



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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**Notice of Location Change**

**REGULAR CLOSED SESSION  
and  
REGULAR BUSINESS MEETINGS  
Tuesday, February 9, 2021  
*\*\*Virtual\*\****

Notice is hereby given that due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, the Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., **will be conducted via webinar and teleconference only**. In compliance with said orders, a physical location will not be provided for these meetings. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: February 4, 2021

A handwritten signature in blue ink, reading 'Rischa S. Cole', is written over a horizontal line.

Rischa S. Cole  
Secretary of the District

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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA**  
**REGULAR CLOSED SESSION**  
**Tuesday, February 9, 2021**  
**11:00 a.m.**  
***\*\*Virtual\*\****

**Location**

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

*Board members will participate by webinar or teleconference*

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

**ROLL CALL:**

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

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. *Mirsad Hajro v. East Bay Municipal Utility District*  
USDC, Northern District of California, Case No. 4:19-cv-03406-YGR
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
  - a. Waste Management of Alameda County, Inc.  
Date of Claim: December 28, 2020
3. Threat to public services or facilities pursuant to Government Code section 54957:  
Conference with Sophia D. Skoda, Director of Finance; Andrew J. Levine, Manager of Information Systems; William L. Johnson, Information Systems Division Manager; and Barry N. Gardin, Internal Auditor Supervisor.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:** (Continued)

4. Conference with Labor Negotiators Clifford C. Chan, General Manager; Laura A. Acosta, Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6 regarding COVID-19 response: American Federation of State, County and Municipal Employees, Locals 444 and 2019.
5. Personnel exception pursuant to Government Code section 54957 to consider public employee evaluation: General Manager.

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

**REGULAR BUSINESS MEETING**

**1:15 p.m.**

**\*\*Virtual\*\***

**Location**

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

*Board members will participate by webinar or teleconference*

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

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance

**ANNOUNCEMENTS FROM CLOSED SESSION:**

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

**CONSENT CALENDAR:** (Single motion and vote approving 2 recommendations.)

1. Approve the Special Meeting and Regular Meeting Minutes of January 26, 2021.
2. File correspondence with the Board.

**DETERMINATION AND DISCUSSION:**

3. Legislative Update:
  - Receive Legislative Report No. 02-21 and consider positions on the following bills: AB 100 (Holden) Drinking Water: Pipes and Fittings: Lead Content; and SB 61 (Hurtado) Workforce Training Programs: Supportive Services; and receive information on: SB 222 (Dodd) Water Affordability Assistance Program; SB 223 (Dodd) Discontinuation of Residential Water Service; and State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
  - Update on Legislative Issues of Interest to EBMUD
4. Approve actions related to the recruitment and selection process for the General Counsel position.
  - 4a. Approve a recruitment and selection process for the General Counsel position.
  - 4b. Approve the text for the recruitment brochure.
  - 4c. Approve the proposed schedule for the recruitment, selection and hiring process.
  - 4d. Appoint a Board Ad Hoc Advisory Selection Committee.
5. General Manager's Report:
  - Water Supply Update
  - Coronavirus Update
  - Racial Equity and Justice Project; Diversity, Equity, and Inclusion Strategic Plan; and District Values Project Update
  - Monthly Report – January 2021

**REPORTS AND DIRECTOR COMMENTS:**

6. Committee Reports:
  - Finance/Administration
  - Sustainability/Energy
  - Legislative/Human Resources
7. Other Items for Future Consideration.
8. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 23, 2021.***

**Disability Notice**

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

**Document Availability**

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

## BOARD CALENDAR

Date	Meeting	Time/Location	Topics
<b>Tuesday, February 9</b>	<b>Planning Committee</b> Young {Chair}; McIntosh; Mellon  <b>Legislative/Human Resources Committee</b> Coleman {Chair}; McIntosh; Patterson  <b>Customer Assistance Program Workshop</b>  <b>Board of Directors</b>	  8:30 a.m. <i>Virtual</i>  9:00 a.m. <i>Virtual</i>  11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	<i>Cancelled</i>  <ul style="list-style-type: none"> <li>Legislative Update</li> </ul>   <ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>
<b>Friday, February 12</b>	<b>Lincoln's Birthday</b>		<i>District Offices Closed</i>
<b>Monday, February 15</b>	<b>Washington's Birthday</b> <i>observed</i>		<i>District Offices Closed</i>
<b>Tuesday, February 23</b>	<b>Finance/Administration Committee</b> Patterson {Chair} Coleman, Katz  <b>Long-Term Water Supply Workshop</b>  <b>Board of Directors</b>	TBD <i>Virtual</i>  TBD <i>Virtual</i>  11:00 a.m. <i>Virtual</i> 1:15 p.m. <i>Virtual</i>	      <ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul>



**APPENDIX**

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**Closed Session and Regular Business Meetings  
Tuesday, February 9, 2021  
11:00 a.m. and 1:15 p.m.**

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

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

**11:00 a.m. Closed Session Meeting (Public Comment)**

Online

<https://ebmud.zoom.us/j/96984037902?pwd=WHNHZ1F1dzFlMlpMSmVwZEY4TkNndz09>

Webinar ID: 969 8403 7902

Passcode: 990460

By Phone

Telephone: 1 669 900 6833

Webinar ID: 969 8403 7902

Passcode: 990460

International numbers available: <https://ebmud.zoom.us/j/96984037902?pwd=WHNHZ1F1dzFlMlpMSmVwZEY4TkNndz09>

