Notice of Time Change

BOARD OF DIRECTORS
CLOSED SESSION MEETING
10:30 a.m.
Tuesday, January 9, 2018

Notice is hereby given that on Tuesday, January 9, 2018 the Closed Session Meeting of the Board of Directors has been rescheduled from 11:00 a.m. to 10:30 a.m. The meeting will be held in the Board Room of the Administration Building, 375 - 11th Street, Oakland, California.

Dated: January 4, 2018

Rischa S. Cole
Secretary of the District
AGENDA
Tuesday, January 9, 2018

REGULAR CLOSED SESSION
10:30 a.m., Board Room

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.

BROWN ACT BRIEFING:

• Presentation of the Brown Act and the Ethics Policy of the EBMUD Board of Directors

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Threat to public services or facilities pursuant to Government Code section 54957: Conference with Clifford Chan, Acting Director of Operations and Maintenance; and Michael R. Ambrose, Manager Regulatory Compliance.

2. Existing litigation pursuant to Government Code section 54956.9(d)(1):
   a. Gilbert Loredo v. East Bay Municipal Utility District
      WCAB No.: ADJ9547680

3. Conference with Labor Negotiator Glenn Berkheimer from the Industrial Employers Distributors Association; Alexander R. Coate, General Manager; Sophia D. Skoda, Director of Finance; and Laura A. Brunson, Manager of Human Resources, pursuant to Government Code section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.

4. Personnel exception pursuant to Government Code section 54957 to consider 2017 public employee evaluations: General Manager and General Counsel.

5. Conference with Board designated representatives Lesa McIntosh, William B. Patterson and Frank Mellon regarding employment contracts of the General Manager and the General Counsel pursuant to Government Code section 54957.6.

(The Board will hold Closed Session in Conference Room 8)
ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance
- Election of Officers
- 2018 Board Committee Assignment Preferences

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 9 recommendations, including 1 resolution.)


2. File correspondence with the Board.

3. Award a contract to the lowest responsive/responsible bidder, Kiewit Infrastructure West Co., in the amount of $890,000 for construction of San Pablo Tunnel East Access Shaft Improvements under Specification 2118.

4. Award a contract to the lowest responsive/responsible bidder, San Francisco Elevator Services, Inc., in the amount of $2,470,000 for construction of Administration Building Elevators Upgrade Phases 1 and 2 under Specification 2122A.

5. Authorize an agreement beginning on or after January 9, 2018 with Hazen and Sawyer, DPC, in an amount not to exceed $1,050,473 to prepare the 2050 Demand Study.

6. Authorize an agreement beginning on or after January 9, 2018 with Innovyze, Inc., in an amount not to exceed $144,000 for six SCADAWatch™ Suite Software licenses, software installation, configuration, implementation, on-site training, and software maintenance and support for the Enterprise Hydraulic Modeling Project.

7. Authorize an amendment to Board Motion No. 015-14 to include Comcast Business Communications, LLC, as an additional provider of data services under the State of California CALNET-3 agreement and increase the annual cost by $70,000. The additional $70,000 will increase the annual estimated cost for data and voice services to $1,470,000.

8. Approve a seventh and final amendment to the lease agreement between Viridis Fuels, LLC (Viridis) and the District for a portion of the West End Property adjacent to the District’s Main Wastewater Treatment Plant, which allows Viridis to defer the accumulated monthly “Additional Value” payment of $260,000 until June 1, 2018.
CONSENT CALENDAR: (Continued)

9. Authorize a 20-year lease agreement with the City of San Leandro for Chabot Park, a total of 9.2 acres located at Estudillo Avenue and Sylvan Circle in San Leandro. (Resolution)

DETERMINATION AND DISCUSSION:

10. Review the May 26, 2015 Board-adopted policy position opposing the imposition of any statewide retail water user fees.

11. Legislative Update:
   - Federal Legislative Initiatives for 2018
   - Update on Legislative Issues of Interest to EBMUD

12. General Manager’s Report:
   - Water Supply Update
   - Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreements with General Manager and General Counsel Based on 2017 Performance Evaluations
   - 2017 Interdepartmental Committees Annual Reports
   - Monthly Report – December 2017

REPORTS AND DIRECTOR COMMENTS:

13. Committee Reports:
   - Planning
   - Legislative/Human Resources
   - Sustainability/Energy

14. Other Items for Future Consideration.

15. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, January 23, 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.
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<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
<th>Time/Location</th>
<th>Topics</th>
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</thead>
<tbody>
<tr>
<td>Tuesday, January 9</td>
<td>Planning Committee</td>
<td>8:00 a.m.</td>
<td>- Wet Weather Consent Decree Implementation Update</td>
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<td></td>
<td>Mellon (Chair), Linney, Young</td>
<td>Training Resource Center</td>
<td>- Leland Reservoir Replacement Project Update and Announcement of the Availability of the Draft Environmental Impact Report</td>
</tr>
<tr>
<td></td>
<td>Legislative/Human Resources Committee</td>
<td>8:30 a.m.</td>
<td>- Review May 26, 2015 Policy Position Opposing Statewide Retail Water User Fees</td>
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<tr>
<td></td>
<td>Coleman (Chair), Patterson, Young</td>
<td>Training Resource Center</td>
<td>- Federal Legislative Initiatives for 2018</td>
</tr>
<tr>
<td></td>
<td>Sustainability/Energy Committee</td>
<td>9:00 a.m.</td>
<td>- Legislative Update</td>
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<tr>
<td></td>
<td>Young (Chair), Katz, Linney</td>
<td>Training Resource Center</td>
<td>- Renewable Energy Update</td>
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<tr>
<td></td>
<td>Board of Directors</td>
<td>10:30 a.m. 1:15 p.m.</td>
<td>- Integrated Pest Management Program Update</td>
</tr>
<tr>
<td>Monday, January 15</td>
<td>Martin Luther King Jr. Holiday</td>
<td>Distinct Offices Closed</td>
<td>- Closed Session</td>
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<td></td>
<td></td>
<td></td>
<td>- Regular Meeting</td>
</tr>
<tr>
<td>Tuesday, January 23</td>
<td>Finance/Administration Committee</td>
<td>8:00 a.m.</td>
<td>- Closed Session</td>
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<tr>
<td></td>
<td>Financial Stability Workshop #2</td>
<td>Training Resource Center</td>
<td>- Regular Meeting</td>
</tr>
<tr>
<td></td>
<td>Board of Directors</td>
<td>11:00 a.m. 1:15 p.m.</td>
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<tr>
<td>Tuesday, February 13</td>
<td>Planning Committee</td>
<td>9:15 a.m.</td>
<td>- Closed Session</td>
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<tr>
<td></td>
<td>Legislative/Human Resources Committee</td>
<td>10:15 a.m.</td>
<td>- Regular Meeting</td>
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<td></td>
<td>Board of Directors</td>
<td>11:00 a.m. 1:15 p.m.</td>
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</table>
MINUTES

Tuesday, December 12, 2017

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

Regular Closed Session Meeting

Vice-President William B. Patterson 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, Doug Linney, Frank Mellon, William B. Patterson, Marguerite Young and President Lesa R. McIntosh (via teleconference) were present at roll call. Director Andy Katz arrived at 11:13 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer (Item 1a), Assistant General Counsel Fred S. Etheridge (Item 2), Director of Water and Natural Resources Richard G. Sykes (Item 2), Attorney Derek T. McDonald (Item 3), Director of Engineering and Construction Xavier J. Irias (Item 3), Attorney Lourdes Matthew (Item 4), Director of Finance Sophia D. Skoda (Item 4), Manager of Human Resources Laura A. Brunson (Item 4), and Industrial Employers Distributors Association representatives Glenn Berkheimer, Bruce Heid and Gregory Ramirez (Item 4). Item 5 was discussed by Ad hoc Committee members Frank Mellon, Lesa R. McIntosh, and William B. Patterson.

PUBLIC COMMENT

Addressing the Board were the following: 1) Gilbert Loredo, EBMUD Plumber III, commented on equity adjustments for the Plumber III classification; 2) John Briceno, President, AFSCME Local 444, requested the Board to direct its representatives and staff to review and provide written responses to each Local 444 counter equity proposal and to authorize the Human Resources Department to use outside vendors to perform Local 444 classification studies; 3) John C. Hayden, 1st Vice-President, IFPTE Local 21, commented on the pace of negotiations; 4) Juan Valencia, EBMUD Gardener II, commented on staffing levels and equity adjustments for the Gardener II classification; 5) Randy Hernandez, EBMUD Plant Maintenance Mechanic, commented on equity adjustments for the Plant Maintenance Mechanic classification; 6) Pat Virgin, EBMUD Plant Maintenance Mechanic, commented on staffing levels and equity adjustments for the Plant Maintenance Mechanic classification; 7) Jeffrey McCune, EBMUD Pipeline Welder III, commented on equity adjustments for the Pipeline Welder III classification; 8) Ruben Rodriguez, 1st Vice-President, AFSCME Local 444, commented on negotiations; 9) Jae Park, AFSCME Local 2019 Negotiation Team Member, commented on the contracting out request for design work for the Orinda Water Treatment Plant Ultra Violet Chlorine Disinfection Improvements project; and 10) Mark Foley, President, AFSCME Local 2019, commented on the contracting out for design work for the Orinda Water Treatment Plant Ultra Violet Chlorine Disinfection Improvements project and expressed support for Local 444’s equity proposals.
Regular Business Meeting of  
December 12, 2017  
Page 2 of 7

**ANNOUNCEMENT OF CLOSED SESSION AGENDA**

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

**Regular Business Meeting**

Director John A. Coleman called to order the Regular Business Meeting of the Board of Directors at 1:35 p.m. in the Administration Center Board Room.

**ROLL CALL**

Directors John A. Coleman, Andy Katz, Doug Linney, Frank Mellon, Marguerite Young and President Lesa R. McIntosh (via teleconference) were present at roll call. Vice-President William B. Patterson arrived at 1:36 p.m. Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer and Secretary of the District Rischa S. Cole.

**BOARD OF DIRECTORS**

Director Coleman led the Pledge of Allegiance.

**ANNOUNCEMENTS FROM CLOSED SESSION**

To correct an oversight from the November 28, 2017 closed session meeting, the Board in closed session on November 28, by a unanimous vote of the Directors attending, authorized the General Counsel to initiate litigation in one matter. The action, defendants, and other particulars will be disclosed, upon inquiry, once the action is formally commenced.

The Board, in closed session this morning, by a unanimous vote of the Directors attending, authorized the General Counsel to initiate litigation in one matter. The action, defendants, and other particulars will be disclosed, upon inquiry, once the action is formally commenced.

There were no other announcements required from closed session.

**PUBLIC COMMENT**

- Addressing the Board were the following: 1) Mark Foley, President, AFSCME Local 2019, provided a brief presentation and commented on negotiations; 2) Syed A. Rahman, EBMUD Network Analyst II, commented on the pace of negotiations; 3) Gary Lin, EBMUD Associate Civil Engineer, commented on his employment and salary scale at the District; 4) Jae Park, AFSCME Local 2019 Negotiation Team Member, commented on wage package ceilings and negotiations; 5) Jay Morgan, AFSCME Local 2019, commented on negotiations and equity adjustment requests for the Electrical Engineer classification; 6) George Cleveland, 1st Vice-President, AFSCME Local 2019, commented on negotiations and requested an increase to the transit subsidy; 7) Ron Holman, EBMUD Chief of Party, requested an increase to the transit subsidy; 8) Sean Lyons, EBMUD Maintenance Machinist, commented on equity adjustment requests for the Maintenance Machinist and Electrical Engineer classifications; and 9) Robert Lopez, EBMUD Plumber IV, commented on the pace of negotiations.
CONSENT CALENDAR

- Motion by Director Mellon, seconded by Director Coleman, to approve the recommended actions for Items 1-10 on the Consent Calendar, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, Mellon, McIntosh, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 193-17** – Approved the Special and Regular Meeting Minutes of November 28, 2017.

2. The following correspondence was filed with the Board: 1) Speakers’ Bureau and Outreach Record CY17 dated December 11, 2017; 2) Written comments submitted by Gilbert Loredo regarding equity adjustments for the Water Distribution Plumber classification; and 3) Memorandum dated November 30, 2017 to Board of Directors, from Xavier J. Irias, Director of Engineering and Construction, regarding Local 2019 Concerns Regarding Inline WTP Study and Design for the Orinda WTP Disinfection Project.

3. **Motion No. 194-17** – Awarded a contract to the lowest responsive/responsible bidder Core and Main in an amount, after the addition of taxes, not to exceed $463,863 for supplying 22,000 feet of ductile iron pipe and fittings for the Humboldt Avenue Pipeline Replacement Project beginning on or after December 13, 2017 under Request for Quotation No. 1806.

4. **Motion No. 195-17** – Awarded a contract to the lowest responsive/responsible bidder Sterling Computers in an amount, after the addition of taxes, not to exceed $670,000 for supplying Dell 2-in-1 computers to the District for a one-time purchase, beginning on or after December 13, 2017.

5. **Motion No. 196-17** – Authorized a direct award contract beginning on or after December 13, 2017 with Galindo Construction Company, Inc. in an amount not to exceed $200,000 annually for debris removal in Pardee Reservoir for three years with two options to renew for an additional one-year period for a total cost of $1,000,000.

6. **Motion No. 197-17** – Authorized an agreement beginning on or after December 12, 2017 with Sensus USA, Inc. in an amount not to exceed $1,981,975 for Advanced Metering Infrastructure (AMI) meters, AMI collector construction, and services related to the AMI Water and Energy Study.

7. **Motion No. 198-17** – Authorized an agreement beginning on or after December 12, 2017 with Stantec Consulting Services, Inc., successor following merger with MWH Americas, Inc., in an amount not to exceed $4,389,849 for design services for the Water Treatment Plant Chemical Systems Safety Improvements Project.

8. **Motion No. 199-17** – Authorized the General Manager to enter into an agreement with the Dublin San Ramon Services District (DSRSD) - East Bay Municipal Utility District Recycled Water Authority (DERWA), DSRSD, and City of Pleasanton for the allocation of state and federal funding of the DERWA Phase 2 Recycled Water Treatment Plant Expansion Project.
9. **Resolution No. 35069-17** – Amend The East Bay Municipal Utility District Participation Agreement With The California State Disability Insurance Program To Include Management, Confidential And Unrepresented Employees.

- Director Mellon asked if Board members are eligible to participate in the California State Disability Insurance Program. Staff will check and provide an information memo to the Board.

10. **Resolution No. 35070-17** – Amend Position Resolution No. 35052-17 Authorizing The Number And Character Of Positions And Authorizing The General Manager To Take Action In Connection Therewith.

**DETERMINATION AND DISCUSSION**

11. **Consider, approve, or reject a request from Viridis Fuels, LLC to further defer payment of the previously deferred Additional Value payment in the amount of $260,000 until June 1, 2018.**

- Addressing the Board was Kathy Neal, Chief Executive Officer for Viridis Fuels, who commented on the status of permits from the Port of Oakland and the Bay Area Air Quality Management District and funding from the California Air Resources Board for Viridis’ biodiesel production facility project.

   The Board asked questions about the timing for the project’s permitting approval process and discussed the merits of the three alternatives presented in the staff report to: 1) reject the request to defer payments; 2) accept the request to defer payments; or 3) accept the request to defer payments and declare that the Board will consider no future deferrals.

   - **Motion by Director Coleman to approve alternative #3 in the staff report.**

     Vice-President Patterson offered an amendment to the motion to include additional language stating that the Board will also not consider further requests for lease amendments for the project. Director Coleman supported the amendment.

   - **Motion by Director Coleman, seconded by Director Linney, to approve amended alternative #3 for Item 11, carried (6-1) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Patterson, and Young); NOES (Mellon); ABSTAIN (None); ABSENT (None).**

     **Motion No. 200-17** – Approved a request from Viridis Fuels, LLC to further defer payment of the previously deferred Additional Value payment in the amount of $260,000 until June 1, 2018. In approving this request, the Board voted that it will not consider further requests for deferrals or lease amendments.
12. **Legislative Update.**

Legislative/Human Resources Committee Chair John A. Coleman reported that the Committee met this morning and approved the staff recommendations. He announced that in 2018, in regards to legislative proposal #1, the Committee will review the District’s policy position on the imposition of statewide retail water user fees or a public goods charge and provide an update to the Board.

Manager of Legislative Affairs Marlaigne K. Dumaine highlighted the three state legislative initiatives for 2018 and provided updates on state and federal legislative activities.

- Motion by Director Coleman, seconded by Director Patterson, to approve the following state legislative initiatives for the 2018 legislative year with amendments, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 201-17** – Approved the following state legislative initiatives for the 2018 Legislative Year with amendments:

<table>
<thead>
<tr>
<th>LEGISLATIVE PROPOSAL</th>
<th>2018 RECOMMENDATIONS</th>
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| 1. Advance EBMUD’s interests as the administration and the legislature consider the development of a statewide low-income water rate assistance program | **Proceed** – The State Water Resources Control Board (SWRCB) is required to report to the legislature in early 2018 on its recommendations for a low-income water-rate assistance program, including recommendations for any legislative action that may be needed. EBMUD staff has been engaged in the SWRCB process to date and understand it is likely that the final report will contain recommendations for legislative action.

   1. Staff will continue to engage with the SWRCB as it works to finalize its report.

   2. Staff will bring all relevant legislative proposals on this issue to the Board for discussion and consideration. |
| 2. Continue to support the advancement of long-term water-use efficiency/drought planning legislation and work to retain EBMUD secured amendments. | **Proceed** – The legislature will continue the deliberation of long-term water-use efficiency/drought planning legislation to implement the administration’s framework to make water conservation a way of life. EBMUD worked closely with the administration, legislative leadership, and legislative staff throughout 2017 and secured amendments on key issues including water rights, balancing legislative and regulatory authority, State Water Resources Control Board enforcement authority, and Urban Water Management Plan/Water Shortage Contingency Plan requirements. These amendments are reflected in the two remaining policy vehicles that are before the legislature, AB 1668 (Friedman) and SB 606 (Skinner).

   1. Staff will continue to take a lead support role in assisting the bills’ authors, one of whom is a member of EBMUD’s delegation, and the administration to advance AB 1668 and SB 606.

   2. Staff will continue to work closely with the legislature and administration to retain the amendments secured to date in the policy bills and, if necessary, any budget trailer bills. |
LEGISLATIVE PROPOSAL | 2018 RECOMMENDATIONS
---|---
3. Protect EBMUD’s interests in any efforts to update the Local Agency Formation Commission (LAFCO) process for annexations. | Proceed – The legislature will likely discuss updating the LAFCO annexations process to allow LAFCO’s to agendize annexation applications as information items. Similar efforts in 2017 would have also diminished a special district’s ability to object to an annexation by changing the trigger for the time period for special districts to object to annexations.

1. Staff will continue to work to advance EBMUD’s interests, including protection of its rights and abilities to object to annexations, in any efforts to update the LAFCO noticing process for annexations.

13. **General Manager’s Report.**

General Manager Alexander R. Coate announced that the November 2017 Monthly Report and Speakers’ Bureau and Outreach Record CY17 document was at Board places. He asked the Board to review the Speakers’ Bureau document and provide updates to staff if needed. In conclusion, he reminded the Board of the retirement event for Director of Operations and Maintenance Michael J. Wallis immediately following the Board meeting. Board members expressed their appreciation and thanked Mr. Wallis for his years of service to the District.

**REPORTS AND DIRECTOR COMMENTS**

14. **Committee Reports.**

None.

15. **Other Items for Future Consideration.**

None.

16. **Director Comments.**

- Director Coleman reported attending/participating in the following events: ACWA Conference November 28-30 in Anaheim; ACWA Executive Committee teleconference on December 11 in Oakland; and Lafayette City Council meeting on December 11 in Lafayette. He reported on plans to attend/participate in the following upcoming events: Retirement event for Gayle Vassar on December 14 in Walnut Creek; ACWA Executive Committee teleconference on December 18 in Oakland; ACWA Executive Director’s 2017 Performance Evaluation on December 19 in Sacramento; and EBMUD holiday event on December 21 in Oakland.

- Director Katz had no report.

- Director Linney had no report.
- Director Mellon reported attending the ACWA Conference November 28-December 1 in Anaheim and the Northern California Carpenters Council Moose Feed Luncheon on December 8 in San Francisco.

- Director Patterson had no report.

- Director Young had no report.

- President McIntosh had no report.

**ADJOURNMENT**

Vice-President Patterson adjourned the meeting at 2:52 p.m. in honor of San Francisco Mayor Ed Lee and the fire victims in Northern and Southern California.

SUBMITTED BY:

__________________________
Rischa S. Cole, Secretary of the District

APPROVED: January 9, 2018

__________________________
Lesa R. McIntosh, President of the Board
MINUTES

Friday, December 29, 2017

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

Special Meeting

President Lesa R. McIntosh called to order the Special Meeting of the Board of Directors at 11:00 a.m. in the Board Room. The Board met for a special closed session meeting to conference with labor negotiators from the Industrial Employers Distributors Association and EBMUD management representatives pursuant to Government Code section 54957.6.

ROLL CALL

Directors John A. Coleman (via teleconference), Frank Mellon, William B. Patterson, Marguerite Young and President McIntosh were present at roll call. Director Andy Katz arrived in Conference Room 8 at 11:10 a.m. and Director Doug Linney was absent (excused).

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

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Lesa R. McIntosh announced that the Board will meet in closed session to conference with Labor Negotiators Gregory Ramirez, Glenn Berkheimer and Bruce Heid from the Industrial Employers Distributors Association; Alexander R. Coate, General Manager; Sophia D. Skoda, Director of Finance; and Laura A. Brunson, Manager of Human Resources, pursuant to Government Code section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21. The Board convened to Conference Room 8 for discussion.

The Board completed its special closed session meeting and convened in open session in the Board Room at 12:13 p.m. There were no items to report out from the special closed session meeting. The Board will adjourn until its next regularly scheduled meeting on January 9, 2018.
ADJOURNMENT

President McIntosh adjourned the Special Meeting at 12:14 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: January 9, 2018

Lesa R. McIntosh, President of the Board

W:\Minutes\Minutes 2017\122917_Special Meeting_Closed Session.doc
AGENDA NO. 3.
MEETING DATE January 9, 2018

TITLE SAN PABLO TUNNEL EAST ACCESS SHAFT IMPROVEMENTS

☐ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Kiewit Infrastructure West Co., in the amount of $890,000 for construction of San Pablo Tunnel East Access Shaft Improvements under Specification 2118.

