Plan.

**Adjournment.** Chair Patterson adjourned the meeting at 9:05 a.m.

ARC/RSC

W:\Board of Directors - Meeting Related Docs\Minutes\Minutes 2018\Finance Ctte\072418Finance_minutes.docx