**1:15 p.m. Regular Business Meeting**

Online

<https://ebmud.zoom.us/j/92561682899?pwd=QVFRbTIwKzBqbEYwT21LRjI5QVladz09>

Webinar ID: 925 6168 2899

Passcode: 839546

By Phone

Telephone: 1 669 900 6833

Webinar ID: 925 6168 2899

Passcode: 839546

International numbers available: <https://ebmud.zoom.us/j/92561682899?pwd=QVFRbTIwKzBqbEYwT21LRjI5QVladz09>

**Providing public comment**

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

If you wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment  
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
  - If you participate by phone, press \*9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded

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

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## **MINUTES**

**Tuesday, January 26, 2021**

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

### **Special Meeting**

President Doug A. Linney called to order the Special Meeting of the Board of Directors at 9:05 a.m. The Board met in workshop session to receive an update on development of the Fiscal Year 2022 and 2023 budget and rates, preliminary assumptions for rate increases, operating and capital priorities, staffing, and follow-up on the November 24, 2020 System Capacity Charge workshop.

### **ROLL CALL**

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

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Director of Engineering and Construction Olujimi O. Yoloeye, Special Assistant to the General Manager Kelly A. Zito, Assistant to the General Manager Janetta M. Johnson, and Secretary of the District Rischa S. Cole.

### **PUBLIC COMMENT**

There was no public comment.

### **DISCUSSION**

- Filed with the Board was a presentation entitled "FY22 and FY23 Budget Workshop #1," dated January 26, 2021.

General Manager Clifford C. Chan introduced the workshop and said this is the first of up to three workshops scheduled to discuss the District's proposed Fiscal Year 2022 and 2023 (FY22/23) budget and rates. In preparing the preliminary FY22/23 biennial budget and rates proposal, staff considered the impacts of the current pandemic on District operations, the regional economy, and District customers. He said staff is seeking feedback from the Board on the information presented.

Director of Finance Sophia D. Skoda outlined the workshop agenda and discussed the District's two-year process for developing its capital program, biennial budget, and rates. The July 2020 Strategic Plan drives the District's budget priorities and Ms. Skoda reviewed key drivers under the six Strategic Plan goals, and key topics presented to the Board during the prior year. The budget themes for the FY22/23 budget are sustainability and resilience which carries through all aspects of the Strategic Plan, as well as the need to be cautious, realistic, and flexible as staff

takes into consideration what is happening to ratepayers and the local economy when planning infrastructure investments. She highlighted the current economic landscape for local government, including the cities of Berkeley, Oakland and Richmond; and the state, which is undergoing rapid, but uneven recovery from the COVID-19 pandemic. Ms. Skoda said that while staff continues to seek federal assistance, it is not certain if water utilities will receive federal aid. Accordingly, the District's proposed FY22/23 budget does not include an assumption for federal aid. She reviewed the 10-year unemployment history for the San Francisco Bay Area and the effects of unemployment on various sectors of the economy; changes in the Bay Area rental market; and COVID-19's impact on recovery efforts for the District, residential customers and local businesses. She said at this time, there are unknown, long-term impacts to development, patterns of economic activity, societal activities, and overall business practices.

Next, Ms. Skoda discussed the approach and key financial planning assumptions used to develop the FY22/23 budget; FY20 revenue sources for the Water and Wastewater Systems; actual versus projected water sales from calendar years 2002-2026; and water and wastewater rate planning information from FY18 through FY23. She reviewed previous rates projections noting previous projections for both the Water and Wastewater Systems for FY22 and FY23 were 5 percent and 4 percent, respectively. The updated rate targets for both systems for FY22 and FY23 are 4 percent. She noted staff's work to minimize rate increases and said lower increases will require reductions in planned operating programs and capital improvement projects but will allow the District to continue maintaining and upgrading its infrastructure. She highlighted some potential issues with lower rate increases and actions by other water and wastewater agencies and cities on adopting and/or implementing rate increases over the past year. In developing the FY22 and FY23 rates structure, staff took into consideration the approximately \$2.3 million the District receives per year for providing billing services for sewer service charges for the cities of Berkeley, Oakland and Emeryville. Ms. Skoda said if the District declines to renew the billing services contracts with the cities in 2023, the loss of revenue would equate to approximately 0.3 percent on the rates. Staff will provide an update to the Board in February on efforts to work with the cities to implement a Customer Assistance Program discount on their sewer service charges.

Director of Engineering and Construction Olujimi O. Yolo presented an overview of the District's Capital Improvement Program (CIP). He reviewed the CIP drivers and priorities for the Water System and the system's FY22-26 CIP budget, which has been reduced by \$300 million compared to the CIP budget presented to the Board in previous workshops. Mr. Yolo said the Water System CIP will continue to focus on infrastructure renewal versus expansion; support sustainability and resilience goals; and prioritize safety, reliability, and water quality. He reviewed the Water System FY22-26 CIP budget by asset class; proposed adjustments to the sequencing and timelines for recurring CIP elements and major projects; and the Wastewater System's CIP budget and its priorities, which include aging infrastructure, seismic, regulatory compliance and improvements to structures at the Main Wastewater Treatment Plant. The District's FY22-26 CIP is projected to grow by a modest amount over FY20-24 – an increase of 7 percent for the Water System and 4 percent for the Wastewater System. Replacing aging infrastructure remains the dominant focus of the CIP.