SUMMARY

Work includes furnishing and installing approximately 35 feet of 42-inch cement mortar lined pipe, installing a District-furnished 42-inch metal-seated knife gate isolation valve, performing East Access Shaft structural improvements, installing a ladder, and performing related required work at the San Pablo Outlet Tower.

DISCUSSION

The San Pablo Tunnel supplies raw water to the San Pablo Water Treatment Plant (WTP) from an outlet tower constructed in 1918, located on the west side of the San Pablo Reservoir. The tunnel can also be used to supply raw water to the distribution system in the event of an emergency. A 2005 seismic performance study of the District's San Pablo Outlet Tower concluded that it could suffer significant damage during a major earthquake on the Hayward Fault and that the retrofit expense would range from approximately $2.5 to $3.5 million (not escalated to 2017). The tower failure could result in an uncontrolled release of water from San Pablo Reservoir, potentially inundating downstream facilities and residential areas in Kensington and El Cerrito.

The District determined that the retrofit expense is unwarranted because the tower is not used during normal operation. The San Pablo Outlet Tower, San Pablo Tunnel, and the San Pablo WTP have been used twice since 1995, for the Claremont Tunnel Seismic Improvement Project in 2006 and the Orinda Water Treatment Plant retrofit during the winter of 2016/2017. A more cost effective approach to prevent inundation is to install the 42-inch isolation valve at the East Access Shaft, located approximately 240 feet downstream from the tower. The valve will allow an emergency shutoff of the tunnel if the outlet tower were to fail. If needed in future operational or emergency situations, this valve will also allow controlled release of water from the reservoir through the San Pablo Tunnel to the San

Funds Available: FY18-19; CIP #1000810 Page 36
Budget Code: WSC/5347999/2009114:25

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<th>DEPARTMENT MANAGER or DIRECTOR</th>
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<tr>
<td>Engineering and Construction</td>
<td>Xavier J. Irias</td>
<td>General Manager</td>
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Contact the Office of the District Secretary with questions about completing or submitting this form.
San Pablo Tunnel East Access Shaft Improvements  
January 9, 2018  
Page 2  

Pablo WTP. This project supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

BID RESULTS

Bid documents were issued to 26 resource organizations and 18 prospective bidders. Five bids were received, ranging from $890,000 to $1,442,000. The bid summary is attached. The engineer’s estimate for this work is $815,000.

The lowest responsive/responsible bidder, Kiewit Infrastructure West Co., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. Kiewit Infrastructure West Co. and its listed subcontractors are properly registered with the State DIR. In the past five years, Kiewit Infrastructure West Co. 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 the Raw Water Studies and Improvements Project.

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 this contract on February 26, 2016 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 July 27, 2016.

ALTERNATIVES

Perform the work with District forces. This alternative is not recommended because District staff does not have the experience installing valves and pipes in tunnels or constructing improvements over water.

Do not perform the work. This alternative is not recommended because the San Pablo Outlet Tower has not been seismically retrofitted. Installation of the new isolation valve will prevent an uncontrolled release through the San Pablo Tunnel if the outlet tower were to fail.
Attachments

Location Map
Bid Summary
Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)
# EAST BAY MUNICIPAL UTILITY DISTRICT
## SPECIFICATION 2118
### SAN PABLO TUNNEL EAST ACCESS SHAFT IMPROVEMENTS
#### BidsOpened November 29, 2017

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL AMOUNT BID</th>
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<tr>
<td>Kiewit Infrastructure West Co. 4650 Business Center Dr. Fairfield, CA 94534 (707) 439-7300</td>
<td>$890,000</td>
</tr>
<tr>
<td>Anvil Builders Inc. (SBE/DVBE) 1475 Donner Ave., 2nd Flr. San Francisco, CA 94124 (415) 285-5000</td>
<td>$1,133,550 / $1,089,050*</td>
</tr>
<tr>
<td>Valentine Corporation 111 Pelican Wy. San Rafael, CA 94901 (415) 453-3732</td>
<td>$1,179,369</td>
</tr>
<tr>
<td>DMZ Builders (SBE/DVBE) 4070 Nelson Ave., Ste. A Concord, CA 94520 (925) 826-5387</td>
<td>$1,315,000 / $1,270,500*</td>
</tr>
<tr>
<td>Harrison Western Construction Corporation dba HW Construction Corporation 1208 Quail St. Lakewood, CO 80215 (303) 234-0273 ext. 237</td>
<td>$1,442,000</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:** $815,000
**CONTRACT EQUITY PROGRAM SUMMARY (P-035)**

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

**SPECIFICATION NO.:** 2118  
San Pablo Tunnel East Access Shaft Improvements  
**DATE:** December 7, 2017

**CONTRACTOR:** Kiewit Infrastructure West Co.  
Fairfield, CA 94534

**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>White Men</td>
<td>25%</td>
</tr>
<tr>
<td>White Women</td>
<td></td>
<td>9%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Ethnic Minorities</td>
<td></td>
<td>25%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

**BID/PROPOSER'S PRICE:** $890,000  
White Men  
Ethnic Minorities

**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></td>
<td></td>
<td>M</td>
<td>W</td>
<td>White-Men</td>
</tr>
<tr>
<td>PRIME:</td>
<td></td>
<td></td>
<td></td>
<td>80.8%</td>
</tr>
<tr>
<td>Kiewit Infrastructure West Co.</td>
<td>$719,287</td>
<td>White</td>
<td>X</td>
<td>80.8%</td>
</tr>
<tr>
<td>SUBS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRS Marine</td>
<td>$97,600</td>
<td>White</td>
<td>X</td>
<td>80.8%</td>
</tr>
<tr>
<td>Jifco, Inc.</td>
<td>$73,113</td>
<td>White</td>
<td>X</td>
<td>80.8%</td>
</tr>
</tbody>
</table>

**TOTAL**  
$890,000  
100.0%  
0.0%  
0.0%  
0.0%  
0.0%  
0.0%

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

<table>
<thead>
<tr>
<th></th>
<th>White Men</th>
<th>White Women</th>
<th>Ethnic Minorities</th>
<th>Total Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Employees:</td>
<td>120</td>
<td>8</td>
<td>63</td>
<td>191</td>
</tr>
<tr>
<td>Percent of Total Employees:</td>
<td>62.8%</td>
<td>4.2%</td>
<td>33.0%</td>
<td></td>
</tr>
<tr>
<td>MSA Labor Market %:</td>
<td>28.0%</td>
<td>23.6%</td>
<td>48.4%</td>
<td></td>
</tr>
<tr>
<td>MSA Labor Market Location:</td>
<td>California</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**COMMENTS**

Contract Equity Participation - 100% White Men participation.

<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>YES</td>
<td></td>
</tr>
</tbody>
</table>

(P-035 - 7/11)  
Page: 1 of 1  
3892_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: San Pablo Tunnel East Access Shaft Improvements</th>
<th>Ethnic Minority Percentages From U.S. Census Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spec. No.: 12/7/2017</td>
<td>National 10.5 10.7 3.7 0.7 27.3</td>
</tr>
<tr>
<td></td>
<td>9 Bay Area Counties 5.5 18.2 14.2 0.4 39.9</td>
</tr>
<tr>
<td></td>
<td>Alameda/CC Counties 10.7 15.6 15.4 0.5 46.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Composition of Ownership</th>
<th>Number of Ethnic Minority Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP WM</td>
<td>Company Wide</td>
</tr>
<tr>
<td>Kiewit Infrastructure W. Co.</td>
<td>Manager/Prof</td>
</tr>
<tr>
<td>Neal Murphy</td>
<td>Technical/Sales</td>
</tr>
<tr>
<td>4650 Business Center Dr.</td>
<td>Clerical/Skilled</td>
</tr>
<tr>
<td>Fairfield, CA 94534</td>
<td>Semi/Unskilled</td>
</tr>
<tr>
<td>Bay Area</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S WM</th>
<th>Company Wide</th>
<th>Co. Wide MSA:</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>DRS Marine, Inc.</td>
<td>Manager/Prof</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>25.0%</td>
<td>47.6%</td>
<td></td>
</tr>
<tr>
<td>Richard Williams</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>
<td></td>
</tr>
<tr>
<td>525 Chestnut St.</td>
<td>Clerical/Skilled</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>8.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vallejo, CA 94590</td>
<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>
<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>
<td></td>
</tr>
</tbody>
</table>

| Jiffo, Inc.               | Manager/Prof | 0 | 7 | 2 | 0 | 9 | 56.3% |       |
| Jay Forni, Jr.            | Technical/Sales | 0 | 1 | 0 | 0 | 1 | 33.3% |       |
| 571 Exchange Ct.          | Clerical/Skilled | 0 | 32 | 0 | 0 | 32 | 88.9% |       |
| Livermore, CA 94550       | Semi/Unskilled | 0 | 0 | 0 | 0 | 0 | 0.0%  |       |
| Bay Area                  | 0 | 40 | 2 | 0 | 42 | 76.4% |       |

<table>
<thead>
<tr>
<th>P WM</th>
<th>Company Wide</th>
<th>Co. Wide MSA:</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>Anvil Builders Inc.</td>
<td>Manager/Prof</td>
<td>0</td>
<td>18</td>
<td>1</td>
<td>0</td>
<td>19</td>
<td>52.8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitesh Mehta</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>
<td></td>
</tr>
<tr>
<td>1475 Donner Avenue</td>
<td>Clerical/Skilled</td>
<td>1</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>58.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Francisco, CA 94124</td>
<td>Semi/Unskilled</td>
<td>17</td>
<td>92</td>
<td>5</td>
<td>0</td>
<td>114</td>
<td>90.5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td>18</td>
<td>116</td>
<td>6</td>
<td>0</td>
<td>140</td>
<td>80.5%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P WW: SBE</th>
<th>Company Wide</th>
<th>Co. Wide MSA:</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>Valentine Corporation</td>
<td>Manager/Prof</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>22.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maria Castillo</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>
<td></td>
</tr>
<tr>
<td>111 Pelican Way</td>
<td>Clerical/Skilled</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>35.7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Rafael, CA 9401</td>
<td>Semi/Unskilled</td>
<td>0</td>
<td>17</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td>63.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Area</td>
<td>0</td>
<td>23</td>
<td>1</td>
<td>0</td>
<td>24</td>
<td>48.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S</th>
<th>Co. Wide MSA:</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>9 Bay Area Counties</td>
<td>50</td>
<td>Bay Area: 50</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Page: 1 of 2  File: C - 3892_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: San Pablo Tunnel East Access Shaft Improvements</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Construction Agreement</th>
<th>DATE: 12/7/2017</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Composition of Ownership</th>
<th>Number of Ethnic Minority Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name, Owner/Contact Person, Address, and Phone Number</td>
<td>B</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>P</td>
<td>WM: L/SBE</td>
</tr>
<tr>
<td>DMZ Builders</td>
<td>Manager/Prof</td>
</tr>
<tr>
<td>Technical/Sales</td>
<td>0</td>
</tr>
<tr>
<td>Clerical/Skilled</td>
<td>2</td>
</tr>
<tr>
<td>Semi/Unskilled</td>
<td>0</td>
</tr>
<tr>
<td>Bay Area</td>
<td>1</td>
</tr>
<tr>
<td>925-826-5387</td>
<td>Co. Wide MSA: Bay Area: 33</td>
</tr>
<tr>
<td>P</td>
<td>WM</td>
</tr>
<tr>
<td>Harrison Western Construction Corporation Inc.</td>
<td>Manager/Prof</td>
</tr>
<tr>
<td>Yuridia Bustamante</td>
<td>Technical/Sales</td>
</tr>
<tr>
<td>1208 Quail Street</td>
<td>Clerical/Skilled</td>
</tr>
<tr>
<td>Lakewood, CO 80215</td>
<td>Semi/Unskilled</td>
</tr>
<tr>
<td>Bay Area</td>
<td>-</td>
</tr>
<tr>
<td>303-234-0273 ext. 257</td>
<td>Co. Wide MSA: Colorado</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)
行政机关建筑物电梯升级计划第1和2阶段

推荐行动

向最低响应/负责的投标商授予合同，San Francisco Elevator Services, Inc.在2,470,000美元的金额下，用于行政机关建筑物电梯升级计划第1和2阶段的建设。根据2122A的规范。

概要

工作包括控制和组件的现代化，以及对8部曳引电梯的维护和维修，在District's Administration Building at 375 11th Street in Oakland, California。

讨论

电梯在Administration Building中已安装26年，于建设期间安装。他们已保持维护，但已出现操作问题，由于其年龄，控件和其他系统功能已过时。电梯的现代化将提供新的控制和马达，以提高可靠性和能效，修改以满足当前的电梯规范和防火保护法规，电梯中的LED照明，以及安装摄像头的安装为后续的安全合同。为影响到居民的合同，允许在电梯大楼的每一台电梯上安装一个电梯，与车库的各个电梯银行，开始时电梯未工作，电梯的现代化包括对升级和现有电梯的维护在现代化期间。它也提供了三年的维护后，所有电梯升级后，电梯由加州电梯检验员和District接受。该项目支持District的长期基础设施投资战略计划目标。

投标结果

投标文件已发出给25家资源组织和6家潜在投标人。两份投标书接收，范围在2,470,000美元和3,228,908美元之间。投标概要已附上。工程师的估计为工作成本为2,525,000美元。

Funds Available: FY18-19; CIP #003033; Page 3
Budget Code: WSC/570/7999/2009826:25/5561

DEPARTMENT SUBMITTING: Engineering and Construction
DEPARTMENT MANAGER or DIRECTOR: Xavier J. Irias
APPROVED: [Signature]
General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.
On December 15, 2017, the District received Consolidated CM, Inc.'s letter protesting the low bid submitted by San Francisco Elevator Services, Inc. Consolidated CM, Inc. asserted that San Francisco Elevator Services, Inc. did not meet the experience requirements specified in the contract documents. The District reviewed and investigated the point raised in the protest and determined that San Francisco Elevator Services, Inc.'s bid met the requirements. Attached are copies of the bid protest letter dated December 14, 2017 and the District's response dated December 21, 2017.

The lowest responsive/responsible bidder, San Francisco Elevator Services, Inc., is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. San Francisco Elevator Services, Inc. and its listed subcontractors are properly registered with the State DIR. In the past five years, San Francisco Elevator Services, Inc. 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 the Administration Building Modifications.

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.

Environmental

A Notice of Exemption was posted with the Alameda County Clerk on April 30, 2015.

ALTERNATIVES

Perform the work with District forces. This alternative is not recommended. Elevator modernization is a specialized field and District staff does not have the expertise to perform this work.

Do not perform the work. This alternative is not recommended, as elevator modernization is required for compliance with workplace safety and state regulations.
Administration Building Elevators Upgrade Phases 1 and 2
January 9, 2018
Page 3

Attachments

Location Map
Bid Summary
P-035 – Contract Equity Program Summary
P-061 – Affirmative Action Summary
Consolidated CM, Inc.’s bid protest letter dated December 14, 2017
District’s response letter to Consolidated CM, Inc. dated December 21, 2017
EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2122A
ADMINISTRATION BUILDING ELEVATORS UPGRADE
PHASES 1 AND 2

Bids Opened December 13, 2017

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL AMOUNT BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. San Francisco Elevator Services, Inc. (SBE/DVBE) 6693 Sierra Ln., Ste. C Dublin, CA 94568 (925) 829-5400</td>
<td>$2,470,000 / $2,346,500*</td>
</tr>
<tr>
<td>2. Consolidated CM, Inc. (SBE/DVBE) 180 Grand Ave., Ste. 1520 Oakland, CA 94612 (510) 208-1720</td>
<td>$3,228,908 / $3,105,408*</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: $2,525,000
# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

**TITLE**

SPECIFICATION NO.: 2122A
Administration Building Elevators Upgrade Phases 1 and 2

**DATE:**

December 18, 2017

**CONTRACTOR:**

San Francisco Elevator Services, Inc.
Dublin, CA 94568

**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></td>
<td>97.2%</td>
</tr>
<tr>
<td>White Women</td>
<td>9%</td>
<td></td>
<td>0.0%</td>
</tr>
<tr>
<td>Ethnic Minorities</td>
<td>25%</td>
<td></td>
<td>2.8%</td>
</tr>
</tbody>
</table>

**BID/PROPOSER'S PRICE:**

$2,470,000 *

**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></td>
<td></td>
<td></td>
<td>M</td>
<td>W</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>White-Men</td>
<td>White-Women</td>
</tr>
<tr>
<td>Prime:</td>
<td>$2,387,000</td>
<td>White</td>
<td>X</td>
<td>96.6%</td>
</tr>
<tr>
<td>Subs:</td>
<td>$15,000</td>
<td>White</td>
<td>X</td>
<td>0.6%</td>
</tr>
<tr>
<td>JY Electrical Construction</td>
<td>$68,000</td>
<td>A/PI</td>
<td>X</td>
<td>2.8%</td>
</tr>
<tr>
<td>Total</td>
<td>$2,470,000</td>
<td></td>
<td>97.2%</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>29</td>
<td>2</td>
<td>3</td>
<td>34</td>
</tr>
</tbody>
</table>

**Percent of Total Employees:**

- White Men: 85.3%
- White Women: 5.9%
- Ethnic Minorities: 8.8%

**MSA Labor Market %:**

- 32.3%
- 27.8%
- 39.9%

**MSA Labor Market Location:**

9 Bay Area Counties

**COMMENTS**

- Contract Equity Participation - 97.2% White Men participation and 2.8% Ethnic Minority participation.

**Workforce Profile & Statement of Nondiscrimination Submitted: ON FILE**

**Good Faith Outreach Efforts Requirement Satisfied: YES**

**Award Approval Recommended: [Signature]**

(P-035 - 7/11) Page: 1 of 1
# 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>Administration Building Elevators Upgrade Phases 1 and 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spec. No.</td>
<td>2122A</td>
</tr>
<tr>
<td>DATE:</td>
<td>12/18/2017</td>
</tr>
<tr>
<td>R=Recmed</td>
<td>P=Prime</td>
</tr>
</tbody>
</table>

## Composition of Ownership

<table>
<thead>
<tr>
<th>Company Name, Owner/Contact Person, Address, and Phone Number</th>
<th>RP</th>
<th>WM: LBE</th>
<th>S</th>
<th>EMM: A/PI</th>
<th>P</th>
<th>WM: L/SBE</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Francisco Elevator Services, Inc.</td>
<td>925-829-5400</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Jennifer Sutton</td>
<td>6693 Sierra Lane, Suite C</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6495 Sierra Lane, Suite C</td>
<td>Dublin, CA 94568</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>9 Bay Area Counties</td>
<td>Date of last contract with District:</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Co. Wide MSA:</td>
<td>9 Bay Area Counties</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>S</td>
<td>Pyro-Comm Systems, Inc.</td>
<td>510-338-8247</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Kevin Green</td>
<td>10966 Biggs Street</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>San Leandro, CA 94577</td>
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<td>0</td>
</tr>
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<td>Co. Wide MSA:</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>S</td>
<td>JY Electrical Construction</td>
<td>415-559-1561</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Jimmy Yu</td>
<td>P.O. Box 34338</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>San Francisco, CA 94134</td>
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<td>0</td>
</tr>
<tr>
<td>415-559-1561</td>
<td>Co. Wide MSA:</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>P</td>
<td>Consolidated CM, Inc.</td>
<td>510-208-1720</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Scott Ritter</td>
<td>1800 grand Ave., Suite 1520</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oakland, CA 94612</td>
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</tr>
<tr>
<td>510-208-1720</td>
<td>Co. Wide MSA:</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>National</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>Alameda/CC Counties</td>
<td>10.7</td>
<td>15.6</td>
<td>15.4</td>
<td>0.5</td>
<td>46.2</td>
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<td></td>
</tr>
<tr>
<td>9 Bay Area Counties</td>
<td>10.7</td>
<td>16.2</td>
<td>14.2</td>
<td>0.4</td>
<td>39.9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Legend:** WM=White Male, WW=White Woman, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)
12/14/17

Director of Engineering
East Bay Municipal Utility District
P.O. Box 24055
Oakland, CA 94623-1055

Subject: Protest Low Bidder for Project Specification 2122A

Our bid includes all sections of the specifications including 1423 13 Part 1 Item 1.5 B 2. It is our belief that the apparent low bidder, SF Elevators, does not meet this specification. SF Elevator has not been in operation for five years. Therefore, SF Elevator cannot provide proof of being regularly engaged in preventative maintenance, repairs, emergency and trouble call response, and reporting to State inspection authorities following State elevator inspections and deficiency notices as required by the specifications. If this section of the specifications is going to be waived or modified in any way, please let us know so we can adjust our bid accordingly.

Sincerely,

[Signature]

Scott Ritter
Consolidated CM
180 Grand Avenue #1520
Oakland, CA 94612
ARTICLES OF INCORPORATION
WITH STATEMENT OF CONVERSION
OF
SAN FRANCISCO ELEVATOR SERVICES, INC.

ONE: The name of the corporation is San Francisco Elevator Services, Inc.

TWO: The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

THREE: The corporation is authorized to issue only one class of shares of stock, which shall be designated as "common" shares. The total number of shares which this corporation is authorized to issue is Ten Thousand (10,000).

FOUR: The name of the converting California limited liability company is San Francisco Elevator Services, LLC. The limited liability company's California Secretary of State file number is 201601410044. The principal terms of the plan of conversion were approved by a vote of the members, which equaled or exceeded the vote required under California Corporations Code section 17710.03. There is one class of members entitled to vote and the percentage vote required is a majority in interest of the members. The limited liability company is converting into a California stock corporation.

FIVE: The initial business and mailing address of the converted corporation is 24 Hidden Hills Place, Danville, CA 94506.

SIX: The name and address in the State of California of the converted corporation's initial agent for service of process is Michael J. Dalton, 1999 Harrison Street, 25th Floor, Oakland, CA 94612.

SEVEN: The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

EIGHT: The corporation is authorized to provide indemnification of agents (as defined in Section 317 of the Corporations Code) for breach of duty to the corporation and its stockholders through bylaw provisions, through agreements with the agents, vote of shareholders or disinterested directors, or otherwise, in excess of the indemnification otherwise permitted by Section 317 of the Corporations Code, subject to the limits on such excess indemnification set forth in Section 204 of the Corporations Code.

[Signature Page Follows]
I declare I am the person who executed this instrument, which execution is my act and deed.

Dated: February 25, 2016

[Signature]

Donovan McKeever, Manager of San Francisco Elevator Services, LLC and Incorporator
VIA EMAIL AND FEDERAL EXPRESS

December 21, 2017

Scott Ritter, Vice President
Consolidated CM, Inc.
180 Grand Avenue, Suite 1520
Oakland, CA 94612

Subject: Specification 2122A – Administration Building Elevators Upgrade Phases 1 and 2; Bid Protest by Consolidated CM, Inc.