- The Board took a break at 9:55 a.m. and returned to the workshop at 10:05 a.m. All Directors were present.

Next, Mr. Yoloye discussed the staffing strategy for FY22/23 and the District's contracting process. The goal of the FY22 and FY23 budget is to maintain current staffing levels while continuing to move forward with critical infrastructure investments given the current economic uncertainty. The proposed budget also includes additional resources to support the District's Racial Equity and Justice and Diversity and Inclusion efforts. Given the current environment, Mr. Yoloye said the District seeks to exercise caution and remain flexible noting that increasing staffing levels can grow the long-term cost structure of the District and could increase vulnerability to potential economic and environmental impacts. He highlighted historical trends in capital infrastructure investments and said staff is monitoring these trends as projections currently show continued increases until approximately 2030. He reviewed the District's contracting out approach and explained how the proposed CIP will require additional contracting. The proposed FY22 and FY23 budget would fund a net of 15 additional positions compared to FY21, while continuing to move forward with critical priorities. CIP project schedules would be adjusted in response to fiscal and resource constraints, and staff would increase project specific and on-call contracting. He highlighted the benefits and some concerns with contracting out and summarized next steps for staffing in the Engineering and Operations and Maintenance Departments. Management will meet with the unions over the next few weeks to discuss capital contracting and will develop a long-term plan to align capital and operating resource needs by spring 2022.

Director of Finance Sophia D. Skoda reviewed responses to questions from the Board during its November 24, 2020 System Capacity Charge (SCC) workshop regarding the following: state laws relative to the limiting factor of 150 square feet on Accessory Dwelling Units; the statistical distribution of water consumption for single family residential (SFR) in SCC Region 1; the ability to offer a reduced SCC for SFR applicants with demonstrated low water use; and how the proposed lower SCC for FY22 might affect development activities in FY21.

Next, Ms. Skoda reminded the Board of its decision to cancel its meetings on the fourth Tuesday in July 2021 instead of canceling meetings on the fourth Tuesday in August as has been past practice. In reviewing this schedule change, staff determined there could be an issue with the process for implementing the Wet Weather Facilities Charge (WWFC) if the Board does not approve the proposed FY22 rates, (which includes the WWFC) at its June 8 meeting as currently scheduled. If the Board postponed its decision on the rates until its June 22 Regular meeting, the District would not have time to complete actions required to meet the counties' deadline for placing the FY22 WWFC on the counties' tax roll. After a brief discussion, there was general consensus by the Board to cancel its meetings on the fourth Tuesday in July as previously decided.

Ms. Skoda summarized key points of the workshop and the schedule of upcoming actions and Board meetings regarding the FY22/23 budget and rates.

- Addressing the Board was Eric Larsen, President, AFSCME Local 444 who thanked the Board and said the union objects to the District's proposal to respond to planned/unplanned vacancies by contracting out. He commented on current recruitment efforts and staffing levels in Local 444 represented classifications and said the union looks forward to meeting with management to discuss capital contracting.

The Board thanked staff for the presentation and provided considerable commentary on the information presented. Staff responded to Board questions regarding: staffing levels; the proposed budget and rate increases for FY22/23; the importance of the District reducing its borrowing versus receiving a lower interest rate on debt; the current interest rate for District-issued bonds; Consumer Price Index projections for calendar years 2022 and 2023; changes other agencies are making in order to delay or refrain from adopting rate increases; clarification on factors taken into consideration to reduce the proposed FY22/23 rate increases for the Water System from the previously projected 5 percent to 4 percent; the District's ability to enter into contracts in the event of an emergency; projections on contracting out after the COVID-19 pandemic is over; pre-planning for staff retirements; the average tenure of District engineers; and status of staff discussions with the cities of Oakland, Berkeley and Emeryville regarding implementing a Customer Assistance Program discount for the cities' sewer service charges.

The Board requested the following:

- Information on changes or reductions other agencies are making in order to delay, lower or decline to implement rate increases
- Information on how the District's proposed CIP goals compare to the previous CIP
- Information on the approximately 232 additional positions funded since 2012 (as referenced in presentation slide #37) and clarification on funded versus filled positions
- Include information in future presentations on ensuring internal knowledge and skills are retained when contracting out work
- A review of the District's fully maintained and operated agreements and consultant contracts
- A summary of upcoming District retirements by classification
- Consideration of retirements, succession planning and contracting out when conducting analysis on long-term CIP/operations and maintenance staffing
- Explore methods for determining if District contractors are providing equity to their employees
- Provide options for the following rate structures for the Water System for FY22/23:
  - o FY22 – 4 percent; FY23 – 4 percent
  - o FY22 – 4 percent; FY23 – 5 percent
  - o FY22 – 5 percent; FY23 – 5 percent
- Ensure the District remains on target to with replacing 40 miles of pipe per year
- Schedule meetings for Board members to meet with elected officials in the cities of Oakland, Berkeley and Emeryville to discuss implementing a Customer Assistance Program discount for their sewer service charges

**ADJOURNMENT**

President Linney adjourned the Special Meeting at 11:15 a.m.