Dear Mr. Ritter:

We have reviewed the point raised in your December 14, 2017 bid protest letter and, following our investigation, have determined that there is no basis to deem San Francisco Elevator Services, Inc.'s (SFES) bid non-responsive or non-responsible.

In the protest, you raised a point with respect to the experience of SFES, the apparent low bidder for the subject project. You believe that SFES does not meet the experience requirement specified in Section 14 23 13, subparagraph 1.5.B.2, which states the following:

"A local maintenance service office shall be present in Alameda, San Francisco, or Contra Costa Counties that has been regularly engaged in preventive maintenance, repairs, emergency and trouble call response, and reporting to State inspection authorities following State elevator inspections and deficiency notices, for at least five years."

Our findings and conclusions in response to the protest are as follows:

1) According to the Contractors State License Board (CSLB), the address listed for SFES is located within the City and County of San Francisco.

2) The CSLB also indicates that SFES has been in the elevator business since June 21, 2012, more than 5 years prior to the Spec. 2122A bid opening on December 13, 2017. SFES has indicated that the documentation provided in the bid protest was a record of a name change from Hawk Elevator Services to San Francisco Elevator Services. Verification on the CSLB website indicates that Hawk Elevator Services holds the same license number as SFES. SFES has also indicated that ownership,
management, and key employees have remained consistent over this 5 ½ year duration.

After careful consideration of the point raised in your protest, the District rejects the protest. Should you wish to file an appeal of this determination, you have five work days from the receipt of this letter to set forth your grounds for appeal in accordance with Article 24 of the Instructions to Bidders.

Sincerely,

[Signature]

Xavier J. Irias
DIRECTOR OF ENGINEERING AND CONSTRUCTION

XJ:JKT:mhl
2050 DEMAND STUDY

RECOMMENDED ACTION

Authorize an agreement beginning on or after January 9, 2018 with Hazen and Sawyer, DPC in an amount not to exceed $1,050,473 to prepare the 2050 Demand Study.

SUMMARY

The 2050 Demand Study is a detailed update of the District’s long-term water demand forecasts through the year 2050, incorporating the effect of recent droughts, water consumption trends, and recent and planned development by the cities and counties within the service area. The 2050 Demand Study is required to support updates of the District’s System Capacity Charge, Water Conservation Master Plan, and the 2020 Urban Water Management Plan (UWMP). Staff will also use the updated water demand forecasts for planning long-term water supplies, sizing water distribution infrastructure, and facilitating the sequence and priority of projects in the District’s Capital Improvement Program (CIP).

DISCUSSION

The District completes a detailed update of its long-term projected water demands every ten years, followed by a five-year, mid-cycle update. The last detailed update, called the 2040 Demand Study, was completed in 2009, and the mid-cycle update was completed in 2014. Since completion of the 2040 Demand Study, California has experienced a significant recession and severe drought that have dramatically changed near-term customer water use patterns. In response, the 2050 Demand Study will include a statistical water demand forecasting model to estimate the effects of future recessions, droughts, climate change, development trends, and future regulations on forecasted water demands.

As part of the 2050 Demand Study, staff will meet with the 20 different land use agencies located within the District’s service area to document recent and future development trends, meet with large users to document water consumption plans, and create a new demand forecasting model that will use scenario analysis to help account for uncertainty associated with important water demand drivers (e.g., new development, climate change, future droughts, future recessions, water conservation, and regulations). The 2050 Demand Study will also incorporate District-planned water conservation and recycled water programs, develop a new water demand tracking system and a comprehensive report that will support
other planned District activities. The schedules for the 2050 Demand Study and 2020 UWMP are coordinated to ensure the demand forecasts will be incorporated into the UWMP.

This project supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

CONSULTANT SELECTION

A Request for Proposals was advertised on the District’s website and sent directly to five consulting firms with the expertise required to complete the 2050 Demand Study. The District received three proposals and interviewed two firms based on their qualifications and experience. Hazen and Sawyer was selected based on their expertise in analyzing and forecasting water demands for large complex water agencies that account for uncertainty (e.g., climate change and recessions), and a strong, experienced team comprised of experts in California land use trends.

SUSTAINABILITY

Economic

This item is included in the FY18-19 budget for the Water Demand Projection Update Project.

Social

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

Local 2019 was notified of this contract on July 26, 2017 and did not raise any specific issues.

Environmental

The potential influence of climate change, water conservation, and drought on forecasted water demands will be evaluated as part of the 2050 Demand Study, which will allow District staff to account for these environmental factors in sizing and rehabilitating infrastructure and facilitating the sequence and priority of projects in the District’s CIP.

ALTERNATIVES

Do not perform the work. This alternative is not recommended because future facility sizing, water supply planning, and CIP sequencing would not be based on the most recent water consumption and land use development trends and, therefore, could result in over- or under-sized infrastructure or improperly sequenced projects, including water supply planning projects.

Perform the work with District forces. This alternative is not recommended because District staff does not have the expertise to complete the work for this large, specialized water demand forecasting project. Large, specialized water demand forecasting projects do not occur at the District with the degree of frequency and consistency to develop and maintain the necessary expertise in-house. District staff will collect all project data for consultant use, analyze high water users and unmetered water, evaluate overall water conservation savings, work alongside the consultant to understand and present demand study results, and provide overall consultant management, which comprises a level of effort that is comparable to the consultant effort.
Attachments:

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

I:\SEC\2018 Board Related Items\01-09-2018 Board Agenda Items\E&C – 2050 Demand Study.docx
## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

### TITLE

**Professional Services Agreement**  
2050 Demand Study

### CONTRACTOR:

Hazen and Sawyer  
New York, NY 10018

### 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>99.9%</td>
<td></td>
</tr>
<tr>
<td>White Women</td>
<td>6%</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>Ethnic Minorities</td>
<td>25%</td>
<td>0.1%</td>
<td></td>
</tr>
</tbody>
</table>

### BID/PROPOSER'S PRICE:

$1,050,473 *

### COMPANY NAME | ESTIMATED AMOUNT | ETHNICITY | GENDER | CONTRACTING PARTICIPATION |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime:</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazen and Sawyer</td>
<td>$873,383</td>
<td>White</td>
<td>M: X</td>
<td>83.1%</td>
</tr>
<tr>
<td>Subs:</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Copymat</td>
<td>$1,000</td>
<td>A/Pi</td>
<td>X</td>
<td>0.1%</td>
</tr>
<tr>
<td>Moore Iacofano Goitman, Inc. (MIG)</td>
<td>$176,090</td>
<td>White</td>
<td>X</td>
<td>16.8%</td>
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</tbody>
</table>

### TOTAL

$1,050,473  
99.9%  
0.0%  
0.1%  
0.0%  
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>
<tbody>
<tr>
<td>No. of Employees:</td>
<td>548</td>
<td>228</td>
<td>248</td>
</tr>
<tr>
<td>Percent of Total Employees:</td>
<td>53.5%</td>
<td>22.3%</td>
<td>24.2%</td>
</tr>
<tr>
<td>MSA Labor Market %:</td>
<td>35.0%</td>
<td>30.9%</td>
<td>34.1%</td>
</tr>
<tr>
<td>MSA Labor Market Location:</td>
<td>New York</td>
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<td></td>
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</tbody>
</table>

### COMMENTS

*Contract Equity Participation* - 99.9% White Men participation and 0.1% Ethnic Minority participation.

*Total not to exceed: $1,050,473

<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>YES</td>
<td>Recommended</td>
</tr>
</tbody>
</table>

(P-025 - 7/11)
### 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>2050 Demand Study</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Professional Services Agreement</strong></td>
<td>DATE: 12/4/2017</td>
</tr>
<tr>
<td><strong>Composition of Ownership</strong></td>
<td>Number of Ethnic Minority Employees</td>
</tr>
<tr>
<td>Company Name, Owner/Contact Person, Address, and Phone Number</td>
<td>RP</td>
</tr>
<tr>
<td>Hazen and Sawyer</td>
<td></td>
</tr>
<tr>
<td>Cheryl A. Courchaine</td>
<td></td>
</tr>
<tr>
<td>498 Seventh Avenue</td>
<td></td>
</tr>
<tr>
<td>New York, NY 10018</td>
<td></td>
</tr>
<tr>
<td>212-539-7105</td>
<td></td>
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<tr>
<td></td>
<td>Manager/Prof</td>
</tr>
<tr>
<td></td>
<td>Technical/Sales</td>
</tr>
<tr>
<td></td>
<td>Clerical/Skilled</td>
</tr>
<tr>
<td></td>
<td>Semi/Unskilled</td>
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<td>Bay Area</td>
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<td></td>
<td>Assisted Plan on File: NA</td>
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<td></td>
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<td></td>
<td>Co. Wide MSA: New York</td>
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<td></td>
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<td>S</td>
<td></td>
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<tr>
<td>Emirat</td>
<td>Manager/Prof</td>
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<td>Don Concepcion</td>
<td>Technical/Sales</td>
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<td>455 Market Street, Suite 180</td>
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<td>Bay Area</td>
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<td></td>
<td>Co. Wide MSA: 9 Bay Area Counties</td>
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<td># Employees-Co. Wide: 21</td>
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<tr>
<td>Water Resource Planning</td>
<td>Manager/Prof</td>
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<tr>
<td>Karen Johnson</td>
<td>Technical/Sales</td>
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<td>11942 Red Hill Avenue</td>
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<tr>
<td>Santa Ana, CA 92705</td>
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<tr>
<td></td>
<td>Co. Wide MSA: Los Angeles/Long Beach</td>
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<td>P</td>
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<tr>
<td>M. Cubed</td>
<td>Manager/Prof</td>
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<tr>
<td>David Mitchell</td>
<td>Technical/Sales</td>
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<td>5358 Miles Ave., Oakland, CA 94618</td>
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<tr>
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<td></td>
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<tr>
<td></td>
<td># Employees-Co. Wide: 3</td>
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<tr>
<td></td>
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</tr>
</tbody>
</table>

**Notes:**
- WM = White Male
- WW = White Women
- EM = Ethnic Minority
- B = Black
- H = Hispanic
- A/PI = Asian/Pacific Islander
- Al/AN = American Indian/Alaskan Native

P-061 - 7/11
Page: 1 of 1
File: PS - 3890_P
AGENDA NO. 6.
MEETING DATE January 9, 2018

TITLE ENTERPRISE HYDRAULIC MODELING SOFTWARE

☑ MOTION ———— □ RESOLUTION ———— □ ORDINANCE ————

RECOMMENDED ACTION

Authorize an agreement beginning on or after January 9, 2018 with Innovyze, Inc. (Innovyze) in an amount not to exceed $144,000 for six SCADAWatch™ Suite Software licenses, software installation, configuration, implementation, on-site training, and software maintenance and support for the Enterprise Hydraulic Modeling Project.

SUMMARY

District staff conducts hydraulic modeling to simulate water flows through the distribution system in support of District capital improvement projects and operational needs. Hydraulic modeling is a critical function to accurately understand how water moves through the water distribution system. The accuracy of hydraulic models is verified by a manual and time-consuming process of comparing hydraulic model output (i.e., water flow, reservoir levels, and pressures) to actual historical data captured by the District’s Supervisory Control and Data Acquisition (SCADA) system. SCADAWatch™ Suite Software will be used with the District’s hydraulic modeling software (InfoWater™) to regularly and efficiently verify the accuracy of hydraulic models by automating the process for comparing hydraulic model output to historical SCADA data.

DISCUSSION

In October 2016, staff completed the Enterprise Hydraulic Modeling Study and Strategic Plan (Study and Strategic Plan), which evaluated the costs and benefits of various enterprise hydraulic modeling tools to improve hydraulic modeling workflows and infrastructure planning decision making. The Study and Strategic Plan included a detailed recommendation and implementation plan for SCADAWatch™ Suite Software to improve the efficiency and productivity of hydraulic modeling workflows by integrating hydraulic models with mapping and SCADA data.

SCADAWatch™ Suite Software provides a data portal between the District’s SCADA system and InfoWater™ hydraulic models, and automatically maps SCADA tags to locations within the hydraulic model, allowing staff to efficiently import boundary conditions into hydraulic models and compare SCADA data to hydraulic model results. The purchase and implementation of the SCADAWatch™ Suite Software is part of the Enterprise Hydraulic Modeling Project to enhance District tools and workflows for

<table>
<thead>
<tr>
<th>Funds Available: FY18-19; CIP 2005281; Page 19</th>
<th>Budget Code: WSC 524/2011685:38/5231</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT SUBMITTING</td>
<td>DEPARTMENT MANAGER or DIRECTOR</td>
</tr>
<tr>
<td>Engineering and Construction</td>
<td>Xavier Irias</td>
</tr>
</tbody>
</table>

Contact the Office of the District Secretary with questions about completing or submitting this form.
infrastructure planning and management by further leveraging InfoWater™ hydraulic models. This project supports the District’s Long-Term Infrastructure Investment Strategic Plan goal.

SERVICE PROVIDER SELECTION

In 2008, the District purchased InfoWater™ hydraulic modeling software and entered into an agreement for hydraulic modeling software interface customization programming and on-site training from Innovyze to support District infrastructure planning decisions. In 2014, the District purchased InfoMaster™ pipeline risk modeling software from Innovyze to support the District’s pipeline replacement efforts. Since 2008, Innovyze services and software have proven to be reliable and cost-effective tools for infrastructure planning and management at the District.

A direct award to Innovyze is necessary for the purchase and implementation of SCADAWatch™ Suite Software, because there is no other commercially available application that will integrate the District’s operational SCADA data with InfoWater™ to improve infrastructure hydraulic modeling and planning workflows. Before selecting SCADAWatch™ Suite Software, staff consulted with current SCADAWatch™ Suite Software users, reviewed published papers, and attended software demonstrations.

SUSTAINABILITY

Economic

This item is included in the FY18-19 Capital Improvement Program budget under the Enterprise Hydraulic Water Quality and Operations Modeling Project. Purchase and implementation of the SCADAWatch™ Suite Software will improve the efficiency of District hydraulic modeling work.

Social

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

ALTERNATIVES

Do not perform the work. This alternative is not recommended because the District’s current workflow for verifying and calibrating hydraulic models is labor intensive. SCADAWatch™ Suite Software will enable District staff to regularly and efficiently verify the accuracy of hydraulic models by comparing hydraulic model output to SCADA data within the hydraulic model interface, InfoWater™.

Select another software with another hydraulic modeling vendor. This alternative is not recommended because there are no similar products available, and SCADAWatch™ Suite Software is compatible with the District’s hydraulic modeling and mapping software, InfoWater™ and ArcGIS, respectively.

Perform the work with District forces. This alternative is not recommended because District staff does not have the necessary experience and expertise to create and maintain custom hydraulic modeling software.
Attachments

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

I:\SEC2018 Board Related Items\01-09-2018 Board Agenda Items\E&C – Enterprise Hydraulic Modeling.docx
**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*

Enterprise Hydraulic Modeling Project

**DATE:**

November 28, 2017

**CONTRACTOR:**

Innovize, Inc.
Monrovia, CA 91016

<table>
<thead>
<tr>
<th>PERCENTAGE OF CONTRACT DOLLARS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Availability Group</strong></td>
</tr>
<tr>
<td>White Men</td>
</tr>
<tr>
<td>White Women</td>
</tr>
<tr>
<td>Ethnic Minorities</td>
</tr>
</tbody>
</table>

**BID/PROPOSER’S PRICE:**

$144,000 *

**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>Prime:</td>
<td>$144,000</td>
<td>White</td>
<td>X</td>
<td>100.0%</td>
</tr>
<tr>
<td>Subs: None</td>
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<td></td>
<td></td>
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</tr>
</tbody>
</table>

**TOTAL**

$144,000

100.0% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0%

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

<table>
<thead>
<tr>
<th>No. of Employees:</th>
<th>White Men</th>
<th>White Women</th>
<th>Ethnic Minorities</th>
<th>Total Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>17</td>
<td>10</td>
<td>15</td>
<td>42</td>
</tr>
<tr>
<td>Percent of Total Employees:</td>
<td>40.5%</td>
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</tr>
<tr>
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<td>337.0%</td>
<td>27.3%</td>
<td></td>
</tr>
</tbody>
</table>

**MSA Labor Market Location:**

Total USA

**COMMENTS**

Contract Equity Participation - 100% White Men participation.

*Total not to exceed: $144,000

<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>
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# 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: Enterprise Hydraulic Modeling Project</th>
<th>Ethnic Minority Percentages From U.S. Census Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Services Agreement</td>
<td>Date: 11/28/2017</td>
</tr>
<tr>
<td>R=Recom R=Prime P=Prime S=Sub</td>
<td></td>
</tr>
<tr>
<td>Composition of Ownership</td>
<td></td>
</tr>
<tr>
<td>Company Name, Owner/Contact Person, Address,</td>
<td>Number of Ethnic Minority Employees</td>
</tr>
<tr>
<td>and Phone Number</td>
<td></td>
</tr>
<tr>
<td>Innovyz, Inc.</td>
<td>WM</td>
</tr>
<tr>
<td>Katie German</td>
<td>Company Wide</td>
</tr>
<tr>
<td>605 E. Huntington Dr., Suite 205</td>
<td>B     H   A/PI A/AN TOTAL PERCENT MSA %</td>
</tr>
<tr>
<td>Monrovia, CA 91016</td>
<td>1     0  14    0    15 35.7% 27.3%</td>
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<tr>
<td>303-410-4129</td>
<td>Manager/Prof</td>
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<td>AA Plan on File: NA</td>
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<td>Date of last contract with District: 4/15/2017</td>
<td>Clerical/Skilled</td>
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<td>Co. Wide MSA: Total USA</td>
<td>Semi/Unskilled</td>
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<td># Employees-Co. Wide: 42</td>
<td></td>
</tr>
<tr>
<td>Bay Area: 0</td>
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</tr>
</tbody>
</table>

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)
AGENDA NO. 7
MEETING DATE January 9, 2018

TITLE DATA AND VOICE COMMUNICATION SERVICES – ADDITIONAL PROVIDER

☑ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an amendment to Board Motion No. 015-14 to include Comcast Business Communications, LLC, as an additional provider of data services under the State of California CALNET-3 agreement and increase the annual cost by $70,000. The additional $70,000 will increase the annual estimated cost for data and voice services to $1,470,000.

SUMMARY

On January 28, 2014 the Board of Directors authorized an agreement with AT&T for a three-year period from 2014 to 2017 with two options to renew for additional one-year periods under the State of California CALNET-3 agreement to provide data and voice communication services. As of April 12, 2017, Comcast Business Communications, LLC, has been authorized by the state as a CALNET-3 service provider for data services. The District can use the data services to provide alternate data communication links for critical facilities.

DISCUSSION

The District’s data links provide the communication backbone for District facilities to send and receive voice and data communications to the primary data center in Oakland and the backup data center in Sacramento. At present, the District relies on a single service provider for the communication links to the data centers. With an additional service provider, the District would have the ability to add alternate data links providing increased operational reliability and system availability.

This item supports the District’s Long-Term Financial Stability Strategic Plan goal by implementing technologies that improve the efficiency and effectiveness of business processes.

Funds Available: FY18
Budget Code: WSO/252/8583/5372

DEPARTMENT SUBMITTING
Information Systems

DEPARTMENT MANAGER or DIRECTOR
Nicholas J. Irias

APPROVED
General Manager

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

Public Contract Code, Section 10298, specifically allows agencies to purchase directly from the state competitively awarded contracts without pursuing separate competitive bidding. The State of California has competitively awarded contracts to Comcast Business Communications and staff has confirmed with the vendor that the state’s terms and pricing are the best available to the District.

SUSTAINABILITY

Economic

Funds are available in the FY18 operating budget.

Social

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

ALTERNATIVES

Do not add Comcast Business Communications as a service provider. This alternative is not recommended because the District would not have an alternate service provider for data communication links to critical facilities.

Conduct a competitive process to obtain pricing and vendors. This alternative is not recommended because the CALNET-3 agreement provides the best terms and pricing available to the District due to the leveraged buying power of the State of California.

Attachments

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

W:\Board Documents\2017\BD-1\USD - Data and Voice Communication Services – Additional Provider.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 - Amendment
Data and Voice Communicating Services - Additional Provider - Three-Year Contract with 2 One-Year Renewal Options

**DATE:** November 27, 2017

**CONTRACTOR:**
Comcast Business Communications, LLC.
Philadelphia, PA 19103

<table>
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<tr>
<th>BID/PROPOSER'S PRICE:</th>
<th>FIRM'S OWNERSHIP</th>
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<td>$70,000 /yr.*</td>
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<td>Gender</td>
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<td></td>
<td>White Men</td>
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<tr>
<td></td>
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<tr>
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<td>Participation</td>
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</tr>
<tr>
<td></td>
<td>White Women</td>
</tr>
<tr>
<td></td>
<td>6%</td>
</tr>
<tr>
<td></td>
<td>0.0%</td>
</tr>
<tr>
<td></td>
<td>Ethnic Minorities</td>
</tr>
<tr>
<td></td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>0.0%</td>
</tr>
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</table>

**PERCENTAGE OF CONTRACT DOLLARS**

<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>PRIME:</td>
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<td>PHC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUBS:</td>
<td>$70,000</td>
<td>PHC</td>
<td></td>
<td>100.0%</td>
</tr>
</tbody>
</table>

**TOTAL**

|             | $70,000          |          |        |                           |

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

<table>
<thead>
<tr>
<th>No. of Employees:</th>
<th>White Men</th>
<th>White Women</th>
<th>Ethnic Minorities</th>
<th>Total Employees</th>
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<tr>
<td></td>
<td>37,039</td>
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<td>43,070</td>
<td>93,927</td>
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<table>
<thead>
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<th>White Men</th>
<th>White Women</th>
<th>Ethnic Minorities</th>
<th>Total Employees</th>
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<tbody>
<tr>
<td>39.4%</td>
<td>14.7%</td>
<td>45.9%</td>
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</table>

<table>
<thead>
<tr>
<th>MSA Labor Market %:</th>
<th>White Men</th>
<th>White Women</th>
<th>Ethnic Minorities</th>
<th>Total Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>39.0%</td>
<td>33.7%</td>
<td>27.3%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MSA Labor Market Location:</th>
<th>Total USA</th>
</tr>
</thead>
</table>

**COMMENTS**

Contract Equity Participation - Zero Contract Equity participation since firm is a publicly held corporation.