SUBMITTED BY:

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Rischa S. Cole, Secretary of the District

APPROVED:

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Doug A. Linney, President of the Board

W:\Board of Directors - Meeting Related Docs\2021 Special Mtg Minutes\012621\_budget\_workshop #1\_minutes.docx

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## **MINUTES**

**Tuesday, January 26, 2021**

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

### **Regular Closed Session Meeting**

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:20 a.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, Marguerite Young, and President Doug A. Linney were present at roll call. Director William B. Patterson joined the meeting at 11:34 a.m. All Directors participated remotely.

Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Attorney Derek T. McDonald (Items 1a and 2a), Manager of Risk Management Vladimir Bessaborov (Items 1a and 2a), Attorney Rachel R. Jones (Item 2b), Attorney Anna P. Gunderson (Item 2b), Director of Engineering and Construction Olujimi O. Yoloye (Item 2b), Director of Water and Natural Resources Michael T. Tognolini (Item 2b), Engineering Manager David J. Rehnstrom (Item 2b), Manager of Water Conservation Alice E. Towey (Item 2b), Attorney Lourdes Matthew (Items 4 and 5), Director of Operations and Maintenance David A. Briggs (Item 4), Manager of Human Resources Laura A. Acosta (Items 4 and 5), Manager of Employee Relations Niger M. Edwards (Items 4 and 5), and Industrial Employers Distributors Association representatives Gregory Ramirez and Jeff Bailey (Item 5). Due to time constraints Item 3 was deferred to a future meeting.

### **PUBLIC COMMENT**

- Addressing the Board were the following persons: 1) Joey D. Smith, President, AFSCME Local 2019 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program; 2) Eric Larsen, President, AFSCME Local 444 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program; 3) Tyrell Jackson, Executive Board Member, AFSCME Local 444 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program; 4) Joe Pangelinan, Chief Steward, AFSCME Local 444 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program; 5) Lisa Davis, Business Agent, AFSCME Local 444 commented on the District's pilot COVID-19 testing program being mandatory and the disciplinary aspects of the program. Ms. Davis said AFSCME Local 444 is against mandatory testing; and 6) Demetrius Broussard, Steward, AFSCME Local 444

commented on hazard pay for janitorial staff, the District's pilot COVID-19 testing program being mandatory, and the disciplinary aspects of the program.

President Linney thanked the speakers and said the Board would take their comments into consideration when discussing the testing program with staff.

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

President Linney announced the closed session agenda and the Board convened for discussion (remotely).

### **Regular Business Meeting**

At 1:05 p.m. General Manager Clifford C. Chan informed Secretary Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:30 p.m. At 1:25 p.m., General Manager Chan informed Secretary Cole the Regular Business Meeting would start at 1:45 p.m. President Linney called to order the Regular Business Meeting of the Board of Directors at 1:46 p.m. He announced that due to COVID-19 and in accordance with the latest Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, this meeting will be conducted remotely. In compliance with said orders, a physical location was not provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

### **ROLL CALL**

Directors John A. Coleman, Andy Katz, Lesa R. McIntosh, Frank Mellon, William B. Patterson, Marguerite Young, and President Doug A. Linney were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, and Secretary of the District Rischa S. Cole.

### **BOARD OF DIRECTORS**

President Linney led the Pledge of Allegiance.

### **2021 Board Committee Assignments**

President Linney reviewed the proposed updates to the 2021 Board Committee Assignments.

- Motion by Director Mellon, seconded by Director Coleman, to approve the 2021 Committee assignments, carried (7-0) by the following roll call: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

**Motion No. 019-21** – Approved the following 2021 Board Committee assignments:

#### **Planning**

Director Young, Chair  
Director McIntosh  
Director Mellon

*2<sup>nd</sup> Tuesday of the month at 9:15 a.m.*  
Administration Center Building  
Training Resource Center, 2<sup>nd</sup> Floor

**Legislative/Human Resources**

Director Coleman, Chair  
Director McIntosh  
Director Patterson

***2<sup>nd</sup> Tuesday of the month at 10:15 a.m.***

Administration Center Building  
Training Resource Center, 2<sup>nd</sup> Floor

**Finance/Administration**

Director Patterson, Chair  
Director Coleman  
Director Katz

***4<sup>th</sup> Tuesday of the month at 10:00 a.m.***

Administration Center Building  
Training Resource Center, 2<sup>nd</sup> Floor

**Sustainability/Energy**

Director Young, Chair  
Director Katz  
Director Mellon

***4<sup>th</sup> Tuesday, quarterly, time to be determined***

Administration Center Building  
Training Resource Center, 2<sup>nd</sup> Floor

**DSRSD/EBMUD Recycled Water Authority (DERWA)**

Director Coleman  
Director Mellon  
Director Young, Alternate

***1<sup>st</sup> Monday in Feb.;***

***3<sup>rd</sup> Monday in May;***

***4<sup>th</sup> Monday in March, July, Sept., and Nov. meets at 6:00 p.m.***

Contact: Linda H. Hu, 287-1691

**Freeport Regional Water Authority**

Director Coleman  
Director Patterson  
Director Katz, Alternate

***2<sup>nd</sup> Thursday, quarterly at 10:00 a.m. with locations to be announced***

**Retirement Board**

Director Mellon  
President Young

***3<sup>rd</sup> Thursday odd numbered months at 8:30 a.m.***

Administration Center Building  
Training Resource Center, 2<sup>nd</sup> Floor

**Upper Mokelumne River Watershed Authority**

Director Coleman  
Director Patterson, Alternate  
Director Katz, Alternate  
Director Young, Alternate