*Total estimated Annual Cost: $1,470,000.00 = $1,400,000.00 (Original - AT&T) + $70,000.00 (Amendment - Comcast)

<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>B. J.</td>
</tr>
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(P-035 - 7/11) Page: 1 of 1 3885A_G
### Data and Voice Communicating Services - Additional Provider

<table>
<thead>
<tr>
<th>General Services Agreement</th>
<th>DATE: 11/27/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Composition of Ownership</strong></td>
<td><strong>Number of Ethnic Minority Employees</strong></td>
</tr>
<tr>
<td>Company Name, Owner/Contact Person, Address, and Phone Number</td>
<td>Company Wide</td>
</tr>
<tr>
<td>Comcast Business Communications, LLC</td>
<td>Manager/Prof</td>
</tr>
<tr>
<td>1701 JFK Blvd. Philadelphia, PA 19103</td>
<td>Technical/Sales</td>
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<td>Clerical/Skilled</td>
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<td>Semi/Unskilled</td>
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<tr>
<td>Bay Area</td>
<td>Semi/Unskilled</td>
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<td># Employees-Co. Wide: 93,927</td>
<td>Bay Area: 3,415</td>
</tr>
</tbody>
</table>

**Note:** WM=White Male, WW=White Women, EM=Ethnic Minority (Ethnicities: B=Black, H=Hispanic, A/PI=Asian/Pacific Islander, and AI/AN=American Indian/Alaskan Native)
AGENDA NO. 8
MEETING DATE January 9, 2018

TITLE VIRIDIS FUELS, LLC FINAL LEASE AMENDMENT

☐ MOTION □ RESOLUTION □ ORDINANCE

RECOMMENDED ACTION

Approve a seventh and final amendment to the lease agreement between Viridis Fuels, LLC (Viridis) and the District for a portion of the West End Property adjacent to the District’s Main Wastewater Treatment Plant, which allows Viridis to defer the accumulated monthly “Additional Value” payment of $260,000 until June 1, 2018.

SUMMARY

On December 4, 2017, Viridis requested an additional six-month deferral of the “Additional Value” payments under its lease for the District’s West End property and stated that the deferred “Additional Value” payment of $260,000 will be paid with interest by June 1, 2018. At the December 12, 2017 Board of Directors’ meeting, the Board approved a last and final deferral and authorized staff to draft a Seventh Amendment to the lease to memorialize the terms of the deferral with a deferment date beginning December 1, 2017. The Board also directed staff not to bring any further deferrals to the Board.

DISCUSSION

The District entered into a lease agreement with Viridis on October 27, 2011, for a portion of the West End Property adjacent to the District’s Main Wastewater Treatment Plant, which Viridis plans to develop as a biodiesel fuel refining facility. The lease requires Viridis to make monthly rental payments for the use of the property, as well as monthly “Additional Value” payments. These “Additional Value” payments were meant to compensate the District in lieu of providing the District with glycerin from the refining process. Rental payments were to begin on the lease “Commencement Date,” and “Additional Value” payments were to begin one year later.

The lease has been amended six times since it was originally executed, resulting in several extensions of the “Commencement Date” and Viridis’ corresponding obligation to begin making rent and “Additional Value” payments. Viridis began paying $24,393.60 in full rent and $21,666.67 in “Additional Value” payments in July 2016. Under the current Sixth Amendment, Viridis was required to pay all outstanding

Funds Available: FY18
Budget Code: 326

DEPARTMENT SUBMITTING
Customer and Community Svcs.

DEPARTMENT MANAGER / DIRECTOR
Sherri A. Hong

APPROVED

Contact the Office of the District Secretary with questions about completing or submitting this form.
payments in full by December 1, 2017, and provide monthly updates on its progress in obtaining regulatory permits and financing.

On December 4, 2017, Viridis stated that it would not be able to pay the “Additional Value” payment owed of $260,000 and requested further deferral of the payment beginning December 1, 2017, for up to six months, to allow time for Viridis to acquire the necessary entitlements. Viridis did provide payment of $25,129.49 for the December “Base Rent” and $21,666.67 “Additional Value” payment, as well as interest on the previously accumulated deferred “Additional Payment.” Viridis also agreed to continue paying the monthly base rent, the monthly “Additional Value” payment, and the monthly interest on the $260,000 deferred amount. After consideration and discussion of Viridis’ request, the Board approved the final deferment with explicit direction that no future requests for deferrals or lease amendments be considered and directed staff to draft a Seventh Amendment to the lease to incorporate the deferment terms. This amendment captures the terms of the Board’s authorization.

SUSTAINABILITY

Economic

Deferral of the “Additional Value” payment for six months would temporarily result in a cost of $260,000 to the District; however, Viridis proposes to pay the entire amount in full on June 1, 2018 and interest monthly until then.

Environmental

The District finalized and certified the Environmental Impact Report for the Main Wastewater Treatment Plant Land Use Master Plan (“EIR”), in accordance with the California Environmental Quality Act (CEQA), on June 28, 2011. The EIR analyzes the impact of the biodiesel processing facility included in the Lease Agreement. Additionally, the District completed CEQA analysis in October 2017 for subsequent permitting requirements.

Social

The Viridis biodiesel project intends to support local community efforts to reduce pollution in West Oakland and to provide jobs for local community members.

ALTERNATIVE

Do not approve the seventh amendment to the lease agreement. Doing so would leave the sixth amendment to the lease agreement in place and require Viridis to pay the deferred “Additional Value” payment of $260,000 in full and make monthly “Base Rent” and “Additional Value” payments going forward. Should Viridis default, the District would pursue leasing opportunities with a new party.
CHABOT PARK AND RECREATION LEASE AGREEMENT

RECOMMENDED ACTION

Authorize a 20-year lease agreement with the City of San Leandro (City) for Chabot Park (Park), a total of 9.2 acres located at Estudillo Avenue and Sylvan Circle in San Leandro.

SUMMARY

In 1950, the District provided a 10-year revocable license to the City to operate a public picnic ground for the local community. The license was subsequently renewed and amended various times over the subsequent 57 years then expanded in 2007 to a lease agreement with the City to operate public picnic grounds and a public park. The District opted not renew the lease agreement in order to utilize the property during the Chabot Dam Seismic Upgrade Project and the lease agreement terminated in June 2016. The seismic upgrade has been completed and the District repaved the Chabot Dam access road (which serves as the park entry road) and pruned and cleared numerous trees within the Park. The City requested to renew the lease agreement to operate the site for a community park.

On December 18, 2017, the San Leandro City Council authorized City staff to enter into this new 20-year lease agreement with East Bay Municipal Utility District for the operation of the Park. This recommended action allows the District to execute the new 20-year lease agreement with the City.

DISCUSSION

Since July of 2017, the District and the City have collaboratively negotiated new lease agreement terms and conditions for the Board’s consideration. The new lease agreement encompasses the same area as the previous lease agreement of 9.2 acres bounded by San Leandro Creek on the north and west sides and a fence to the south and east (Attachment 1). The new lease agreement includes several terms and conditions to enhance public safety and convey the City’s operational and maintenance responsibilities for the property.

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

Economic

The total revenue to the District over the 20-year lease agreement is $113,119, which covers the cost for District staff to conduct quarterly inspections. The lease agreement is revenue neutral; however, the District benefits from reduced maintenance costs.

Social

Leasing the Park to the City of San Leandro adds value to the surrounding community as the Park is a popular attraction for San Leandro residents who use the Park amenities and to access Lake Chabot. The Park’s amenities include picnic areas with barbeque pits, play equipment, restrooms, an amphitheater, volleyball court, horseshoe pits, disc golf course and a grass field. The City also hosts annual children’s camps and events at the Park, including its long-running Chabot Day Camp.

Environmental

The lease agreement requires a detailed operating and tree maintenance plan to ensure the Park is maintained over the term of the lease agreement. Furthermore, the District maintains control over the area for any work that may need to be done in or near San Leandro Creek.

ALTERNATIVE

Do not execute the lease agreement. This alternative is not recommended because the City and its residents value the use of the Park, and without the lease agreement the Park would be closed to the public. In addition, the District would incur costs to manage and maintain the property.

Attachment

I:\SEC\2018 Board Related Items\Board Packets 2018\010918 Board Agenda Items\CCS - BD-1 Chabot Park Lease Agreement
RESOLUTION NO.___________________

AUTHORIZING A 20-YEAR LEASE AGREEMENT WITH THE CITY OF SAN LEANDRO FOR CHABOT PARK

Introduced by Director; Seconded by Director

WHEREAS, the East Bay Municipal Utility District (District) and the City of San Leandro (City) entered into a License Agreement on June 1, 1950 to allow the City of San Leandro to utilize land located at Lake Chabot Filter Plant; and

WHEREAS, the License Agreement was renewed and amended various times since 1950 and expanded in 2007 as a Lease Agreement to operate public picnic grounds and a public park; and

WHEREAS, the Lease Agreement terminated in June of 2016 and the District opted not to renew the Lease Agreement in order to utilize the property to complete the Chabot Dam retrofit; and

WHEREAS, the Chabot Dam retrofit has been completed; and

WHEREAS, the City requested to renew the Lease Agreement to operate a site for a community park; and

WHEREAS, on December 18, 2017, the City of San Leandro City Council approved City staff to enter into a new 20-year Lease Agreement for the City’s use of 9.2 acres of Chabot Park located on Estudillo Avenue and Sylvan Circle in the City of San Leandro; and

WHEREAS, the City agrees to pay the District the sum of Four Thousand Dollars ($4,000.00) as consideration and shall at the City’s sole cost and expense maintain the leased premises in safe and good and clean condition and repair;

NOW, THEREFORE, BE IT RESOLVED that the Manager of Real Estate Services is hereby authorized to enter into a twenty (20) year Lease Agreement of 9.2 acres of Lake Chabot Park located on Estudillo Avenue and Sylvan Circle in the City of San Leandro in a form approved by the General Counsel, and to execute said Lease Agreement, and the Manager of Real Estate
Services and the Secretary of the District are authorized to execute any other documents and do all things necessary to complete the property transaction and to file a notice of exemption with the County Clerk of Alameda.

ADOPTED this 9th day of January, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
President

ATTEST:

______________________________
Secretary

APPROVED AS TO FORM AND PROCEDURE:

______________________________
General Counsel
AGENDA NO. 10.
MEETING DATE January 9, 2018

TITLE REVIEW THE MAY 26, 2015 POLICY POSITION OPPOSING STATEWIDE RETAIL WATER USER FEES

☐ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Review the May 26, 2015 Board-adopted policy position opposing the imposition of any statewide retail water user fees. Staff is recommending the consideration of two alternatives:

1. Retain the May 26, 2015 policy position.
2. Rescind the May 26, 2015 policy position.

If the Board wishes to consider amendments to the May 26, 2015 policy position, staff recommends that the policy position be returned to the Legislative/Human Resources Committee for the drafting of amendments prior to further consideration by the Board.

SUMMARY

At the December 12, 2017 Legislative/Human Resources committee meeting, staff was asked to bring the policy position opposing the imposition of any statewide retail user fees back to the Board for review. The existing policy position was adopted by the Board on May 26, 2015. This item was discussed at the Legislative/Human Resources Committee on January 9, 2018.

DISCUSSION

The concept of retail water user fees imposed on customer bills continues to be discussed in the legislature and administration as a way to provide a steady revenue source for the state to fund water-related programs, including but not limited to safe drinking water access for disadvantaged communities and low-income assistance. On May 26, 2015, the Board adopted a policy position that states EBMUD is opposed to the imposition of statewide retail water user fees, also known as public goods charges or water surcharges, on customer water bills on the basis of equity, affordability, accountability, and the beneficiary pays principle.

Funds Available: FY 2021 Budget Code: _

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<tr>
<th>DEPARTMENT SUBMITTING</th>
<th>DEPARTMENT MANAGER or DIRECTOR</th>
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<tbody>
<tr>
<td>Office of Intergovernmental Affairs</td>
<td>MarlaJene M. Dumaine</td>
<td>General Manager</td>
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Contact the Office of the District Secretary with questions about completing or submitting this form.
The policy is not intended to replace a Board-adopted position on individual proposals. Consistent with past practice, prior to advocating on specific proposals staff will continue to bring individual proposals to the Board for consideration at the appropriate time.

**SUSTAINABILITY**

**Economic**

Reconsideration of this policy position is not expected to have a fiscal impact on the District.

**ALTERNATIVES**

**Retain the May 26, 2015 policy position.** If the Board chooses this alternative no further action will be required. Consistent with past practice, prior to advocating on specific proposals staff will continue to bring individual proposals to the Board for consideration at the appropriate time.

**Rescind the May 26, 2015 policy position.** If the Board chooses this alternative, consistent with past practice, prior to advocating on specific proposals staff will continue to bring individual proposals to the Board for consideration at the appropriate time.

**Amend the May 26, 2015 policy position.** If the Board chooses this alternative staff recommends that the policy position be returned to the Legislative/Human Resources Committee for the drafting of amendments prior to further consideration by the Board.

Attachment

1:\Sec\2018 Board Related Items\010918 Board Agenda Items\OGM - Reconsider Policy Position Opposing the Imposition of Any Statewide Retail Water User Fees
May 26, 2015 Policy Position on Statewide Retail Water User Fees

Funding for a variety of water-related projects and programs has become increasingly dependent on bond funding rather than allocations from the state general fund. Such programs include ecosystem restoration, research and monitoring, improvements to the statewide water system, and safe drinking water for disadvantaged communities. While bond measures can provide significant infusions of financial support for such actions, they are an unreliable funding mechanism as they require voter approval, and incur greater costs over the long run due to interest payments.

Retail water user fees have been proposed as an alternative way to ensure a steady revenue source to fund water-related programs considered by the state to be in the public’s interest. Water fees have also been referred to as a public goods charge or a water surcharge. In most proposals, funds would be collected through a charge on retail customer water bills, placing the burden on urban ratepayers and urban water agencies.

Proponents of a retail water fee have asserted a fee would better adhere to the beneficiary pays principle, which holds that those who benefit from a project or program should pay for it. Further, a retail water fee would also be administratively simple to implement from the state’s perspective. Opponents of a retail water fee assert that retail water use fees are inefficient and unfair, create inappropriate subsidies, and actually violate the beneficiary pays principle.

EBMUD is opposed to the imposition of state retail water use fees or surcharges on customer water bills on the basis of equity, affordability, and accountability.

**Equity:** Even though all Californians rely on surface or groundwater supplies, many water users would not contribute under a retail water user fee system as their consumption is not measured. These include most agricultural users, private well owners, and some urban users who do not yet have meters. This places the entire burden on retail customers who consume only a portion of the water used in the state.

**Affordability:** Retail water use fees added to customer bills would not be related to the cost of water service but would increase the payment amount. This would directly affect the affordability for rate payers, particularly those that are low income.

**Beneficiary pays:** A retail water user fee system would redirect resources away from water agencies that have carefully managed their finances and investments, and subsidize those that have not. EBMUD has been a leader in water use efficiency, natural resources stewardship, and integrated water planning while relying on a carefully established, fair and sustainable rate structure for its customers. For projects with multiple beneficiaries, the state should implement a rigorous beneficiary pays system to limit “free riders”, including an analysis of the benefits that are truly public and would merit state funding. A
more thorough analysis of beneficiaries and benefits for a given project or program would improve the economic justification for beneficiary contributions, and in all likelihood reduce the state's cost share for clearly defined public benefits.

**Local control and infrastructure investment:** In many parts of EBMUD’s service area, water collection and distribution systems are reaching the end of their normal lifespan, and replacement costs will grow at a rate far exceeding inflation in the coming decades. A retail water user fee added to customer bills would impair the ability of water agencies to raise rates needed to fund critical infrastructure. Given the public’s sensitivity to rate increases and the requirements of Prop 218, imposing a retail water use fee would effectively redirect ratepayer dollars to the state and displace critical investments in local infrastructure, thus undermining the continued reliability of our water systems.

Due to the deepening drought, EBMUD recently made the difficult decision to impose drought surcharges on customer bills to help meet fixed costs, which comprise the large majority of our capital and operating costs in providing water service. Even if precipitation returns to normal levels next year, many water purveyors will have deficits in their supplies and rationing may have to continue, with the accompanying reductions in revenue.

**Efficiency and Accountability:** With every additional step in revenue collection, administrative costs are incurred that erode the value and impact of the funds. Accountability is also lost as the path from revenue source to expenditure becomes clouded.
DATE: January 4, 2018

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager

FROM: Marlaigne Dumaine, Manager of Legislative Affairs

SUBJECT: Federal Legislative Initiatives for 2018

RECOMMENDED ACTION

Approve the proposed federal legislative initiatives for 2018 which focus on: 1) advancing EBMUD’s interests in the context of protecting EBMUD’s Mokelumne water rights, EBMUD’s water supply reliability, and the Mokelumne fishery; 2) seeking federal funding opportunities for EBMUD projects via any new and existing federal programs; 3) advancing EBMUD’s interests in the context of federal participation in California WaterFix; and, 4) continuing to monitor and evaluate federal efforts to promote healthy forests and watersheds, and provide updates to the Board as appropriate.

OVERVIEW

The 115th Congress re-convened this month amidst a challenging political environment in which a number of policy issues remain outstanding, including infrastructure and forest management, compounded by an election year. The upcoming mid-term elections will likely spur the Republican-controlled congress to redouble efforts to move legislation on outstanding policy issues to the President. Congress’ policy agenda is expected to include issues of interest to EBMUD, such as water supply reliability, species protection, and infrastructure. At the same time, congress must also resolve fiscal year (FY) 2018 and FY 2019 spending.

On the policy front, following implementation of the Water Infrastructure Improvements for the Nation (WINN) Act in 2017, congress will continue efforts to re-examine federal natural resources policies and programs, including changing or overturning various statutes such as the Endangered Species Act (ESA) and the Central Valley Project Improvement Act (CVPIA). These discussions could pose significant risks to, and have important consequences for, EBMUD’s water rights, water supply, the Mokelumne fishery, and EBMUD’s commitment to natural resources as an integral part of EBMUD’s primary role to provide water supply and wastewater treatment services.

With regard to forest health and management, while congress considered several approaches in 2017 to ensure adequate funding for both forest management and wildfire suppression, and passed disaster relief bills that included wildfire suppression funding, no agreement was reached
Federal Legislative Initiatives for 2018
Legislative/Human Resources Committee
January 4, 2018
Page 2

on how to address the issue in the long term. It is expected that congress will continue to consider this issue in 2018.

On fiscal issues, congress passed a continuing resolution in late 2017 to fund the federal government, including core water infrastructure programs such as the State Revolving Funds and water recycling assistance programs, at existing 2017 levels through January 19, 2018. Congress may address the remainder of the current fiscal year spending by extending current spending levels via a Continuing Resolution, in order to focus on enacting a FY 2019 budget by October, rather than seeking to change current spending levels through an omnibus spending measure. Regardless of the approach, it is expected that funding for infrastructure, including water resources, will remain a priority.

Though one of the administration’s priorities is to address overall infrastructure assistance comprehensively, congress may be reluctant to enact broad new federal spending programs, which could result in water infrastructure assistance being considered as a stand-alone issue. In 2018, congress may consider how to increase federal infrastructure funding and explore the development of new programs for federal infrastructure funding beyond those included in the WIIN Act. This may include discussions on reauthorizing the Water Resources Development Act (WRDA) to provide some form of direct or indirect project funding on a limited basis similar to the targeted funding approach included in the WIIN Act. In addition, discussions are likely to include proposals to develop new, or expand existing, low-interest loan programs, as well as alternative financing proposals, such as ways to facilitate private financing.

Given the uncertainty of what avenues will be available for securing federal funding, it will continue to be important to advance EBMUD’s project funding needs, with the administration and EBMUD’s congressional delegation, irrespective of whether the projects have existing WRDA authorizations. Funding secured in recent years has included a $200,000 United States Bureau of Reclamation (USBR) grant for the Bay Area Regional Reliability Project (BARR) drought contingency plan, a $400,000 USBR grant for BARR for the development of a regional water market, and a $1,000,000 USBR grant to study the feasibility of using advanced metering infrastructure.

EBMUD’s 2018 federal legislative initiatives have been developed based on known congressional priorities at this time and are consistent with EBMUD’s core mission.

EBMUD’s 2018 federal legislative initiatives are focused on four items to address the areas of highest risk, need, and opportunity for EBMUD in the context of the current congressional climate:
1) continuing to advance EBMUD’s interests in the context of protecting EBMUD’s Mokelumne River water rights, EBMUD’s water supply reliability, and the Mokelumne fishery;
2) infrastructure funding;
3) advancing EBMUD’s interests in the context of federal participation in California WaterFix; and,
 Federal Legislative Initiatives for 2018  
Legislative/Human Resources Committee  
January 4, 2018  
Page 3

4) continuing to monitor and evaluate federal efforts to promote healthy forests and watersheds.

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<th>FEDERAL INITIATIVE</th>
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| 1. Continue to advance EBMUD’s interests in the context of Mokelumne River water rights, water supply reliability, and the Mokelumne fishery. | Staff will focus on EBMUD’s priority issues in an effort to ensure EBMUD’s ratepayers are not held responsible for the flow obligations, project mitigations, or expected habitat restoration success of others, including the state and federal projects. This includes efforts to:  
  • Protect EBMUD’s Mokelumne water rights, and preserve EBMUD’s access to water transfers and its Central Valley Project (CVP) contract supplies.  
  • Protect regional water supply programs and projects, including Freeport Regional Water Project.  
  • Protect the Mokelumne fishery, including working to ensure that any policy or program revision, or project or project-related activity that would impact the Mokelumne salmonid fishery includes mitigation by the responsible parties for the impacts.  
  • Support appropriate stewardship responsibilities for the CVP, and the preservation of the ESA and the CVPIA. |
| 2. Seek federal funding opportunities for EBMUD projects via any new and existing federal programs. | • Seek any available funding opportunities via current federal avenues which include the WIIN Act, the USBR WaterSmart program, and the USBR Title XVI program. Examples of types of projects that may be eligible for funding include water conservation and water-use efficiency projects, as well as recycled water projects.  
  • Continue to advance EBMUD’s comprehensive infrastructure funding needs as congress works to develop infrastructure policy. These needs include but are not limited to: the Capital Improvement Program; the Regional EBMUD Seismic Component Upgrade (RESCU) program; the Bay Area Regional Reliability Project; recycled water projects; projects to facilitate regional and/or local water supply reliability; projects or programs to facilitate climate change mitigation and resiliency, including water and energy conservation; and projects to facilitate renewable energy.  
  • Seek project assistance opportunities within the context of any discussions that may occur regarding temporary federal relief packages such as drought or emergency relief. |
3. Advance EBMUD's interests in the context of federal participation in California WaterFix.

- Staff will focus on EBMUD's priority issues:
  - EBMUD ratepayers should not be asked to pay for costs for a project that does not benefit them and are the responsibility of others.
  - Support the United States Bureau of Reclamation “participation approach” to California WaterFix that is intended to recover costs from participating Central Valley Project contractors and avoid negative impacts to non-participating Central Valley Project contractors.

4. Continue to monitor and evaluate federal efforts to promote healthy forests and watersheds, and provide updates to the Board as appropriate.

- Monitor federal legislation on forest and watershed health, and identify potential opportunities for EBMUD to engage, particularly through its role in the Upper Mokelumne River Watershed Authority.
- Continue to gather information at the federal level on efforts to fund both forest management and wildfire suppression, as well as efforts to promote forest and watershed health, and provide updates to the Board as appropriate.

Attachment

I:\Sec\2018 Board Related Items\ Info Memos 2018\010918 LEG-HR\OGM -2018 Federal Legislative Initiatives
FEDERAL INITIATIVES - 2018

INITIATIVE #1 – CONTINUE TO ADVANCE EBMUD’S INTERESTS IN THE CONTEXT OF EBMUD’S MOKELOMNE WATER RIGHTS, WATER SUPPLY RELIABILITY, AND THE MOKELOMNE FISHERY

Following implementation of the Water Infrastructure Improvements for the Nation (WIIN) Act in 2017, it is expected that congress and the administration will continue to pursue significant changes, including potentially overturning, critical federal natural resources statutes, policies, and programs. This is expected to include the Endangered Species Act (ESA), which provides for the protection of endangered and/or threatened species and habitat, and the Central Valley Project Improvement Act (CVPIA), which governs management of the Central Valley Project (CVP) and provides important provisions for the protection, restoration, and enhancement of fish and wildlife, such as dedication of CVP water for environmental purposes and goals for the natural production of salmon.

Attempts to change federal natural resources statutes such as the ESA and CVPIA, as well as possible efforts to address water resources issues beyond the drought language included in the WIIN Act would pose significant risk to EBMUD’s Mokelumne water rights, the water supply reliability in the context of access to transfers and the Freeport Regional Water Project, and the Mokelumne fishery.

For example, if the CVPIA is re-written to no longer require a portion of CVP water to be set aside for the environment this could harm water quality and species in the Delta, and lead to the state requiring others, such as EBMUD, to make up for the CVP water that would otherwise be going to the environment. This potential shift of responsibility would threaten EBMUD’s Mokelumne water rights by requiring EBMUD to release additional Mokelumne River water to offset impacts. This shift of responsibility could also pose a risk to EBMUD’s access to some water transfers if other entities no longer have excess water to sell as a result of having to make up for the CVP water that would have otherwise gone to the environment.

With regard to the Mokelumne fishery, changes to the ESA and CVPIA could allow various activities to benefit Delta exporters in a manner that would have the practical effect of harming the Mokelumne fishery. Examples include allowing higher withdrawal rates from the Delta, repealing seasonal limitations on pumping, and increasing the time period when the Delta Cross Channel gates remain open. Potential harm associated with these types of actions includes increasing entrainment of juvenile salmon in the export pumps, increased exposure to predators, and straying of adult Mokelumne-origin fish to other rivers. CVPIA program funding for habitat restoration on the Mokelumne River, typically about $100,000 per year, could also be at risk, further jeopardizing EBMUD’s efforts to restore and enhance the Mokelumne River ecosystem and fishery.

Given the clear expressed intent of the administration and congressional leadership to pursue significant changes to critical federal natural resources statute, it is vital that EBMUD continue to work to protect the security of its water rights, primary and dry-year water supply, and the Mokelumne fishery. Staff will continue to engage with EBMUD’s delegation and others to closely monitor the development of natural resources and water-related legislation or administration policies, protect EBMUD’s interests, and communicate EBMUD’s needs.
**Recommended Actions**

Work with EBMUD’s congressional delegation, the administration, and relevant congressional committees, as appropriate, to advance EBMUD’s interests and protect EBMUD’s Mokelumne water rights, water supply reliability, and the Mokelumne fishery. Staff will focus on EBMUD’s priority issues in an effort to ensure EBMUD’s ratepayers are not held responsible for the flow obligations, project mitigations, or expected habitat restoration success of others, including the state and federal projects. This includes efforts to:

1. Protect EBMUD’s Mokelumne water rights, and preserve EBMUD’s access to water transfers and its CVP contract supplies.

2. Protect regional water supply programs and projects, including Freeport Regional Water Project.

3. Protect the Mokelumne fishery, including working to ensure that any policy or program revision, or project or project-related activity that would impact the Mokelumne salmonid fishery includes mitigation by the responsible parties for the impacts.

4. Support appropriate stewardship responsibilities for the CVP, and the preservation of the ESA and the CVPIA.

**INTIATIVE #2 — SEEK FEDERAL FUNDING OPPORTUNITIES FOR EBMUD PROJECTS VIA ANY NEW AND EXISTING FEDERAL PROGRAMS**

**Background**

Congress is expected to continue to discuss water and wastewater infrastructure, and how to address providing federal assistance, either as part of discussions on a comprehensive infrastructure policy or as a stand-alone issue. These discussions on water and wastewater infrastructure are anticipated to be both within the context of discussions on reauthorization of the Water Resources Development Act (WRDA) and providing assistance programmatically through federal agencies. Discussions will also likely include what role conventional funding via the State Revolving Fund Loan Program, Water Infrastructure Finance and Innovation Act (WIFIA) assistance, tax-exempt financing tools, or other innovative financing approaches, such as private sector financing or development of state WIFIA programs, may play in providing assistance.

In 2017, EBMUD pursued federal funding opportunities administratively and legislatively for EBMUD projects, including projects with existing WRDA authorizations, such as the San Ramon Valley Recycled Water Project and the Integrated Recycled Water Project. Although congressional efforts to provide direct water resources project assistance legislatively were unsuccessful, was selected to receive a $400,000 grant from the United States Bureau of Reclamation (USBR) to support a component of the Bay Area Regional Reliability Project, specifically the development of an
implementation plan for establishing a Regional Water Market in the Bay Area to help promote long-
term drought resilience.

The implementation of, and the funding approach included in, WIIN will require continuing to work
directly with federal agencies to pursue funding through the federal budget process and/or through any
discretionary funding opportunities. Current avenues for pursuing federal funding include the WIIN
Act, the USBR WaterSmart program, and the USBR Title XVI program. Examples of types of projects
that may be eligible for funding via these avenues include projects to support conservation and water-
use efficiency as well as recycled water projects, such as EBMUD’s WRDA authorized projects – San
Ramon Valley Recycled Water Project and Integrated Recycled Water Project.

As congress works to develop infrastructure policy, it will also be necessary to continue to
communicate to EBMUD’s congressional delegation the importance of EBMUD projects and how
those projects would benefit from funding. Congress will likely continue to consider ways to provide
specific assistance for water supply reliability and resiliency, though it is unlikely that congress would
provide any direct project assistance (e.g., earmarks). Staff will work with federal agencies and
EBMUD’s delegation to pursue any funding that may become available for EBMUD’s infrastructure
funding needs.

**Recommended Actions**

Work with EBMUD’s delegation, appropriate committee staff and the administration to:

1. Seek any available funding opportunities via current federal avenues which include the WIIN
   Act, the USBR WaterSmart program, and the USBR Title XVI program. Examples of types of
   projects that may be eligible for funding include water conservation and water-use efficiency
   projects, as well as recycled water projects.

2. Continue to advance EBMUD’s comprehensive infrastructure funding needs as congress works
to develop infrastructure policy. These needs include, but are not limited to: the Capital
Improvement Program; the Regional EBMUD Seismic Component Upgrade (RESCU)
program; the Bay Area Regional Reliability Project; recycled water projects; projects to
facilitate regional and/or local water supply reliability; projects or programs to facilitate climate
change mitigation and resiliency, including water and energy conservation; and projects to
facilitate renewable energy.

3. Seek project assistance opportunities within the context of any discussions regarding any
temporary federal relief packages such as drought or emergency relief.

**INITIATIVE #3 – ADVANCE EBMUD’S INTERESTS IN THE CONTEXT OF FEDERAL
PARTICIPATION IN CALIFORNIA WATERFIX**

The issue of federal participation in California WaterFix (WaterFix) and cost allocation of WaterFix
may garner congressional interest in 2018. The United States Bureau of Reclamation (USBR) is
continuing to assess its role with regard to WaterFix. In addition, there may be an effort underway to undermine the CVP cost allocation of WaterFix in a manner that would violate the long-standing USBR beneficiaries pay policy. Staff is aware of two proposals to shift CVP cost allocations. One proposal is for all CVP contractors to pay to offset the costs of WaterFix for those contractors that would benefit. A second proposal is for south of Delta water uses, such as refuge deliveries, to share in the cost of WaterFix.

These proposals violate the beneficiaries pay principle and would result in a shift in WaterFix costs from a small percentage of CVP contractors that would benefit from WaterFix to the vast majority (78 percent) of CVP contractors, including EBMUD that would not directly benefit from WaterFix. Shifting WaterFix costs to non-beneficiaries is contrary to the USBR’s “participation approach” for WaterFix that is intended to provide a framework for recovering costs from CVP contractors who choose to participate in WaterFix and avoid negatively impacting non-participants. In addition, shifting WaterFix costs to non-beneficiaries would mean EBMUD’s ratepayers must pay for a project that would not benefit them and has the potential to harm EBMUD’s water supply, EBMUD’s facilities, and the Mokelumne River fishery, if not adequately mitigated.

Staff will continue to engage with the USBR and its delegation to monitor efforts to develop legislation or administration policies regarding WaterFix cost allocations among CVP contractors, protect EBMUD’s interests, and communicate EBMUD’s needs.

**Recommended Actions**

Work with the administration, EBMUD’s congressional delegation, and others, as appropriate, to advance EBMUD’s interests and protect EBMUD’s ratepayers. Staff will focus on EBMUD’s priority issues:

1. EBMUD ratepayers should not be asked to pay for costs for a project that does not benefit them and are the responsibility of others.

2. Support the USBR “participation approach” to WaterFix that is intended to recover costs from participating CVP contractors and avoid negative impacts to non-participating CVP contractors.

**INITIATIVE #4 – CONTINUE TO MONITOR AND EVALUATE FEDERAL EFFORTS TO PROMOTE HEALTHY FORESTS AND WATERSHEDS, AND PROVIDE UPDATES TO THE BOARD AS APPROPRIATE**

The destructive wildfire season in 2017 is expected to renew interest in addressing forest and watershed health. In recent years federal efforts on this topic have largely focused on congressional attempts to fund both forest management and wildfire suppression. Historically, when wildfire suppression funding levels have not been adequate, funds have been borrowed from wildfire preparedness, forest management, and other accounts in order to make up for shortfalls. In 2017, congress provided additional fire suppression funding via disaster relief legislation rather than borrow
from wildfire or forest management accounts. This action signals the issue has traction and congress is expected to continue to debate a more permanent solution in 2018, which may include discussions to continue utilizing disaster relief funding to provide some wildfire suppression funding. The legislative approaches to date have sought to address the funding issue but have also contained various provisions that seek to bypass environmental protections or set a higher threshold to challenge a project.

Staff will continue to monitor and evaluate federal efforts in the Mokelumne River watershed, in particularly working through the Upper Mokelumne River Watershed Authority (UMRWA). Of note, as a result of a stewardship agreement between UMRWA and the United States Forest Service (USFS) signed in 2016, UMRWA procured contracts for forest health actions and began implementing this work in the fall of 2017. Though work halted with the onset of winter weather, it will restart in spring of 2018. At its fall workshop, the UMRWA Board confirmed its purpose of focusing on watershed health efforts as a primary goal. In support of that, UMRWA will continue to pursue grant funding and, when grants are secured, administer and implement those grant projects. UMRWA is also exploring implementation of a Community Forest Program on Bureau of Land Management land in the Mokelumne River watershed, which has the potential to contribute to the long-term management and sustainability of the Mokelumne River watershed.

**Recommended Actions**

Work with EBMUD’s congressional delegation, the administration, relevant congressional committees, and others, as appropriate, to:

1. Monitor federal legislation on forest and watershed health, and identify potential opportunities for EBMUD to engage, particularly through its role in UMRWA.

2. Continue to gather information at the federal level on efforts to fund both forest management and wildfire suppression, as well as efforts to promote forest and watershed health, and provide updates to the Board as appropriate.
ITEM 12

WATER SUPPLY UPDATE

WILL BE PROVIDED
AS AN ORAL REPORT
DATE: January 4, 2018

MEMO TO: Board of Directors

FROM: Laura A. Brunson, Manager of Human Resources

SUBJECT: Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreements with General Manager and General Counsel Based on 2017 Performance Evaluations

On January 9, 2018, the Board will be meeting in closed session to conduct 2017 performance evaluations of the General Manager and General Counsel. During the Board’s regular meeting on January 9, it is recommended that consistent with past practice, the Board appoint three members of the Board to serve on an ad hoc committee as the Board’s representatives in negotiating any amendments to the employment agreements with the General Manager and the General Counsel. The Board can provide instructions to the ad hoc committee at the Board’s next closed session meeting on January 23, 2018, in accordance with Government Code section 54957.6.

LB:rdw
INTRODUCTION

EBMUD Interdepartmental Committees oversee, review, and coordinate issues related to various District functions. As part of their ongoing duties, these committees report their activities annually to the General Manager. Below is a list of the 2017 committees and their Chair(s).

- Art Committee, Charmin Baaqee, Chair
- Consultant Contract Negotiations Committee, Mike Tognolini, Chair
- Contract Equity Advisory Committee, Beverly Johnson, Chair
- Pipe Committee, Carlton Chan, Chair
  - Materials Review Committee, Andy Akelman, Chair
- Sustainability Committee, Doug Wallace, Chair
- Water Quality Committee, Susan Teefy, Chair
- Water Resources Committee, Lena Tam, Chair

The 2017 reports summarizing the objectives, accomplishments and future work plans of each committee are attached for your information and review.

ARC:jmj

Attachments (8)

I:SEC\2018 Board Related Items\010918 Board Items\OGM – 2017 Interdepartmental Committees Annual Reports.doc
ART COMMITTEE ANNUAL REPORT - 2017

Formed in 1993, The EBMUD Art Committee meets quarterly to coordinate the exhibition of local artists at District's art gallery located on the 2nd floor of the Administration Building. The committee consists of 10 members drawn from different professions and positions within the District. The committee is chaired by Charmin Baaqee, Associate Civil Engineer.

The Art Committee mounts approximately seven exhibits each year. Three of the exhibits are coordinated in conjunction with the month-long celebrations of Hispanic Heritage, Black History and Asian American Heritage. On alternate years, one of the regular exhibits showcases the creations of EBMUD employees in what is known as the EBMUD Employee Arts Biennale.

Additionally, the Art Committee sponsors an annual one-day Employee Arts and Crafts Fair highlighting the crafts produced by EBMUD employees. This year employee-and-retiree artists participated by exhibiting and selling their crafts, which included specialty chocolates, scented soaps, planted succulents, wooden sculpture and utensils, wearables, and artwork. The event was well attended and enjoyed by District personnel and the public. The event was organized by non-Art Committee member, Elizabeth Grassetti.

Each 7-week long art exhibit is coordinated by one or two committee members with support from the entire committee. Responsibility for coordination is distributed amongst committee members so that each member works on one or two exhibits per year. Committee members are responsible for:

- Attending quarterly meetings to select art work and schedule exhibits, generate ideas for new shows, and discuss committee procedures and policies.

- Seeking out artists, reviewing submitted art work, and communicating with artists and local art groups.

- Assuring that guidelines for the exhibits are provided to the artists, arranging legal agreements and protecting EBMUD from inappropriate liabilities.

- Coordinating invitation designs, artist statements, exhibit labels and podium materials. Postcard invitations to the exhibit and reception are provided to the artist, and are mailed to several news and community organizations.

- Coordinating delivery, hanging and taking down of art exhibits (sometimes from multiple artists).

- Publicizing the exhibits in Splashes, through District email and intranet, and through mailings.

- Coordinating, hosting and arranging refreshments for artist receptions.
2017 Accomplishments

This year, the Art Committee continued to focus on increasing public outreach and visibility within the artist community. Committee Chair Charmin Baaqee, was appointed to the City of Oakland’s Public Art Advisory Committee (PAAC), where the PAAC meet monthly with local artists to increase awareness and support of community engagement in the arts. In addition, the Art Committee members provided input on discussions related to beautification enhancement opportunities at District facilities.

The Art Committee welcomed two new members, Kristen Font and Jakira Jekayinfa-Brown. The Art Committee also celebrated the life and contributions of District retiree Marge Louis by hosting a solo show featuring her needlepoint works gifted to other District employees over the span of her career. We bid farewell to Michael Bergstrom and to retiree Vinella Garcia who tirelessly volunteered her time in an effort to support the District’s commitment to community building among employees and external stakeholders. As always, we applaud the contributions of our former committee members as well as continued support from District-wide art enthusiasts.

As in previous years, the 2017 exhibits provided opportunities to a widely diverse group of artists of different ages, ethnicities and genders and provided positive community engagement for the District. Below is a summary of the 2017 art exhibits.

- **December 15 to January 27:** The stylistic and technique-diverse collection of Marge Louis’ needlepoint works were exhibited in the “Remembering Marge” tribute. The exhibit included 25 works submitted by colleagues and family members who received needle point gifts over Marge’s life and 50+-year career at the District. The displayed works focused on themes that celebrated marriage, family, wildlife, and adventure. This exhibit was curated by Charmin Baaqee and Linda Christo.

- **February 2 to March 17:** In cooperation with the Black History Month Committee, micro mosaic artist and former District security officer, Nana-Dictta Graves’ exhibit entitled, “Bits and Pieces” showcased a collection large scale mixed-media works inspired by Graves’ birth country Ghana. Graves’ incorporated recycled materials and consistent themes of community and environmental stewardship in each piece. In addition she worked with the Black History Committee to infuse this display of unity and respect into an employee-collaborated fashion show and dance performance. Her exhibit was well-received and the reception was well-attended. This exhibit was curated by Charmin Baaqee and Joey Smith.

- **March 23 to May 4:** In coordination with Asian Pacific Heritage Month, the Art Committee presented a diverse collection of works by Lisa Solomon. The exhibit entitled, “Snippets and Miscellanea” was a study in color theory and mediation, the potential of the number 1000 as a signifier in Japanese culture, and her family's history and migration through the world. The exhibit was curated by Charmin Baaqee and prompted curiosity and healthy reflective dialogue among District employees.
• **May 11 to June 22:** Retired tradeswoman and artist Victoria Hamlin displayed her works inspired by the often untold stories of trades workers’ stories in her exhibit entitled, “ON SITE: Women & Men in Construction.” The exhibit included oil and graphite on Arches oil paper, oil and graphite and collage on Tyvek, and digital photography. This body of work welcomed viewers into the world of construction from a decidedly different point of view; showing how “the values of a ‘blue collar’ life work well with the goals of an artist.” This exhibit was curated by Joey D. Smith.

• **June 29 to August 10:** Over 40 students from the Mary L. Harden School of Botanical Illustration joined together to display their works to promote an interest and awareness in the beauty of our diverse plant kingdom in a show entitled “Green Matters.” Their beautiful, life-like artwork was created using pencil, color pencil, pen and ink, quill, silverpoint, gouache, and watercolor to illustrate live specimens of plant parts such as seed pods, blossoms, branches, and stems. In addition to the wall art, the students also reproduced their work on oversized banners that were hung on the 2nd floor bannisters and the waterfall. The show was well received by employees as well as a large crowd of fans, friends and family members of Ms. Harden and her students. This exhibit was curated by Heidi Benenson and Rischa Cole.

• **August 17 to September 21:** Oakland artist and Skyline High School visual arts teacher Jamie Treacy presented works from the “Unprepared Eye” series. The exhibit included deeply color saturated mixed media works that were inspired by Treacy’s love for swimming in open water and his curiosity about unfamiliar life forms. As such, many of the artworks were reminiscent of science fiction illustrations. “The Unprepared Eye” provided viewers with an opportunity to imagine their own first encounters with the unfamiliar. This exhibit was curated by Charmian Baaqee.

• **September 28 to November 10:** Daniel Camacho is an Oakland artist and elementary school teacher whose works reflect his Mexican roots and traditions. The exhibit entitled, “Walking on the Edge/Caminando en la orilla,” was inspired by Camacho’s walks around Lake Merritt and the sense of community he found in Oakland. The artist’s pieces ranged from small, detailed portraits of faces to giant canvas banners painted with scenes of Dia De los Muertos symbology. The artist’s use of vibrant colors and large scale of pieces was truly a feast for the eyes. This exhibit was curated by Kristen Font and Charmian Baaqee.

• **November 16 to December 29:** The exhibit entitled, “36 Paintings by Brett” is a body of work in which the artist, Brett Pedersen, seeks to reproduce master works of art with a twist. His works are inspired by the works of other great artists who sought inspiration from nature, humanity, and ordinary objects. He is about 10,000 hours into Art Practice and hopes and expects to attain at least the beginning of actual mastery of painting in 2018. His bright, colorful, bold work lit up the District’s art gallery and drew employees and visitors in to look more closely to discover how he made the master works his own. This exhibit was curated by Heidi Benenson with assistance from Kristen Font.
2018 Goals

In 2018 the Art Committee will be celebrating 25 years. Committee members are working with other District stakeholder groups, such as the Public Affairs Department, to plan events to celebrate this major milestone. Proposed ideas include a local gallery tour, artist talk, and collaborative art projects. The exhibit schedule is partially full through early-2018. Committee members will continue to review submissions by artists and schedule future shows. The Committee is hoping to build stronger relationships with schools and other local community arts organizations as well as provide opportunities to be more inclusive of District employees working outside of the Administration Building when developing additional programming. In addition, the Committee will continue its efforts to recruit new members and fill recent retiree and other vacancies.

Committee Members
Charmin Baaqee, Asst. Eng., Chair
Heidi Benenson, Tech. Training Admin.
Linda Christo, Executive Asst. II
Rischa Cole, Secretary of the District

Kristen Font, Wastewater Control Rep.
Joey D. Smith, Water Conservation Tech.

Adjunct members:
Jonathan Salmon, Attorney II, Legal Advisor
Karla Lund, Senior Graphic Designer
The Consultant Contract Negotiations Committee (CCNC) was formed in 1999 to coordinate District-wide engineering consultant procurement and contracting practices. The CCNC’s purpose is to develop and implement District-wide practices for cost-effective engineering consultant contracting. Development and support of the Engineering Consultant Roster (ECR) process is one of the primary responsibilities of the CCNC. Providing support for the as-needed training of project managers in procuring, negotiating and administering consultant contracts is another area of focus for the committee.