***4<sup>th</sup> Friday, quarterly at 1:30 p.m.***

McLean Hall, Pardee Center

**Business Forum (Ad Hoc)**

Director Coleman  
Director Katz  
Director Patterson  
Director Mellon, Alternate

***Meeting dates, times, and location to be determined***

**EBMUD/EBRPD Liaison**

Director Katz  
Director Mellon  
Director Young, Alternate

*Meeting dates, times, and location to be  
determined*

**Oakland Chamber of Commerce**

Director Young  
Director Katz, Alternate  
Director Patterson, Alternate

**Special Districts Association of Alameda County/Special Districts  
Selection Committee**

Director Mellon, Member  
Director Katz, Alternate  
Director Patterson, Alternate

**Special Districts Association of Contra Costa County**

Director McIntosh, Member  
Director Mellon, Alternate  
Director Coleman, Alternate

**Presentation of Past President Plaque**

President Linney acknowledged Director Marguerite Young for her service as Board President in 2019 and 2020. President Linney highlighted Director Young's involvement in water quality and water policy issues; advocacy for environmental protection; and a passion for protecting waterways including championing efforts to secure the Wild and Scenic designation for the Mokelumne River. He reviewed some key District accomplishment during Director Young's tenure as president including involvement on critical District projects and the Pipeline Rebuild program; advocating for increasing the District's investment in renewable energy projects and taking action to reduce District greenhouse gas emissions; efforts on water affordability and accessibility, and the District's assistance to customers struggling with water bills especially during the pandemic. Director Young was a driving force behind the District's resolution on Racial Equity and Justice and the Diversity and Inclusion Strategic Plan and for continued improvements on how we provide service to the community. The Board thanked Director Young for her service. Director Young displayed the Past President Plaque and thanked the Board for the recognition.

**ANNOUNCEMENTS FROM CLOSED SESSION**

There were no announcements required from closed session.

President Linney made note of the comments received during the Public Comment period for Closed Session regarding the pilot COVID-19 testing program. He said the Board directed staff to revise the program's parameters that state testing is mandatory. Management will make the revisions and provide the updated parameters to the unions. Director Young said the Board directed staff to change the program parameters to make testing mandatory in light of the surge in COVID-19 cases in the state.

## **PUBLIC COMMENT**

- Addressing the Board were the following persons: 1) George Cleveland, Chief Steward, AFSCME Local 2019 and EBMUD Raining Pride Committee member thanked Director Young for continued support for the Raining Pride Committee; 2) Eric Larsen, President, AFSCME Local 444 thanked President Linney and Director Young for their comments regarding changes to the pilot COVID-19 testing program and commented on challenges locating information on how to provide public comment and accessing Zoom links for Board meetings on the District's website; and 3) Nathan Lawton, EBMUD Paving Raker B commented on the District's vaccination plan.

Secretary Cole advised the District's website would be updated with information on how to provide public comment and how to access Zoom links for Board meetings.

## **CONSENT CALENDAR**

- Motion by Director McIntosh, seconded by Director Coleman, to approve the recommended actions for Items 1-8 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 020-21** – Approved the Regular Meeting Minutes of January 12, 2021.
  2. The following correspondence was filed with the Board: **1)** Presentation entitled, "Water Supply Update," dated January 26, 2021; and **2)** Presentation entitled, "Coronavirus Update," dated January 26, 2021.
  - 3a-3b. **Motion No. 021-21** – Authorized agreements with T.G.'s Backflow Service and 4th of July Backflow Testing for testing residential backflow devices beginning on or after January 26, 2021 for three years in an aggregate amount not to exceed \$180,000 and authorize additional agreements for services to test residential backflow devices on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report
  - 4a-4b. **Motion No. 022-21** – Authorized agreements with D.P. Nicoli, Inc. and Trench Plate Rental Co. for shoring and trench plate rental services beginning on or after January 26, 2021 for three years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$2,500,000, and authorized additional agreements for shoring and trench plate rental services on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

5. **Motion No. 023-21** – Authorized an amendment to the agreement previously authorized under Board Motion No. 020-16 with Systems Consulting, Inc. to increase the agreement amount by \$417,876 to a total amount not to exceed \$2,266,346 and extend the agreement term to February 28, 2022 with two options to renew for additional six-month periods for services supporting the Materials Management Information System.
- 6a-6b. **Motion No. 024-21** – Ratified the extension of the agreement and the payment of \$66,761 to Morneau Shepell, Limited (Morneau Shepell) for the continuous work of health and welfare benefits administration through January 31, 2021 and authorized an amendment to extend the agreement previously authorized under Board Motion No. 195-14 with Morneau Shepell through December 31, 2025, and to increase the agreement amount by \$2,100,000, which incorporates the ratified amount of \$66,761, for a total amount not to exceed \$5,000,000 for health and welfare benefits administration.
7. **Motion No. 025-21** – Approved the November 2020 and December 2020 Monthly Investment Transactions Reports.
- 8.1- **Resolution No. 35213-21** – Confirming Appointment of Standby Officers for the Board of  
8.2. Directors Under the Emergency Succession Plan for the Board of Directors.

President Linney acknowledged the Standby Officers for their willingness to serve another term and Director Young acknowledged the appointment of former General Manager Alexander R. Coate as Standby Officer #3 for Ward 3.