The CCNC meets on an ad hoc basis to coordinate implementation of the current District-wide ECR and plan for the development of the upcoming ECR. In 2018, the committee will continue to focus on a simplified and automated means to keep the Consultant Agreement Spreadsheet History (CASH) document continuously updated. Committee members will be interacting with the Materials Management Information System (MMIS) replacement project manager regarding options to include tracking requirements in the new system. Finally, the committee plans to revisit the goals and objectives of the ECR program.

2017 Accomplishments

- Successfully contracted engineering contracts 35% to Small Businesses and 59% to Local Businesses, including 12% to Local Small Businesses.
- Reviewed the ECR contracting process and identified a need to modify the process to better achieve program goals. Delayed the ECR request for qualifications until the committee can evaluate and implement modifications.
- Achieved 65% (11 of 17) utilization of the ECR by District project managers for ECR eligible contracts.

2018 Goals

The Committee has the following goals:

- Implement a process for the continuous update of the CASH document as a part of the contract-award process. Confirm that the District’s new MMIS system has the ability to track key data as part of contract awards.
- Conduct an evaluation of the changes that have taken place regarding the District’s consultant needs and goals, and the consultant landscape since the CCNC was originally created in 1999.
- Revisit ECR goals and objectives and update the ECR process with input from Senior Management Team and consultants. Updates to the ECR would reflect the District’s current engineering contracting needs, current consultant landscape, District values, and Contract Equity Program (CEP) objectives while being consistent with the District’s Strategic Plan and contracting codes.
- Improve CEP performance on Prime ECR contracts (FY17 actual percentages were 84% white men, 5% ethnic minority and 11% white women-owned firms, meeting the District CEP objectives of 25% for white men, and 6% for white women, respectively). The committee will continue to seek opportunities to improve performance for ethnic minority and women-owned firms.
Committee Members

Andrew Akelman, Manager of Purchasing, Finance
Michael Ambrose, Manager of Regulatory Compliance, Operations and Maintenance
Xanthe Berry, Assistant General Counsel, Office of General Counsel
Carlton Chan, Manager of Pipeline Infrastructure, Engineering and Construction
Douglas Y. Higashi, Manager of Wastewater Engineering, Wastewater
Beverly Johnson, Contract Equity Administrator, Customer and Community Services (Roster Manager)
Michael Tognolini, Manager of Water Supply Improvement, Water & Natural Resources (Chair)
The Internal Contract Equity Advisory Committee was organized in 1990 to:

- Increase the effectiveness of the District’s contracting diversity program,
- Solicit District-wide input on recommended program and reporting enhancements, and
- Assist in monitoring the program’s effectiveness.

The committee convenes bi-annually to address contracting issues and/or other agencies contracting diversity initiatives that could impact (positively or negatively) the District’s Contract Equity Program (CEP) and the local business community.

2017 Accomplishments

- Promoted outreach activities including the first Construction Contractors Academy Series 2 (basic project management for public works projects) in partnership with Alameda County Public Works, Project Management Training program in partnership with the City of Richmond, Chevron, and the Construction Resource Center, and the District’s 2nd Annual Contracts & Procurement Opportunities Workshop & Trade Fair small business forum.
- Expanded the number of projects in the pilot local hire component for targeted construction projects to six including the first Wastewater project.
- Updated the bid documents to include local hire goal language and requirement to use new electronic certified payroll software.
- Reviewed the Engineering Consultant Roster (ECR) contracting process and identified a need to modify the process to better achieve program goals in conjunction with the Consultant Contract Negotiations Committee.

2018 Goals

The committee will continue to review and monitor contract participation and workforce utilization and recommend initiatives to:

- Reach the District’s goal of 50% small business participation for contract awards of $70,000 or less,
- Achieve all three District’s contracting objectives:
  - White Men 25%
  - White Women 6.3%
  - Ethnic Minorities 25%
- Increase local hiring on District construction projects, and
- Update ECR or replace with another streamlined professional services contracting process.
The committee will continue to:

- Implement pilot local hire component for targeted construction projects.
- Engage in aggressive outreach and education efforts.

**Committee Members**

Beverly Johnson, Contract Equity Administrator, Customer & Community Services (Chair)
Andrew Akelman, Manager of Purchasing, Finance
Xanthe Berry, Assistant General Counsel, Office of the General Counsel
Carlton Chan, Engineering Manager, Engineering & Construction
Janetta Johnson, Assistant to General Manager, Office of the General Manager
Rick Hu, Principal Management Analyst, Operations & Maintenance
Serge Terentieff, Engineering Manager, Engineering & Construction
Michael Tognolini, Manager of Water Supply Improvements, Water & Natural Resources
Doug Higashi, Manager of Wastewater Engineering, Wastewater
The purpose of the Pipe Committee is to establish and maintain standards, specifications, procedures and practices related to the wide range of subjects involving water and reclaimed water distribution system pipelines and appurtenances. The Pipe Committee is chartered to meet a minimum of three times per year. This summary report describes the Committee's accomplishments in 2017 and goals for 2018.

**2017 Accomplishments**

**Pipe Materials and Appurtenances**

*High Density Polyethylene Pipe.* The Committee continues to evaluate High Density Polyethylene Pipe (HDPE). R&B Company provided a demonstration of a 4-inch connection on an 8-inch pipe using the McElroy Sidewinder tool, a McElroy Combination Unit fusion machine, and the electrofusion process. District staff performed destructive tests on the three demonstration samples and all proved successful. The demonstration confirmed the availability of alternate installation methods for larger diameter services and branch saddles. EBMUD is a member of the Municipal Advisory Board (MAB), a group comprised of the HDPE industry, utilities, researchers and contractors focused on the design and installation of HDPE piping systems. District staff assisted in updating TN-34/2009 – Installation Guidelines for Electrofusion Couplings 14-inches and Larger and will assist with the update of the American Water Works Association (AWWA) Manual of Water Supply Practices M55 – PE Pipe Design and Installation. A draft memo will be submitted to the Pipe Committee by the end of 2017 addressing installation best practices and acceptable maintenance strategies. Staff has been working to develop installation and maintenance recommendations.

*ServiceGuard laterals.* ServiceGuard composite polyvinyl chloride (CPVC) laterals as of December 2017 are no longer available as the manufacturer has discontinued producing the product. This will not impact District maintenance efforts as the use of ServiceGuard was limited only when the following three criteria exist: renewal of an existing lateral on a non-metallic main, the lateral is located in corrosive soil, and the installation is properly recorded in the General Work Order System. The Committee recommended that staff continue installing anodes on unprotected copper laterals and continue using vinyl-coated copper as the standard lateral material. In addition, the installed CPVC service laterals will be further evaluated over time to test their performance.

*Standard Weight Steel Pipe.* The District is evaluating the use of standard weight steel pipe as an alternative to the custom gauge steel pipe that is currently stocked. The evaluation memorandum will be presented at the January 2018 Pipe Committee meeting for approval. A pilot installation using Standard Weight steel pipe is tentatively scheduled for fall 2018.

*Cast iron pipe anode clamp.* Staff has been working to reinforce the importance of installing anode clamps when the crews repair a main break on a cast iron pipe. Staff developed a new detail that clarifies the location of the anode installation. The District is now fully stocked with
CPSI Cathodi-Clamp made by CP Solutions. By installing anode clamps, the District will significantly reduce future main breaks; one anode provides up to two blocks of cathodic protection for cast iron mains.

**Pilot Projects**

**Ductile Iron Pipe.** District staff is designing a pipeline renewal project using American Earthquake Resistant Ductile Iron Pipe (ERDIP) called the American Earthquake Joint system. The American brand is similar to Kubota Pipe (pilot project completed in 2016) but resolves some of the issues with using Kubota Pipe, such as, better product availability as the pipe is manufactured in the United States (Kubota is manufactured in Japan), United States sizing standards instead of metric, fewer parts than Kubota and lower material cost. The project is scheduled to start construction on Santa Barbara Road and Northampton Avenue in Berkeley in summer 2018.

**Pipeline Rebuild Pilot Projects**

**Aqua-Pipe.** In early 2016, the Pipe Committee approved the use of Aqua-Pipe, a cured-in-place pipe (CIPP) lining system. Four locations were chosen to pilot the process and material: 640 feet of 12-inch diameter asbestos cement (AC) pipe in Richmond on Marina Park (Regatta Boulevard); 2,000 feet of 12-inch diameter AC pipe at the I-880 crossing on Glenn Avenue in San Pablo; 5,000 feet of 8-inch diameter AC pipe in Walnut Creek on El Camino Corto; and 5,200 feet of 12-inch diameter AC pipe in Lafayette on Upper Happy Valley Road. The first three projects in Richmond, San Pablo, and Walnut Creek were completed in 2016. The fourth and final project on Upper Happy Valley Road was completed in 2017. Overall, approximately 2.4 miles of AC Pipe was renewed with Aqua-Pipe in 2016 and 2017. The CIPP subcommittee is currently conducting a comprehensive review and evaluation of all project specific data, outcomes, and lessons learned. A final summary of the pilot projects will be submitted to the pipe committee in early 2018.

**PVCO.** In 2017, Pipeline Rebuild continued to test the installation of PVCO (AWWA C909), a formulation of PVC that is stronger and lighter than the standard AWWA C900 PVC. District crews installed approximately 11,000 feet of a Bionax-SR, a PVC product from IPEX that is characterized by having an elongated bell. In June of 2017, Pipeline Rebuild staff visited Cornell University to observe the laboratory testing of Bionax-SR under a variety of seismic loading conditions. Along with a recommendation, a final summary of PVCO and lessons learned from the pilot projects was submitted to the pipe committee in 2017.

**Ductile Iron Pipe.** District crews are piloting the installation of TR-Flex, a restrained joint ductile iron pipe manufactured by McWane Ductile in Provo, Utah. The pilot project is located in Walnut Creek on Almond Avenue and Oakland Boulevard and consists of approximately 5,300 feet of replacements. The TR-Flex ductile iron pipe is zinc-coated and District crews are installing an enhanced polyethylene encasement called V-Bio for corrosion protection. A memo to the Pipe Committee will be submitted by the end of 2018.
Standards and Procedures

Standard Drawing 3272-B; 2-Inch PVC Pipe Installation Details was re-introduced and approved by the Pipe Committee. The revision replaces galvanized steel with brass.

Engineering Standard Practice (ESP) 251.1 Distribution System Maps – Pipe Designations. This ESP was revised to include new material code designations for Cured-in-Place Pipe lining, Metallic (Zinc) coating and restrained joints (RJ).

2018 Goals

The Pipe Committee will continue to be the primary forum for information distribution and discussion of issues related to matters involving distribution system pipelines and appurtenances. The Committee will continue to review and update standards, procedures, specifications and practices as required.

The Committee will also continue to work closely with Pipeline Rebuild staff, two of whom are on the Pipe Committee, to pilot new materials and pipeline rehabilitation methods to ensure all pilots undertaken at the District follow appropriate protocols and that results are shared with all interested parties.

Pipe Materials and Appurtenances

HDPE Pipe:
- Continue to evaluate the use of HDPE pipe.
- Start to preemptively replace all HDPE service saddles. A plan and Project Authorization was approved.
- Continue to work with staff from various departments to develop a maintenance strategy.
- Form a subcommittee comprised of staff from various departments to develop a training module for the Pipeline Academy.
- Develop standard specifications and update standard details.
- Develop standard repair method using mechanical fittings (Romac).

Pilot Projects

- Complete the summary and recommendation memo for the Aqua-Pipe.
- Complete the summary and recommendation memo for Certa-Lok.
- Complete the summary and recommendation memo for PVCO.
- Complete the summary and recommendation memo for restrained ductile iron pipe including corrosion protection practices.
- Form a subcommittee to research PVC restrained systems.
- Form a subcommittee to continue the narrower and shallower trenching pilot. This pilot was started in 2015 but was not monitored.
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- Follow-up on CPVC service lateral installations.
- Standard weight steel pipe installation pilot tentative scheduled for fall 2018.

Standards and Procedures

- Revise Standard Drawings 1870-A and 310-EA to reflect the difference in thickness of steel elbows and stock pipe.
- Develop standard specifications for HDPE installation.
- Update ESP 450.1 – Annually Informing Local Jurisdictions of Upcoming Capital Projects.
- Update ESP 512.2 – Pipeline Material Estimate.
- Update ESP 514 – Identifying Buried Conflicts.
- The update of ESP 512.1 (Water Main and Services Design Criteria) is in development, with a planned completion in July 2018. New criteria to be added to ESP 512.1 includes a “Pipeline Material Selection” Decision Tree, HDPE design criteria, design criteria references, updated clearance requirements per Title 22, and criteria for pipeline abandonment. ESP 512.5 (Design Standards for Recycled Water Facilities) will be updated once ESP 512.1 is finalized.
- Update Standards Drawing 1995-A – Multiple Branch Service Installations ¼-Inch through 2-Inch to add options for vault installation and staggered meter boxes.

Meeting Minutes

The Pipe Committee is chartered to convene at regular intervals at least once every three months. In 2017, the Pipe Committee met four times; January 5, April 11, July 6 and October 5. Meeting minutes have been placed on Webdoc (Keyword search: Pipe Committee).

Continuing in 2018, the meeting minutes will be sent to a wider distribution network and PID will develop a formal distribution list to solicit input on standard drawing revisions.

2017 Committee Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Andy Akelman</td>
<td>Manager of Purchasing</td>
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<tr>
<td>David Bailey</td>
<td>Senior Mechanical Engineer</td>
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<tr>
<td>Marisa Boyce</td>
<td>Associate Civil Engineer</td>
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<tr>
<td>Carlton Chan (Chair)</td>
<td>Manager of Pipeline Infrastructure Division</td>
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<td>Mobil Cox</td>
<td>Construction Maintenance Superintendent</td>
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<tr>
<td>Christopher Dodge</td>
<td>Senior Civil Engineer, Pipeline Design</td>
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<tr>
<td>Elena Dudek</td>
<td>Associate Civil Engineer</td>
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<tr>
<td>Angelo Figueroa</td>
<td>Supervising Construction Inspector</td>
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<tr>
<td>David Katzev</td>
<td>Senior Civil Engineer, Pipeline Rebuild</td>
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<tr>
<td>Tim Harris</td>
<td>Construction and Maintenance Superintendent</td>
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<tr>
<td>Damon Hom</td>
<td>Superintendent of Water Treatment</td>
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<tr>
<td>Gina Jenkins</td>
<td>Manager of Meter Reading and Maintenance</td>
</tr>
</tbody>
</table>
Laura Johnson  Manager of Pipeline Construction and Equipment
Antonio Martinez  Manager of Distribution Maintenance and Construction
Marshall McLeod  Senior Civil Engineer, Large Diameter Pipelines and Aqueducts
Roberts McMullin  Senior Civil Engineer, Distribution System Engineering and Corrosion Control
Tony Montano  Manager of Facilities Maintenance and Construction
Vincent Pon  Superintendent of Aqueduct
Jose Rios  Senior Civil Engineer, Distribution System Planning (*for D. Rehnstrom*)
Keith Packard  Associate Corrosion Control Specialist
Kenneth Younger  Materials Storage Supervisor
MATERIAL REVIEW COMMITTEE ANNUAL REPORT - 2017

The Material Review Committee (MRC) is a standing subcommittee of the Pipe Committee and was formed in March of 1990 with a purpose to provide a working level group to set priorities and coordinate work in the areas of new product evaluation, complaints on existing products, and changes in specifications and engineering drawings. This summary report describes the Committee’s accomplishments in 2017 and goals for 2018.

The MRC is chartered to meet quarterly and met in 2017 on January 4, March 15, June 14, September 13, and December 13.

2017 Accomplishments

The following are highlights and items presented to and/or investigated by the committee:

- **C-900 vs C-909 PVC Pipe:** For the Pipeline Rebuild Project the MRC supports a switch to C-909 based on a combination of cost, availability, ease of use, and product performance and has made this recommendation to the Pipe Committee.

- **Gate Pot Lids and Data Loggers:** The MRC was briefed and agreed to a limited pilot of gate pot lids and data loggers. The materials were ordered and put into stock and issued to a service yard. The purpose of this pilot is to ensure lids of any material (metal, composite, etc.) are provided that do not interfere with signals.

- **Uninsulated Products:** The MRC made a significant effort in 2017 to highlight and address the problem of using uninsulated products. For example, shorter meter coupling and some angle stops are not insulated. Staff is in the process of awarding a contract for anodes on copper laterals which require the meter to be electrically insulated from the house line. If these are not insulated, the anodes will not be as effective. This information was communicated to field staff to increase awareness of this problem.

- **Surplus Equipment:** The MRC made significant progress addressing surplus property at Oakport. The MRC directed that photos and descriptions of equipment be placed on the Purchasing website. Staff was directed to visit the site and identify equipment that could be used in the design of new projects or be otherwise salvaged before having to be scrapped. From this process, Oakport was able to salvage multiple large diameter butterfly valves (24-inch and greater) actuators that could be reworked and utilized, thus saving the District money.

- **12-inch Clowe Gate Valves:** Crews were unable to close them all of the way. 80 were sent back to the manufacturer Clowe where they were reworked and now function properly.

- **HDPE Couplings:** Reviewed two different manufacturers of couplings - Central Plastics and IntegriFuse. The Central Plastics product works with our machines. The IntegriFuse product does not work properly with our equipment due to different attachment prongs. Our crews
were not aware that this product required certain fusion equipment. The MRC specified using only Central Plastics for HDPE Couplings.

The MRC also addressed problems with the following: Tiger Tooth Diamond Blade, AVK Flowguard hydrant check valve, standardization of Power Seal versus Smith-Blaire products, insulated flange meter gaskets, angle stop compression issues and Neese rain suits (quality control issue with manufacturer).

2018 Goals

The MRC will continue to be the primary forum for information distribution and discussion of issues related to new product evaluation, complaints on existing products, and changes in specifications and engineering drawing matters.

In 2018, the MRC will prioritize the following:

- Training standardization efforts for tools and equipment.
- Improving communications and outreach on the importance of cathodic protection and products/methods to improve performance.
- Continuing to compile data on C-909 pipe from District experiences and from other agencies.
- Following up on 2017 efforts with surplus equipment, gate pot lids, data loggers, and uninsulated products.
- Conducting general outreach to end users and engineers on the Hymax line of products as well as similar products for feedback and assessment. Efforts will also continue to be made to increase awareness of surplus property at Oakport that could be used.

Committee Members

Andy Akelman (Chair), Purchasing Division
Dennis Carroll, Construction Division
Adam Clarke, Distribution Maintenance & Construction
Mobil Cox, Pipeline Construction & Equipment
Tim Harris, Distribution Maintenance & Construction
Ronald Monteforte, Construction Inspection
Julia Rahman, Pipeline Infrastructure
Tom Reinhart, Stores (Purchasing)
Rochelle Roybal, Purchasing (Buyer)
Kelley Smith, Purchasing (Contracts)
Jonathan Tham, Engineering Services
Hank Williams, Engineering, Corrosion Control
Jessica Rockwell (Recording Clerk), Purchasing Division

Additional information on the MRC is located on the Purchasing Division website and includes meeting schedules, minutes, and membership at: http://ebmudnet/purchasing/MRC/mrc.htm.
In accordance with District Procedure 603, this memo is the annual report for the Sustainability Committee. The Committee’s purpose is to advance sustainability practices and policies at the District, consistent with Policy 7.05 - Sustainability. The Committee’s goals and objectives are to:

- Achieve continuous improvement in sustainability practices with a primary focus on waste reduction, energy conservation, and water conservation.
- Engage staff to identify and implement sustainability opportunities and best practices for improving operations, guided by the triple bottom line (economic, social, and environmental).
- Ensure that sustainability practices and concepts are embedded in the District’s culture.

The Sustainability Committee’s sustainability practices and principles support and demonstrate the District’s core values of Stewardship, Integrity, Teamwork, and Respect.

**2017 Accomplishments**

The Committee met nine times in 2017 and reports the following accomplishments.

- April 19, 2017 – Coordinated the 18th annual Earth Day Event. The numerous exhibits from both District workgroups and external vendors showcased sustainability efforts and programs at the District and in the service area. Throughout the week, the Committee sent out educational quizzes and emails on sustainability topics, as well as prizes.
- August 30, 2017 – Coordinated the District’s third annual “Crop Swap.” The event was held in the 2nd floor lobby of the Administration Building, with eight staff contributing home-grown produce.
- October 24, 2017 - Prepared and presented the Sustainability Report to the Board of Directors. This year, the report used the District’s Strategic Plan as the basis for linking sustainability efforts to the six long-term goals.
- Continued employee sustainability outreach and advocacy with over 100 related features in Splashes, 12 articles in the Regulatory Compliance Office Newsletter, and six presentations at the District’s Engineers’ Forum.
- Supported efforts to certify three additional District facilities as Green Businesses and another three facilities as WaterSmart Businesses.
- Implemented the 3-bin waste system at all District facilities in Contra Costa County, and initiated the “Garbage Project” to comprehensively manage facility waste streams at all District facilities.
- Provided input on the District’s employee survey on commuting, which received the largest participation of any employee survey conducted.
- Supported the District’s second issuance of Green Bonds in the amount of $185 million, which was well received by the investment community.
- Participated in the Request For Proposal development and contractor selection for the trench soils off-haul contract.
- Gave two presentations on EBMUD sustainability to the UC Berkeley Environmental Science Student Association.
- Welcomed six new members to the Sustainability Committee.

2018 Goals

- Organize the 19th annual Earth Day event for April 25, 2018.
- Hold the fourth annual crop swap in September 2018.
- Continue and expand employee outreach and education (*Splashes*, reports, Green Bags/Engineers’ Forum).
- Assist in preparing a follow-up survey on employee commuting alternatives.
- Support the Senior Management Team's priority planning and actions on sustainability and resilience.
- Participate in developing and implementing the “Garbage Project” to better manage and maximize recycling, composting in all District facilities.
- Pursue additional Green Business and WaterSmart certifications of District facilities.
- Advocate expanding bicycle storage for employee commuters at various facilities.
- Seek new strategies for reducing solid waste and improving water and energy conservation.
- Update and expand the Sustainability webpage on the District Intranet.
- Propose new climate-friendly vegetation for Administration Building planters.
- Support Purchasing in refining criteria for sustainability in vendor selection for contracts for goods and services.
- Continue to advance a “culture of sustainability” at the District at all levels and in all workgroups.