## **DETERMINATION AND DISCUSSION**

### **9. General Manager's Report.**

#### **Water Supply Update**

Director of Operations and Maintenance David A. Briggs presented the Water Supply Update and an overview of gross water production; East Bay and Mokelumne precipitation through January 19; snow depth at Caples Lake which was 51% of average as of January 19; and current storage at Pardee, Camanche and East Bay reservoirs. He said current total system storage is 559,150 acre-feet or 100% of average and 72% of capacity. He concluded with a report on projected District total system storage for 2021. The Board raised no questions.

- Director Mellon left the meeting at 2:07 p.m.

#### **Coronavirus Update**

Director of Operations and Maintenance David A. Briggs presented an update on state regulations and guidelines and reported the governor lifted the regional stay-at-home order today. He reported there have been minimal impacts on District operations as a result of the stay-at-home mandate, local health orders, and the health orders in Amador, Calaveras and Sacramento Counties. The District will continue piloting the COVID-19 testing program and developing its vaccination plan. He explained the District is not planning to make vaccinations mandatory but will encourage and facilitate vaccinations for staff. The State's vaccination plan continues to

evolve and Mr. Briggs said the District will register with counties as an essential employer so certain employees can receive vaccinations in Phase 1C of the State's plan. The timing for the first vaccinations is currently unknown but staff is preparing for some time in February. In conclusion, he reported on the most recent number of employees and contractors that have tested positive for the virus; the number of employees that have returned to work as of January 21; and the number of employees that are currently in quarantine. The Board raised no questions.

## **REPORTS AND DIRECTOR COMMENTS**

### **10. Committee Reports.**

- Filed with the Board were the Minutes for the January 12, 2021 Planning Committee and Legislative/Human Resources Committee meetings.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier in the day (remotely) and received an update on the November 2020 and December 2020 Monthly Investment Transaction Reports; the Interest Rate Swap Portfolio Summary Report; and Quarterly Financial Reports for the quarter ended December 31, 2020.
- Sustainability/Energy Committee Chair Doug A. Linney reported the Committee met earlier in the day (remotely) and received an update on the Climate Action Plan and Reduction in Paper Footprint.

### **11. Other Items for Future Consideration.**

None.

### **12. Director Comments.**

- Director Coleman reported attending the FRWA Board meeting (remotely) on January 14 and the UMRWA Board meeting (remotely) on January 22.
- Director Patterson thanked the Board for their condolences on the passing of his wife and said the UMRWA Board adjourned its January 22 meeting in her honor.

**ADJOURNMENT**

President Linney announced today's meeting would be adjourned in honor of Tom Guarino, who passed away in December. He said Mr. Guarino was a collaborative partner of the District through his works at PG&E, the San Leandro Chamber, with various ethnic chambers of commerce and his many other endeavors. He was well known to many Board members and staff and his dedication and presence will be missed.

President Linney adjourned the meeting in honor of Tom Guarino at 2:30 p.m.

SUBMITTED BY:

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Rischa S. Cole, Secretary of the District

APPROVED: February 9, 2021

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Doug A. Linney, President of the Board


## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: February 4, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Marlaigne Dumaine, Manager of Legislative Affairs 

SUBJECT: Legislative Report No. 02-21

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on February 9, 2021.

### **RECOMMENDED ACTION**

Approve positions on the following bills: 1) Support AB 100 (Holden) Drinking water: pipes and fittings: lead content; 2) Support SB 61 (Hurtado) Workforce training programs: supportive services; and receive information on: 1) SB 222 (Dodd) Water Affordability Assistance Program; 2) SB 223 (Dodd) Discontinuation of residential water service; and 3) State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

### **STATE LEGISLATION**

### **RECOMMENDED POSITION**

<b>AB 100 (Holden)</b>	<b>DRINKING WATER: PIPES AND FITTINGS: LEAD CONTENT</b>	<b>SUPPORT</b>
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Existing law generally prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead-free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. In addition, “lead free” is defined, for purposes of manufacturing, industrial processing, or conveying or dispensing water for human consumption, to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. In addition, all plumbing components must be tested and certified to ensure they meet certain performance standards.

AB 100 (Holden), as introduced on December 11, 2020, is intended to bolster existing law (EBMUD’s sponsored landmark “Get the Lead Out” legislation) that limits the amount of lead in plumbing fixtures by strengthening the performance standard that endpoint devices must comply with. Under AB 100, to be considered “lead-free,” endpoint plumbing devices such as faucets, fixtures, and water fountains, would generally be prohibited from leaching more than one

microgram of lead per liter of water. AB 100 is substantially similar to AB 2060 (Holden), which EBMUD supported, that failed to advance out of the legislature last year.

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

Currently all pipes, pipe fittings, plumbing fittings, and fixtures must be certified by an independent third party, such as NSF International, as being in compliance with the “lead free” standard. In addition, to be certified for use in drinking water NSF International requires that endpoint devices comply with a performance standard of leaching no more than five micrograms of lead per liter of water under specific testing conditions. NSF International also has an optional, more stringent performance standard of leaching no more than one microgram per liter under the testing conditions. NSF International is expected to make this optional standard mandatory by 2024. AB 100 would make this more stringent standard mandatory in California, prior to NSF International’s expected 2024 date.