Committee Members
Cynthia Adkisson, Environmental and Safety Specialist, Co-Chair (retired)
Michael Ambrose, Manager of Regulatory Compliance
Jolene Bertetto, Water Conservation Representative
Clifford Chan, Manager of Maintenance and Construction Dept.
Suzanne Delbou, Executive Assistant, Operations and Maintenance Dept.
Kristen Font, Wastewater Control Representative
Lorena Girardin, Senior Administrative Clerk, Workplace Health & Safety
Victor Gonzales, Associate Civil Engineer, Regulatory Compliance
Richard Harris, Manager of Water Conservation
Chandra Johannesson, Manager of Environmental Compliance
Dennis Karaim, Drafting Supervisor
Tina Kwan, Administrative Clerk, Facilities Maintenance & Construction
Jenesse Miller, Senior Public Information Representative
Tony Montano, Manager of Facility Maintenance & Construction
Virginia Northrop, Senior Ranger/Naturalist
Suzanne Porter, Building Tenant Services Supervisor
Ivette Rivera, Gardener Foreman
Joey D. Smith, Water Conservation Technician
Kelley Smith, Purchasing Contract Supervisor
Doug Wallace, Environmental Affairs Officer, Chair
Agnes Wan, Associate Architect
The purpose and charge of the Water Quality Committee are to

- Review, oversee, and coordinate the District’s drinking water quality program
- Promote the efficient collection, management, and use of water quality information
- Promote distribution of water quality information throughout the District
- Ensure, review, and comment on legislation and regulations affecting drinking water
- Recommend appropriate actions as needed to respond to drinking water quality issues

The Committee meets on the third Thursday of each month.

2017 Accomplishments

- Moved away from paper copies of charts and began reviewing the charts electronically using a large monitor to save paper. More than 20 charts and figures containing current water quality data from multiple sources are created each month. Electronic versions are stored on the intranet for use by committee members later as needed.
- Monthly charts were reviewed by the group at each meeting and trends or changes were discussed.
- Proposed legislation and draft regulatory changes were tracked, and comments were developed when appropriate. For example, a joint letter with San Francisco Public Utilities Commission was developed to provide comments to United States Environmental Protection Agency regarding potential changes to the disinfection regulations.
- Prepared two semi-annual water quality reports for the Board of Directors summarizing the status of the District’s compliance with the regulatory requirements as well as with the District’s internal water quality goals. The District’s annual Consumer Confidence Report (formerly called the Annual Water Quality Report) was reviewed.
- Discussed and provided input to the development and enhancement of the District’s lead monitoring and mitigation programs. Several major efforts were conducted in 2017 including a program allowing individual customers to have their home taps tested, a sampling program for lead in schools, and the update of the service lateral inventory including testing and removal any remaining lead services.
- Reviewed data and provided input regarding high levels of trihalomethanes detected in the distribution system during 2017 and made recommendations regarding potential monitoring and mitigation strategies.
- Reviewed results of ongoing research projects and discussed potential applications to the District. Committee members participated in several research projects, both as Project Advisory Committee members and as participating utilities, and shared information about these projects at committee meetings.
- Reviewed water quality plans and programs such as the District’s Cyanotoxin Monitoring Program and the draft Recycled Water Master Plan.
2018 Goals

The committee will continue to meet monthly to review, coordinate, and oversee the District’s water quality program. Specifically the committee plans to:

- Review the District’s water quality goals and ensure that they incorporate all relevant contaminants and are appropriately set to incorporate the latest technical information and regulatory requirements.
- Continue reviewing upcoming legislative and regulatory changes; develop and submit comments where appropriate. Advocate for sound science in the development of legislation and regulation.
- Continue improving the display and dissemination of water quality data, particularly by using new tools such as mapping and web-based applications.
- Participate in water industry organizations and exchange water quality information and research results with other water utilities and organizations.
- Ensure that water quality issues are considered and addressed in all District projects that may impact water quality.

Committee Members
Michael Ambrose, Manager Regulatory Compliance
Hilary Anderson, Manager of Operation and Maintenance Planning
Nirmala Arsem, Manager of Laboratory Services
Charles Beckman, Ranger Supervisor, Local Watershed & Recreation Division
Carlton Chan, Manager, Pipeline Infrastructure
Clifford Chan, Manager, Manager, Maintenance & Construction
Augustus Cicala, Associate Civil Engineer, Distribution System Engineering
Roberto Cortez, Superintendent, Water Treatment/Distribution/Quality
Andrew Enos, Associate Engineer, Process Engineering
Paul Gilbert-Snyder, Associate Engineer, Water & Natural Resources
Michael Hartlaub, Senior Civil Engineer, Water Treatment Plant Improvements
Scott Hill, Manager, Watershed & Recreation
Damon Hom, Superintendent, Water Treatment/Distribution/Quality
Linda Hu, Senior Civil Engineer, Water Supply Improvements
Cindy Hunt, Superintendent, Water Treatment/Distribution/Quality
Chandra Johannesson, Manager of Environmental Compliance
Brett Kawakami, Engineering Manager, Water Treatment & Distribution
Hubert Lai, Senior Civil Engineer, Process Engineering
Jack Lim, Senior Chemist, Laboratory Services Division
Kristi Lorenson, Senior Chemist, Laboratory Services Division
Jason Mitchell, Senior Chemist, Laboratory Services Division
Vincent Pon, Superintendent of Aqueduct
Javier Ramos, Water Distribution Supervisor, System Water Quality
David Rehnstrom, Engineering Manager, Planning Division
Debra Skeaton, Water Distribution Supervisor, System Water Quality
Richard Sykes, Director, Water & Natural Resources
Michael Tognolini, Manager, Water Supply Improvements
Gordon Williams, Manager of Regulatory Planning for Water Quality
The Water Resources Committee (WRC) coordinates and clarifies District responses to emerging water resources issues to advance District policies in a comprehensive and effective manner.

**2017 Accomplishments**

In 2017, WRC focused on activities related to the State Water Resources Control Board (SWRCB) Bay-Delta Water Quality Control Plan (Bay-Delta Plan) Update for potential impacts to the District’s water supply, implementation of the Camanche Permit Extension (CPE) Protest Dismissal Agreement (PDA) including the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project and the California WaterFix (WaterFix). The SWRCB is in the process of updating the Bay-Delta Plan to protect beneficial uses in the Bay-Delta watershed. Phase I of this work involves updating San Joaquin River flow and southern Delta water quality requirements included in the Bay-Delta Plan. EBMUD is more involved in the Phase II changes to the Bay-Delta Plan as it will include new inflow requirements for the Mokelumne River. Other changes will include (i) new flow standards for the Sacramento River, its tributaries, and eastside tributaries to the Delta (the Mokelumne, Calaveras and Cosumnes rivers); (ii) new and modified Delta outflow requirements; new requirements for cold water habitat; (iii) new and modified interior Delta flow requirements; (iii) recommendations for complementary ecosystem protection actions; and (iv) adaptive management, monitoring, evaluation, special study, and reporting provisions.

EBMUD coordinated with SWRCB staff and staff from the California Department of Fish and Wildlife to ensure Phase 1 and 2 of the Bay-Delta Plan update contains current scientific information and modeling assumptions for the Mokelumne River. EBMUD also coordinated with other stakeholders from the Mokelumne and American Rivers to share and exchange information to promote an environment of collaboration and partnerships and to identify potential opportunities for voluntary agreements for improvements to the SWRCB Bay-Delta Plan Update Phase 2. The WRC coordinated efforts to assess and determine water supply conditions that could be used to develop a flow proposal that provides additional benefits to Mokelumne River and the Delta ecosystem.

The WRC also worked closely to develop EBMUD’s response to the WaterFix joint change petition, filed by the California Department of Water Resources and the U.S. Bureau of Reclamation for the State Water Project and Central Valley Project respectively. The petition seeks to add three new points of diversion near the Freeport Regional Water Project. The SWRCB completed Phase 1 (Effects on Legal Users of Water) of the hearing for the change petition on August 10, 2017 and began Phase 2 (Effects on Fish and Wildlife, Recreational Uses or other Public Trust Resources) on September 8, 2017. Staff coordinated with other departments to develop EBMUD’s protest and expert testimony regarding potential impacts to the Mokelumne River Fishery from the WaterFix change petitions. EBMUD submitted its expert testimony on November 30, 2017, on the potential impacts to the Mokelumne River Fishery. Part 2 of the hearing is scheduled to begin on January 18, 2018 and expected to continue through June 2018.
The WRC also led efforts on several activities:


- Reviewed the final Scientific Basis Report for the SWRCB Bay-Delta Water Quality Control Plan (WQCP) Update Phase 2 for the Sacramento River and Eastside Streams, and recommended actions that are consistent with EBMUD’s water rights and resources and regulatory obligations on the Mokelumne River on November 8, 2017.

- Coordinated with Water Operations on the procedure for release of the spring pulse flows under Footnote 5 of Joint Settlement Agreement flow schedule for a normal and above water year.

- Coordinated with Water Operations and Natural Resources to ensure compliance with new amended Camanche Permit 10478. EBMUD submitted the Compliance Plan for the Permit, on May 1, 2017, as required for SWRCB approval.

- Coordinated with Water Operations and ISD to post water diversion data on EBMUD’s external webpage as required by the SWRCB Emergency Regulations for Measuring and Reporting Water Diversions.

- Continued to actively participate in discussions with internal stakeholders, DWR, SWRCB and California Urban Water Agencies (CUWA) to review and provide comments on the proposals related to Water Use Efficiency Regulations for short-term and long-term as related to Executive Orders issued by the Governor.

- Continued to report water consumption to the SWRCB in compliance with the Governor’s Executive Order to reduce water use.

- Coordinated the implementation of provisions of the CPE Protest Dismissal Agreement with San Joaquin County agencies.

- Coordinated with Woodbridge Irrigation District (WID) on the implementation of the CPE Protest Dismissal Agreement with San Joaquin County agencies to address WID concerns.

- Coordinated with Contra Costa Water District (CCWD) and other agencies in conducting planning studies for potential participation in the Los Vaqueros Reservoir Expansion project, assessing water supply benefits and constraints associated with existing infrastructure.
Coordinated with Amador Water Agency and Calaveras County Water District on water supply contracts to serve the Camanche Regional Water Treatment Plant.

Coordinated with other departments and stakeholders and obtained the DREAM Project Export Permit from the San Joaquin County Board of Supervisors in April 2017. Coordinated with other departments on the implementation of the operating and funding agreements for the DREAM Project in September 2017. Staff is also coordinating with DREAM Project stakeholders on the temporary change petition for the DREAM Project to be filed by end of December 2017. Staff also plans to consult with Department of Fish and Wildlife, Department of Water Resources (DWR) and U.S. Bureau of Reclamation (USBR) to address potential concerns on Mokelumne River and Delta flows resulting from the change petition.

The WRC ensured that the District’s response to these issues were effective and consistent throughout departmental lines. Additionally, the WRC adjusted the District’s strategies and responses to these issues as necessitated by changing conditions.

2018 Goals

- Staff plans to coordinate with other agencies to identify potential opportunities for voluntary agreements that can be incorporated in the SWRCB Bay-Delta Plan Update Phase 2. The SWRCB plans to release the draft Substitute Environmental Document and Plan Update by early 2018. The hearing for Phase 2 is unlikely to begin before June 2018.

- Staff also plans to participate in the SWRCB hearings for Phase 2 of the WaterFix hearings, to present expert testimony and recommend actions to prevent potential impacts to Mokelumne River fishery.

- Staff expects to develop, coordinate and negotiate implementation agreements with the San Joaquin County entities. Staff expects to develop change petitions to implement changes to water right permits, develop operating and coordination agreements, develop and design the groundwater banking project, obtain export permits, and comply with California Environmental Quality Act (CEQA) requirements.

- Staff will continue to work with SWRCB regarding the processing of the additional four “clean-up” change petitions filed in 2012 to ensure that the permits and licenses issued by the SWRCB for the Mokelumne River facilities accurately reflect EBMUD’s existing municipal and hydroelectric operations and current service area boundary.

- Staff will also continue to coordinate District responses to Mokelumne and Bay Delta emerging water resource issues. Strategic responses continue to be guided by the principle that a balanced approach to allocation of California’s water resources, to meet both environmental and water supply needs is fundamental to the District’s mission.
Committee Members
Alex Coate, General Manager
Richard Sykes, Director of Water and Natural Resources
Mike Wallis, Director of Operations and Maintenance
Craig Spencer, General Counsel
Fred Etheridge, Assistant General Counsel
David Briggs, Manager of Operations and Maintenance
John Hurlburt, Manager of Water Supply
Lena Tam, Engineering Manager
Ana Ulloa, Senior Civil Engineer
Jose Setka, Manager of Fishery and Wildlife
DATE: January 4, 2018

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager

SUBJECT: Monthly Report – December 2017

HIGHLIGHTS

As of December 12, the number of Chinook salmon returning to the Mokelumne River during the 2017 season has surpassed the current record of 18,596 established in 2011. A total of 19,650 salmon have entered the river. Pulse flows and consistent Delta Cross Channel closures have contributed to conditions that improve returns through better attraction cues and reduced straying.

On December 14, the U.S. Bureau of Reclamation (Reclamation) formally approved the Bay Area Regional Reliability Drought Contingency Plan (DCP). Reclamation provided grant funding for the DCP and the latest version of the document incorporates comments from staff.

Staff worked with California Career Pathways to film a 360 degree and standard flat video showcasing the workings of the Main Wastewater Treatment Plant (MWWTP), including interviews/profiles of employees. The final video will be used as an online tour of the MWWTP for the District’s website.

WATER SUPPLY

San Ramon Valley recycled water customer site retrofits are continuing. By December 1, the last three San Ramon Phase 2B streetscapes along Bollinger and Lilac Ridge Road were connected. This completes all the Phase 2B project retrofits including Central and Coyote Crossing Parks, the Iron Horse Middle School, and two large Bishop Ranch office complexes. San Ramon Phase 2A construction activities and recycled water connections will continue through 2018.

Precipitation. The East Bay precipitation for December was 0.06 inches (1% of average) and the season total was 4.04 inches (41% of average). The Mokelumne precipitation for December was 0.74 inches (9% of average) and the season total is 12.84 inches (74% of average).
Water Releases

Camanche Reservoir. The average rate of Camanche release for December was 424 cfs (347 cfs generation, 50 cfs sluice, and 27 cfs through the hatchery), and the average flow below Woodbridge Dam was 427 cfs. From December 19 through December 31, the average rate of Camanche release was 336 cfs and the average flow below Woodbridge dam was 311 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" criteria.

East Bay Reservoirs. The 5 cfs Chabot Reservoir release was shut off on December 19 to maintain the reservoir in its winter operating range. San Pablo Reservoir releases of up to 150 cfs were made on December 27 and 28 to conduct flow measurements in San Pablo Creek.

Water Storage

Mokelumne reservoirs storage is 114% of average. As of December 31, 2017, Pardee was at 562.6 feet or 108% of average, and Camanche was at 219.2 feet or 118% of average. The Pardee Reservoir level was maintained at an average elevation of 563.5 feet to help facilitate wood debris removal from the reservoir. Combined Pardee and Camanche reservoir storage was 496,000 acre-feet compared to 479,000 acre-feet last year.

East Bay reservoirs storage is 102% of average. As of December 31, 2017, USL was at 441.1 feet or 96% of average, San Pablo was at 307.8 feet or 120% of average, and Briones was at 564.0 feet or 95% of average. Total terminal reservoir storage was 123,000 acre-feet compared to 135,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for December 2017 was 172 MGD. The Briones Raw Water Pumping Plant pumped 4,306 AF of water to Briones Reservoir from December 4 to December 31, an average rate of 50 mgd, as part of the Briones Reservoir refill operation. Walnut Creek and Moraga Raw Water Pumping Plants remained out of service for the month.

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

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<tbody>
<tr>
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<td>31 MGD</td>
<td>23 MGD</td>
<td>37 MGD</td>
<td>30 MGD</td>
</tr>
<tr>
<td>West of Hills</td>
<td>106 MGD</td>
<td>99 MGD</td>
<td>117 MGD</td>
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<tr>
<td>Total</td>
<td>137 MGD</td>
<td>122 MGD</td>
<td>154 MGD</td>
<td>156 MGD</td>
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<tr>
<td>Max Day Production</td>
<td>148 MGD (12/1/2017)</td>
<td>133 MGD (12/1/2016)</td>
<td>165 MGD (12/2/2013)</td>
<td></td>
</tr>
</tbody>
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Note: Data are all from preliminary daily operational reports and are subject to revision.
WATER QUALITY AND ENVIRONMENTAL PROTECTION

Pardee Reservoir driftwood clean-up efforts. In December, contractors mobilized equipment and began removing vast amounts of woody debris from the shore and surface of Pardee Reservoir. Two 40-ton barges with associated excavator and push-boats were actively engaged. In addition, construction was completed on two 11’ by 22’ “burn barges” which are used to burn this debris. To date, more than 1,000 yards of debris has been removed from the reservoir.

On December 7, approximately 4,500 gallons of water was released from the Orinda Water Treatment Plant filter backwash sedimentation basins to the San Pablo Creek with an initial pH less than 6.5. The National Pollutant Discharge Elimination System permit limit requires an effluent pH range of 6.5-8.5. Staff saw no visual impacts to the creek and tested pH. The pH downstream of the discharge was 8.0 which is compliant with the region’s basin plan. No chlorine residual was released in the discharge. Staff notified the San Francisco Regional Water Quality Control Board (SF RWQCB) of the brief pH excursion and initial indications are that this may not be a violation of the permit. The permit requires discrete grab samples for compliance assessment; however, the excursion was flagged via a continuous analyzer. SF RWQCB will advise violation status soon, and staff is working to modify the monitoring approach to closely follow permit requirements.

On December 10, Camanche South Shore catfish pond was emptied. In an effort to reduce the aquatic vegetation in the children’s fishing cove and to enhance the fishing experience, staff resurrected an old siphon system in the pond and has drawn down the pond elevation. The goal is to kill the aquatic weeds by keeping them dry for a couple of months and then refill the pond in time for the March 2018 Annual Children’s Fishing Day.

On December 11, staff met with San Francisco Regional Water Quality Control Board (SF RWQCB) to review details of the State’s Mercury in Drinking Water Reservoirs Program. This statewide initiative, overseen by the State Water Resources Control Board (SWRCB) and SF RWQCB sponsors, has been in the works for several years and aims to control the formation of methyl mercury in reservoirs which can be taken up by predatory fish and ultimately be consumed by people and/or wildlife. All District terminal reservoirs upcountry and in the east bay have been identified as impaired for mercury in fish tissue. The SWRCB is requesting reservoir owners across the state voluntarily participate in a variety of studies to evaluate different technologies, source control strategies and fisheries management approaches to reduce methyl mercury production. The next meeting to discuss this topic is scheduled for January 12, 2018. The next statewide workshop is scheduled February 1, 2018 in Sacramento.

On December 15, staff submitted the annual Output Ratio Report to United States Environmental Protection Agency, documenting the District’s progress with the wet weather Consent Decree. Compliance with the Consent Decree is determined through a review of output ratios at each of the Wet Weather Facilities (WWFs), comparing current discharge volumes to those that occurred in the baseline year of FY11 under a prescribed storm event. The FY17 output ratios for Point Isabel WWF, San Antonio Creek WWF and Oakport WWF were
0.97, 0.86, and 0.86, respectively, reflecting reductions of 3 percent, 14 percent, and 14 percent from FY11. Trends associated with these reductions are being monitored to assess the ability of the District and the collection system agencies to meet output ratio targets for the upcoming check-in with the regulators in September 2022. With only three data points to date, it is premature to draw conclusions about likely compliance status at this time.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of December. This is the 220th consecutive month that the MWWTP experienced no exceedances.

The District received one odor report in December from the public. Staff investigated the odor complaint and based on wind direction and description of the odor determined the MWWTP was not the source of the odor.

INFRASTRUCTURE INVESTMENT

Panoramic Way Project Update. Phase IV saw cutting began the week of December 4. Staff regularly updates residents of the construction schedule and impacts to roadways. The project involves installing 2,365 feet of 8-inch HDPE pipe on Arden and Mosswood Roads in the Oakland/Berkeley Hills.

Upper Happy Valley Project Update. In December, final paving was completed. This project in Lafayette piloted two pipe materials: CIPP (cured-in-place-pipe) and PVCO (seismic resistant PVC pipe).

During December, modifications were made at the Lafayette Recreation Area. Staff constructed an outdoor fitness center for public use adjacent to the Lafayette Visitor Center. In addition, a new concrete deck was poured on the east side of the building.

In December, Almond Avenue Area Pipeline Replacement Project Phase I was completed in Walnut Creek. Over 3,100 feet of 6- and 8-inch ductile iron pipe has been installed in this pilot program. The project scope is over 5,300 feet of new seismic resilient material. The project is scheduled for completion in April 2018.

In December, staff continued the evaluation of cathodic protection (CP) systems for the District’s steel distribution pipelines. After evaluations of approximately 30 CP systems staff determined that many of these systems have exceeded the original design life. Based on the preliminary results of the evaluations staff will reassess the need for impressed current CP of small diameter mortar coated steel pipelines.

In December, staff began infrastructure renewal on the Mera Street Area Project in Oakland. The initial work will install 1,350 feet of 6-inch PVCO on Rosedale Avenue. This year-long project will install over 11,000 feet of 6- and 8-inch PVCO pipe including 106 service transfers.
On December 4, staff initiated the design of carbon dioxide (CO2) feed systems for the Walnut Creek, Lafayette, and Orinda Water Treatment Plants (WTPs). The project will include adding CO2 feed systems at the start of each WTP. This will allow the District to decrease the pH in its Mokelumne Aqueducts and its raw water at Pardee, which will provide greater corrosion protection and allow the District to meet its water quality goal of maintaining a positive Langlier Saturation Index (LSI) in the aqueducts. The CO2 feed systems will also be used to reduce the pH of raw water to make it suitable for discharge to the San Pablo or Moraga Creeks, while reducing disinfection byproducts (DBPs) such as trihalomethanes.

On December 8, staff submitted inundation maps of the local jurisdictional dams to the Division of Safety of Dams (DSOD) for their review as required by the recent State Water Code legislation regarding Emergency Action Plans (EAP) and inundation maps. DSOD acknowledged receipt of the maps and agreed with the District’s plan to update these maps in the following year. On December 28, the District submitted the EAPs to the California Office of Emergency Services (CalOES). The EAP for the Mokelumne dams have already been submitted to DSOD and CalOES and are not subject to the recent legislation.

On December 14, staff completed repairs to the Chabot Dam spillway. Concrete cracking developed on the spillway chute during the winter storms. Staff developed and implemented a repair methodology that the DSOD accepted.

On December 15, the Leimert Boulevard/Hoover Avenue Area Paving Project was completed in Oakland. This is another cost-sharing paving project with the City of Oakland. Approximately 630 tons of asphalt was used to pave curb-to-curb a 3,600 feet infrastructure renewal project.