The intent of AB 100, to help protect Californians from lead exposure, is consistent with EBMUD’s efforts to reduce lead exposure in drinking water, including EBMUD’s sponsorship of prior legislation. AB 100 builds on existing law that reduced the allowable amount of lead in pipes and fixtures and helps reduce lead exposure in drinking water by codifying and accelerating the implementation of a more stringent performance standard that will reduce the amount of lead that endpoint devices may leach to be considered “lead free” and reflects the availability of improved endpoint devices.

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

EBMUD has historically supported measures to protect public health by reducing exposure to lead in drinking water. In 2020, EBMUD supported AB 2060 (Holden), which was substantially similar to AB 100. AB 2060 failed to advance out of the legislature. In 2018, EBMUD supported AB 2370 (Holden) to establish new drinking water testing requirements for licensed child care centers. AB 2370 was signed into law (Chapter 626 of 2018). In 2006, EBMUD sponsored California’s landmark “Get The Lead Out” legislation, AB 1953 (Chan), that was signed into law (Chapter 853 of 2006), which reduced the allowable lead content in pipes and plumbing fixtures from 8% to 0.25%, a level that virtually eliminates lead contamination in faucets and drinking water, and prohibited the sale of plumbing components after 2010 not meeting the lower lead content standard.

An official support/opposition list for AB 100 is not currently available.

**SB 61**                                      **WORKFORCE TRAINING PROGRAMS:**                                      **SUPPORT**  
**(Hurtado)**                                      **SUPPORTIVE SERVICES**

Under existing law the California Workforce Development Board (CWDB) is responsible for assisting the governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. The CWDB oversees various training partnerships, including the High Road Training Partnerships initiative, a demonstration project to model partnership strategies for the state among various industry sectors.

SB 61 (Hurtado), as introduced December 7, 2020, is a workforce development bill intended to implement a recommendation made by the Lifting Children and Families Out of Poverty Task Force (Task Force) regarding the need to fund supportive services for low-income workforce participants to ensure they can fully participate in training programs. SB 61 is substantially similar to SB 1103 (Hurtado) from 2020, which EBMUD supported, that failed to advance out of the legislature.

The bill would mainly require the CWDB to establish the Lifting Families Out of Poverty Supportive Services Program and make \$50 million in grants available, upon appropriation by the legislature, to consortiums, as defined in the bill, that enroll and support low-income individuals in workforce training programs. Grants would be used for supportive services including childcare, transportation, or other services identified by the state or local workforce development board as necessary to enable an individual to successfully participate in a High Road Training Partnerships initiative program or other similar workforce programs.

According to the CWDB, the High Road Training Partnerships initiative is a \$10 million demonstration project designed to model partnership strategies for the state. The CWDB notes that "the industry-based worker-focused training partnerships build skills for California's 'high-road' employers — firms that compete based on quality of product and service achieved through innovation and investment in human capital, and can thus generate family-supporting jobs where workers have agency and voice."

Last year the bill's author noted that, "workforce training programs have a proven foundational impact on disrupting the cycle of poverty by improving upward mobility and increasing positive adult outcomes for children living in poverty. However, the Task Force reported that many low-income workforce training participants do not complete their programs, often due to a lack of childcare or affordable transportation." This program is intended to help individuals complete workforce development training programs.

The High Road Training Partnerships initiative currently provides funding to a partnership between Jewish Vocational Service (JVS) and BAYWORK (a collaboration of Bay Area water and wastewater agencies, including EBMUD, which promotes workforce development in the water and wastewater industries) to implement workforce development for Bay Area jobseekers

interested in pursuing careers in the water and wastewater industries. Under SB 61, the joint JVS and BAYWORK High Road Training Partnerships initiative program (the Water Utilities Career Pathways Project), or similar workforce training programs, would potentially be eligible for grants to assist participants with supportive services such as childcare and transportation.

The intent of SB 61 to provide assistance to individuals seeking to complete workforce training programs is consistent with EBMUD's workforce development and training efforts, including EBMUD's participation in BAYWORK. The bill would not result in additional costs to EBMUD, and could potentially benefit EBMUD by expanding the pool of individuals completing the JVS and BAYWORK program, or other workforce training programs, and applying for jobs with EBMUD.

EBMUD has previously supported workforce-related legislation. In 2020, EBMUD supported SB 1103 (Hurtado), which was substantially similar to SB 61. SB 1103 failed to advance out of the legislature. In 2019, EBMUD supported AB 1588 (Gloria) that provided military veterans a process to receive credit for equivalent education and experience when seeking California certifications as water or wastewater facility operators. AB 1588 was signed into law (Chapter 760 of 2019).

An official support/opposition list for SB 61 is not currently available.

<b>SB 222</b>	<b>WATER AFFORDABILITY</b>	<b>INFORMATION</b>
<b>(Dodd)</b>	<b>ASSISTANCE PROGRAM</b>	

Existing law, as created under AB 401 (Dodd), requires the State Water Resources Control Board (SWRCB) to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program and to provide a report to the legislature on the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action that may need to be taken. This report, referred to as the AB 401 report, was finalized in February 2020.

SB 222 (Dodd), as introduced, would do two primary things: (1) establish a Water Affordability Assistance Fund (Fund) in the state treasury to be administrated by the SWRCB; and (2) require the California Public Utilities Commission (CPUC) to establish a mechanism for electrical corporations and gas corporations to regularly share California Alternative Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) program customer data with the SWRCB.