On December 21, staff successfully completed emergency drain valve exercises for Danville and Moraga Reservoirs. A DSOD inspector was present for these exercises. DSOD requires the emergency drain valves to be exercised annually and in their presence once every three years to ensure that the valves are in working condition and will perform satisfactorily during an emergency. The valve exercises for the remaining open-cut reservoirs will be scheduled in the coming months.

Construction of the Main Wastewater Treatment Plant (MWWTP) Secondary Clarifiers Mechanical Repairs Phase 1 Project was completed under SD-367. The project involved replacing the center columns and collectors, refurbishing bridges and supports, and completing concrete repairs for two of the twelve clarifiers at the MWWTP.

Main Breaks in December totaled 95. The attached table lists the main breaks that were repaired by staff in December, sorted by city and street. The associated map shows the location of the breaks.
CUSTOMER AND COMMUNITY SERVICES

Summit Pressure Zone 24-Inch Transmission Pipeline Project Outreach. The project includes the relocation of a large-diameter transmission pipeline from a right-of-way that crosses the Clark Kerr Campus into city streets. On December 18, staff met with University of California, Berkeley administrators to discuss the project as a follow up to a meeting held in November 2017. Alternative meter locations for the Clark Kerr Campus were discussed. Another follow-up meeting will be scheduled in February 2018.

Water Bottle Filling Station (WBFS) Pilot Program Update. The Oakland Zoo (Zoo) has been identified as a potential participant in the WBFS pilot program and staff is working with the Zoo on installations of water bottle filling stations in the Zoo’s California Trail Exhibit. Installing water bottle filling stations at the Zoo will be the first of several installations throughout the District’s service area. At least one water bottle filling station will be installed in each of the District’s seven wards.

On December 5 and 7, staff conducted Ranger-Led Environmental Education Programs, which include volunteer activities and nature walks, at the Chabot staging area and East Bay Watershed/Recreation Headquarters. Students from Valley View Elementary School in El Sobrante and the DaVinci Home School in Oakland helped staff pull invasive French Broom in the vicinity of the Orinda watershed and planted buckeye seeds along Navy Flat Creek. A total of 98 students participated.

On December 6, staff provided data to the Idaho National Laboratory, the lead agency conducting an in-depth assessment of the District’s water and wastewater systems. The goal of the study is to learn more about the water-electricity nexus, assess system hazard vulnerabilities, identify system dependencies and interdependencies, and identify projects to mitigate the risks. Other large Bay Area water and wastewater utilities are participating in this study in support of the grant funded Regional Resilience Association Assessment Program Bay Area Utilities Project led by the Department of Homeland Security.

On December 11, staff provided an update to the Lafayette City Council on the Lafayette Reservoir Outlet Tower retrofit alternatives. The meeting was attended by approximately 25 members of the public.

During the week of December 11, the District was the focus of a podcast titled “Preparing for the Unexpected” via the VoiceAmerica Talk Radio Network (an online broadcast network). The program consisted of an extended interview with staff regarding the District’s Business Continuity and Emergency Preparedness Programs. The podcast is located at https://www.voiceamerica.com/episode/103252/business-continuity-at-east-bay-municipal-utility-district.
On December 14, staff attended the Castro Valley Eden Area, San Leandro and Hayward Chamber of Commerce’s holiday mixer at Eden Hospital in Castro Valley for relationship building and community engagement.

On December 15, the California Environmental Quality Act documents for the initial study and negative declaration for the East Bay Watershed Master Plan were released to the public for a 45-day review. The public review period will conclude on January 29, 2018.

On December 16, staff along with nine volunteers conducted winter time pruning and landscape management around the Wildermuth House in Valley Springs, CA.

Media. Staff responded to media inquiries on water supply, water consumption, fish returns, dam inspection, a State Water Resources Control Board settlement, and main breaks.

Social Media. On NextDoor, staff provided information about the Wildcat Pipeline Tee Installation Project and the Webster Rate Control Station valve replacement in Berkeley.

The top tweet on Twitter highlighted water recycling, generating 1,000 impressions. Twitter followers reached 2,001 followers, an increase of 48 followers over the last month.

The top post on LinkedIn featured On the Job profile of an Assistant Construction & Maintenance Superintendent, generating 2,116 impressions and 22 clicks to ebmud.com. LinkedIn followers reached 3,725, an increase of 53 new followers over last month.

Staff conducted public outreach to neighbors and interested parties on the following projects:
- Grand Avenue Pipeline Replacement Project (Piedmont)
- Wildcat Pipeline Tee Installation Project (Berkeley)

Contract Equity

On December 12, Astra Women’s Business Alliance presented its Agency Advocate of the Year award to the District’s Contract Equity Administrator, during its 21st Annual Procurement Summit and Holiday Gala, San Francisco, CA. The award recognizes an advocate of Astra who has effectively promoted woman owned businesses and small businesses. Approximately 75 participants attended.

Staff participated in the following business community events:
- December 5 - Oakland Hispanic Chamber of Commerce and Agave Uptown, Welcome to Oakland Kick-Off Holiday Reception, Oakland, CA – 50 attended
- December 6 - Construction Resource Center, Grand Opening of Construction Resource Center, Richmond, CA – 70 attended
December 7 - Western Regional Minority Supplier Development Council, 40th Anniversary Annual Meeting & Holiday Luncheon, San Francisco, CA – 250 attended

Water Conservation

During December, staff met with representatives from the cities of San Leandro and Oakland to provide an update on the new service requirements of Senate Bill No. 7 (SB-7) which is effective January 1, 2018. SB-7 requires water service to be individually metered or sub-metered to each dwelling unit in new multiunit structures to encourage water conservation. Under the new law, water purveyors are required to condition new water service requests to conform to the new requirements. This outreach will help ensure the District’s water service approval process conforms to SB-7 with minimal impact to the development community.

On December 4, staff attended the UC Cooperative Extension Master Gardener Program of Contra Costa County Recognition Event at the Pleasant Hill Community Center. The event was held to recognize the work of their volunteers and the communities they serve. The invitation-only event focused on “Master Gardener Detectives” and their contribution towards solving plant growth issues in home gardens and urban landscapes. The District was honorably recognized as a community partner with the organization. Approximately 150 participants attended.

Customer Assistance Program (CAP) Update. The attached table list monthly statistics on CAP enrollment, delinquencies, payment plans, and shut-offs.

WORKFORCE PLANNING AND DEVELOPMENT

On December 4, staff discussed with representatives from the City of Berkeley (City) developing a Cyber Resilience Plan as well as Business Continuity and Disaster Recovery Plan. A meeting on December 13 further discussed the District’s Business Continuity Program. City staff also reviewed the District’s IT security and data center management plan.

On December 6, staff presented the Pipeline Risk Model to field crews. Information was shared regarding how the model works, how the results are used to select pipelines for replacement, and how they can view the results of the model on ArcGIS Online. It was emphasized that the quality of data input is crucial as model results are reliant on the accuracy of the data. Field crews gained a better understanding of the pipeline replacement program and provided great feedback that will be considered for incorporation into the Pipeline Risk Model.

On December 14, a presentation on the pilot Pipeline Rebuild Program was given to field crews at the North Area Service Center. The presentation allowed for comments and feedback from field crews in support of developing the District’s long-term pipeline replacement program.
On December 14, staff met with BAYWORK and the Brookings Institute Metropolitan Policy Program to share the District’s challenges and proposed solutions to hiring and training issues. The Brookings Institute, a nonprofit think tank in Washington, D.C., is conducting a study on the specific challenges in hiring/recruitment and training, along with some of the more promising best practices that have been implemented or envisioned in the water industry. The study could lead to increased federal, state or local support or grant funding for workforce development programs in the water industry. The District’s participation in this meeting supports the District’s long-term efforts to develop a diverse pipeline of candidates for our future workforce needs.

Peralta Cohort Program Update. Twenty-six EBMUD employees successfully completed the first semester of the program with 7 units for the semester.
- Completing Business Communication (3 units),
- Computer Literacy (1 unit), and
- College Success (3 units)

Tuition Reimbursement

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<tr>
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<th>FY18 Total</th>
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<tr>
<td># of Employees</td>
<td>28</td>
<td>132</td>
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Employment Information

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<tr>
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<tr>
<td>Other Separations</td>
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FINANCIAL STABILITY

There were no material, supply or construction contracts over $70,000 and less than $100,000 approved by the General Manager in December 2017.

The consulting agreement with Walls Inspection Company requires an increase to the contract limit. Walls Inspection Company was contracted, per Board Motion 101-15, June 9, 2015, to provide specialty inspection services for Specification No. 2077 Diablo Vista Pumping Plant construction project and various other projects in an amount not to exceed $400,000. Additional unanticipated specialty inspections required to complete the Walnut Creek decant pump, Wildcat pipeline tee and the large valve replacement projects necessitates a change order of 15 percent ($60,000) raising the contract limit to $460,000.
The District was invited to interview with the City of Palo Alto (City) following the recently submitted proposal to accept the City’s wastewater sludge under the Resource Recovery Program. The City is retiring its sludge incinerators in favor of more sustainable forms of sludge treatment and solicited proposals to haul and treat their municipal primary and secondary wastewater sludge for the next five years. The District’s proposal is to treat a portion of the City’s sludge production, over 8,000 tons per year, at the Main Wastewater Treatment Plant, resulting in a delivery of approximately one truck per day. This service is expected to generate gross revenue of about $650,000 annually and will result in increased biogas production. The interview is scheduled for January 3, 2018 and selection is expected shortly thereafter.

The Net Mokelumne Power Revenue for December was $664,050. Inflows into Pardee Reservoir for December were 121 percent of plan. Generation was also 121 percent of plan. The District sold Renewable power, related Renewable Energy Credits (REC), and Resource Adequacy capacity to Marin Clean Energy (MCE). Sales of RECs generated $97,300, and Resource Adequacy sales generated $12,418 in revenue. Sales of Ancillary Service generated approximately $370 in revenue. The average electricity price was $36/MWh. Projected net FY18 Mokelumne Power Revenue is estimated to be $3,833,145 which is 103.6 percent of the budgeted $3,700,000 and 72.1 percent of the planned revenue of $5,319,300.

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<th>FY18</th>
<th>Net Revenue</th>
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</tr>
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<td>FY18 YTD Total</td>
<td>$3,363,120</td>
<td>$3,833,145</td>
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Bold items are estimated
Water Sales (Consumption)

The following consumption information is the average water consumption in million gallons per day (MGD) for the first five months of FY18. While the budgeted average daily water consumption for FY18 is 137 MGD, the summer month consumption is higher due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY17 data for the same period of time. Current fiscal year-to-date actuals through November are above prior fiscal year actuals for the same period.

<table>
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<tr>
<th>Usage Type</th>
<th>FY18 (MGD)</th>
<th>FY17 (MGD)</th>
<th>Year-over-Year (% change)</th>
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<td>59.2</td>
<td>53.3</td>
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<td>16.1</td>
<td>16.5</td>
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<td>Total Billed Water Consumption</td>
<td>174.8</td>
<td>158.7</td>
<td>10.1%</td>
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Source: Customer Information System
**Water Sales (Revenue)**

Water revenues billed through November were $232.4 million or 13.6% more than the FY17 revenue through November of $204.5 million. This increase reflects the net impact of higher consumption and the 9.25% rate increase for FY18. Note that the FY17 data includes $5.7 million of drought surcharge revenue and $0.1 million of drought excessive use penalty revenue. Total FY18 water revenues through November are $18.2 million (8.5%) greater than the budgeted water revenue of $214.2 million. FY18 actual revenue through November is 13.6% above FY17 November revenue.

---

*CUMULATIVE BILLED WATER REVENUE*  
($MILLIONS)

---

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

Source: Customer Information System
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| TOTAL        |     |         |     |                     |               |                 | 974,160              |              |               |         |
# Customer Account Delinquency Information

## December 2017

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<th>November</th>
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¹ Liens filed monthly represents delinquent accounts 4-6 months in arrears.

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¹ Information not available until the 20th of the month and will lag one month.

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<th>Oakland</th>
<th>Pinole</th>
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<th>Rodeo</th>
<th>San Leandro</th>
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DATE: January 4, 2018

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager

FROM: Rischa S. Cole, Secretary of the District

SUBJECT: Planning Committee Minutes – December 12, 2017

Chair Frank Mellon called to order the Legislative/Human Resources Committee at 8:45 a.m. in the Training Resource Center. Directors Doug Linney and Marguerite Young were present at roll call. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Engineering and Construction Xavier J. Irias, Director of Water and Natural Resources Richard G. Sykes, Director of Wastewater Eileen M. White, Engineering Manager Serge V. Terentieff, Senior Civil Engineer Alice E. Towey, Environmental Affairs Officer Douglas I. Wallace, Manager of Wastewater Environmental Services Jackie Zipkin, Special Assistant to the General Manager Alison A. Kastama, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Orinda Water Treatment Plant (WTP) Disinfection Improvements Project Update.

Engineering Manager Serge V. Terentieff discussed the project scope, goals and proposed schedule for improvements to the Orinda WTP. In September 2016, the District initiated a study to evaluate treatment technologies, address water quality challenges, and improve disinfection practices at each of its inline WTPs. The District evaluated a number of alternatives for Orinda and chose an alternative that uses an ultraviolet (UV) disinfection process followed by a small chlorine contact basin (CCB) to reduce disinfection byproducts produced at the plant and improve disinfection capabilities. Mr. Terentieff reviewed the advantages of the UV/CCB option compared to the other alternatives, the preliminary design concepts for the UV/CCB facilities and preliminary construction costs. Due to site constraints, deep excavations will be required to construct the recommended facilities, resulting in construction costs ranging from $55 to $80 million. Staff recommends proceeding with detailed design for the recommended facilities, starting with a geotechnical investigation and UV pilot testing in January 2018. Two consulting agreements will be presented to the Board for consideration on January 9, 2018. Due to the size and complexity of this project, design is expected to take approximately two to three years to complete, with construction tentatively scheduled to begin in 2021 and the new facilities placed into service in 2023. He highlighted the interim strategies staff will employ to mitigate disinfection byproducts in the event organic material increases in the watershed as was observed between 2016 and 2017. The Committee asked questions about the costs for the other project alternatives, concrete costs projections and the availability of federal funding for the project. Staff will include a slide in the final presentation posted to the website that lists the costs for all alternatives and advised they will monitor concrete costs during construction. It was moved (Young), seconded (Linney) and carried (3-0) to accept staff’s recommendations.
Los Vaqueros Reservoir Expansion Project Update. Senior Civil Engineer Alice E. Towey provided an update on the status of the project’s environmental documentation, a California Water Commission (CWC) Water Storage grant application for the project, potential project partners and the District’s participation to date. Planning objectives for the project include developing water supplies for environmental water management, increasing water supply reliability for water providers within the Bay Area and improving water quality for Bay Area water suppliers. In 2015, Contra Costa Water District (CCWD) approached EBMUD and other water agencies regarding interest in participating in a project to expand Los Vaqueros Reservoir to 275 thousand acre feet (TAF). A draft project Supplemental Environmental Impact Study/Supplemental Environmental Impact Report was released on June 30, 2017 and the public comment period closed on September 5, 2017. Staff is working with CCWD to respond to comments related to EBMUD participation in enlarging the reservoir. Potential benefits for EBMUD participation include a 30 TAF drought or emergency supply, additional West of Delta storage and the ability to wheel water to other project partners and recover costs. The environmental documentation is scheduled to be completed by 2018 and design, permitting, and project agreements by the end of 2021. CCWD submitted a $440 million grant application to CWC in August 2017 which includes approximately $24 million for EBMUD projects. The total estimated cost for the entire project is $914 million. The CWC is expected to make funding decisions in June 2018. Staff will continue to evaluate the potential benefits and costs of participating in the project and will return to the Board in 2018 with a recommendation regarding continued participation. The Committee requested an update at the March 2018 Long-Term Water Supply Workshop on how the grant funding will be allocated and how the project will be governed to ensure EBMUD’s interests are protected.

CEQA Compliance for East Bay Watershed Master Plan (EBWMP) Update. Environmental Affairs Officer Douglas I. Wallace summarized the revisions to the EBWMP, public outreach efforts and comments received, and reviewed the draft trail access proposal which will allow bicycle access to two sections of the Bay Area Ridge Trail totaling 7.5 miles. The 45-day public review period for the EBWMP’s Initial Study and Negative Declaration begins on December 15. Staff anticipates presenting the Negative Declaration to the Board for certification and the final, updated EBWMP for adoption in February 2018. Bay Area Ridge Trail representative Morris Olden addressed the Committee and requested clarification on the proposed plans to use the Bay Area Ridge Trail and former EBMUD Director and EBWMP Citizen Advisory Committee member Helen Burke expressed support for the master plan and future stakeholder involvement. The Committee thanked staff for its efforts in preparing the master plan and requested that staff ensure there are opportunities for periodic public stakeholder review of East Bay watershed trail use.

Regulation of Cannabis Facilities. Manager of Wastewater Environmental Services Jackie Zipkin provided an update on District plans to address the anticipated substantial increase in cannabis businesses within the wastewater service area after the passage of Proposition 64 – Adult Use of Marijuana Act. The District is proposing to issue Industrial Wastewater Discharge and Pollution Prevention Permits to cannabis businesses operating within the wastewater service area whose operations include cultivation, manufacturing via chemical extraction, and manufacturing edible products. Findings show these three business categories pose concerns for the wastewater collection system and treatment plant due to the presence of pollutants including nutrients,
pesticides, fungicides, herbicides, solvents, and fats, oils and grease. Staff plans to issue cannabis permits for three years, allowing the District to make adjustments to the permitting approach based on information gathered. Permit terms and conditions, best management practices, and monitoring and testing requirements will be assessed and adjusted depending on the overall effectiveness of the permits to control wastewater discharges. The District will not be permitting dispensaries, delivery services, or cottage cultivation facilities. District staff is working with the cities of Alameda, Berkeley, Emeryville, and Oakland to require completion of the District’s wastewater discharge permit application as a prerequisite for completing the city’s licensing process. Staff remains in contact with service area city officials as they formalize and begin to implement local cannabis laws. The Committee discussed water efficiency measures for growers and asked staff to explore providing information to cannabis cultivators on wise water use including possibly using recycled water for cultivation.

**Adjournment.** Chair Mellon adjourned the meeting at 10:00 a.m.

ARC/RSC
DATE: January 4, 2018

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager

FROM: Rischa S. Cole, Secretary of the District

SUBJECT: Legislative/Human Resources Committee Minutes – December 12, 2017

Chair John A. Coleman called to order the Legislative/Human Resources Committee at 10:05 a.m. in the Training Resource Center. Directors William B. Patterson and Marguerite Young were present at roll call. Staff present included: General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Manager of Legislative Affairs Marlaigne K. Dumaine, Manager of Human Resources Laura A. Brunson, Senior Human Resources Analyst Theresa Sevilla, Manager of Recruitment and Classification Richard G. Jung, Special Assistant to the General Manager Alison A. Kastama, and Secretary of the District Rischa S. Cole.

Public Comment. None.

State Legislative Initiatives for 2018 Legislative Year. Manager of Legislative Affairs Marlaigne K. Dumaine presented staff’s recommendations on three state legislative proposals for 2018: 1) Advance EBMUD’s interests as the administration and the legislature consider the development of a statewide low-income water-rate assistance program; 2) Continue to support the advancement of long-term water-use efficiency/drought planning legislation and work to retain EBMUD secured amendments; and 3) Protect EBMUD’s interests in any efforts to update the Local Agency Formation Commission process for annexations. The Committee discussed the District’s current policy position regarding the imposition of statewide retail water user fees or a public goods charge and agreed to review the policy at a future Committee meeting. If the Committee determines that revisions to the current policy position are warranted, the proposed revisions will be presented to the full Board for consideration. The Committee agreed to forward the three state legislative proposals for 2018 to the full Board for consideration with the caveat regarding reviewing the current policy position regarding statewide retail water user fees.

Management, Confidential and Unrepresented Employees Requests to Join California State Disability Insurance (CA SDI) and Paid Family Leave (PFL) Insurance Programs. Senior Human Resources Analyst Theresa Sevilla reviewed the benefits programs which are employee-funded partial wage replacement insurance plans for employees. While participation in CA SDI and PFL programs is mandatory for employees in the private sector, public agency employers may choose to participate. To participate, public agency employers must include the intent to participate in the programs in each bargaining unit’s Memorandum of Understanding (MOU). The employer may determine and direct whether unrepresented employees participate. Currently, only Locals 39, 444, and 2019 participate in CA SDI and PFL. The District provides a Short-Term Disability Leave benefit for the non-participating employee groups – Local 21, Management, Confidential and Unrepresented classifications which include
non-civil service, not assigned, special non-civil service, and officers/civil service exempt employees. Over the past two years, employees in the non-participating employee groups have asked how they can participate in the CA SDI and PFL programs. Staff confirmed with the State of California Employment Development Department (EDD) that since the District already has employees participating in CA SDI and PFL, the District may add participation for Management, Confidential and Unrepresented employees through a Board resolution and an application to EDD. Once EDD approves the application, each employee in these groups will have a seven-day window to opt-out of participation in the programs. The opt-out option is irrevocable throughout the employee’s employment at the District, unless the employee moves to a job classification represented by Locals 39, 444 or 2019. Newly hired employees in Management, Confidential and Unrepresented groups will have an opportunity to opt-out at time of hire. Employees who opt-out of the programs will remain eligible for the District’s Short-Term Disability Leave benefit. Staff will present a resolution to the Board for consideration at its regular meeting in the afternoon and if approved, will file the EDD application. It was moved (Patterson), seconded (Young) and unanimously carried (3-0) to forward staff’s recommendation to the full Board for approval.

**Amendment to Position Resolution No. 35052-17.** Manager of Recruitment and Classification Richard G. Jung discussed staff’s recommendation to amend the position resolution to add two confidential positions in the Human Resources Department: one Limited-Term (LT) Administrative Clerk, Confidential and one LT Human Resources Technician. There are no vacant confidential positions available to reallocate for these positions, which is why staff is seeking to amend the position resolution. Over the next two to four years, these positions will support the anticipated 100-120 annual recruitments and associated onboarding needs required to keep pace with the District’s current vacancy rate. No additional funding will be requested for these positions. Mr. Jung highlighted other options such as contracting out temporary recruitment consultant support and revising recruitment and testing procedures to help expedite the process. It was moved (Young), seconded (Patterson), and unanimously carried (3-0) to forward staff’s recommendation to the full Board for approval.

**Adjournment.** Chair Coleman adjourned the meeting at 10:42 a.m.

ARC/RSC