Fund

The stated purpose of the Fund would be to provide:

- “direct water bill assistance”;
- “water bill credits to renters and individuals or households that pay other amounts, fees, or charges related to residential water or wastewater service”;
- “water crisis assistance”;

- “affordability assistance to low-income households served by domestic wells”;
- “water efficiency measures for low-income households”; and
- “short-term assistance to public water systems to administer program components, including initial startup costs.”

SB 222 would require the SWRCB to maintain the Fund as a separate account and develop a process for disbursing money to public water systems or third party providers. The SWRCB would also be required to develop program oversight procedures, and, in consultation with an advisory group, develop program guidelines and an annual fund expenditure plan. The advisory group would include representatives of public water systems, technical assistance providers, local agencies, nongovernmental organizations, and the public.

The fund expenditure plan would be required to include:

- key terms, criteria, and metrics;
- a description of how proposed remedies will be identified, evaluated, prioritized, and included in the annual fund expenditure plan;
- a report on expenditures from the Fund for the prior fiscal year and planned expenditures for the current fiscal year;
- an estimate of the number of households eligible for assistance, including those that do not receive a direct bill for water;
- a discussion of water affordability challenges and proposed solutions for Californians served by state small water systems, local small water systems, and domestic wells;
- an estimate of the funding needed for the next fiscal year;
- the funding need of disadvantaged communities and low-income households whose water bill charges pose affordability challenges based on metrics developed by the SWRCB and CPUC; and
- an analysis with metrics to evaluate how expenditures from prior fiscal years improved affordability.

Under SB 222, if money is deposited into the Fund before an annual expenditure plan is adopted, the SWRCB would be required to spend the money to provide “water crisis assistance” to low-income households through direct assistance, forgiveness of delinquency by the public water system with reimbursement to be provided by the SWRCB, or some other disbursement mechanism.

In administering the Fund program, the SWRCB would be required to:

- collect and ensure the accuracy of water rate data and water system boundary data from each public water system;
- develop performance metrics for the program, such as enrollment levels, total water shutoffs for inability to pay, and on-time payment levels;
- oversee a public water system’s implementation of the program;

- identify alternative entities to distribute and track benefits if a public water system is unwilling to do so or if the SWRCB has determined a public water system is incapable of administering the program;
- coordinate with other state agencies and resolve disputes as necessary; and
- coordinate with the CPUC on existing rate assistance programs for investor-owned water utilities.

#### CARE and FERA data

The CARE and FERA programs provide assistance to enrolled low-income customers of investor-owned natural gas and electric corporations. These programs are overseen by the CPUC and administered locally by the investor-owned gas and/or electric corporation that serves an area. In addition, publicly owned electric and gas utilities, which are not generally regulated by the CPUC, may administer customer assistance programs in the areas served by these agencies that are not under the CARE or FERA program umbrella.

SB 222 would require the CPUC to establish a mechanism for gas and electrical corporations to share data with the SWRCB on those utility customers enrolled in the CARE and FERA programs. In addition, SB 222 would allow the SWRCB to require locally publicly owned utilities and municipal utility districts to share data regarding customers enrolled in customer assistance programs.

#### Next Steps

Staff will assess this measure in the context of EBMUD's customer assistance efforts and engage with stakeholders, as appropriate, as this measure evolves. Staff will bring the measure back to the Board for consideration at a future meeting.

### **SB 223                      DISCONTINUATION OF RESIDENTIAL                      INFORMATION (Dodd)                      WATER SERVICE**

Existing law, as established by SB 998 (Dodd), prohibits a water system with more than 200 service connections from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Existing law requires a water system to have a written policy on discontinuation of residential service for nonpayment and to provide notice of that policy to customers.

SB 223 would do two primary things. First, SB 223 would build on the water service discontinuation-related requirements established by SB 998. Second, SB 223 would require the California Public Utilities Commission (CPUC) to establish a mechanism for electrical corporations and gas corporations to regularly share California Alternative Rates for Energy (CARE) and Family Electric Rates Assistance (FERA) program customer data with water agencies.

Revising SB 998

SB 223 would revise the conditions under which a water agency is prohibited from discontinuing residential service for nonpayment. SB 223 would:

- add a 12-month repayment timeline to the requirement that a water agency provide a plan for deferred or reduced payments;
- add an arrearage management plan that includes debt forgiveness;
- extend the required minimum delinquency time requirement from 60 to 120 days and add to that delinquency time requirement that a minimum of \$400 in delinquent water charges must be accrued;
- prioritize water charges for partial payments on combined bills and prohibit a service discontinuation when an amount equal to the water use charges of the bill has been paid;
- place limits on the use of liens;
- place a moratorium on all shutoffs during a state or local emergency;
- expand shutoff exemptions to include households with a person under the age of 18 or over the age of 65;
- allow for self-certification for exemptions based on medical conditions or age criteria;
- add enrollment in CARE or FERA to the criteria used to determine whether a household is unable to pay and thus not subject to a service discontinuation;
- add a customer choice element to selection of the payment arrangement method; and
- prohibit the discontinuation of water service for nonpayment to a master-metered multifamily residence with at least four units or to a master-metered mobile home park.

SB 223 would also require that water systems with the capacity to perform water audits offer free water audits to low-income households with water use above the annual average volume use for the applicable customer class.

With regard to fees, SB 223 would eliminate fees for households with incomes at below 200 percent of the federal poverty level by:

- replacing the reconnection fee limits of \$50 and \$150, as established by SB 998, with a waiver on all reconnection fees; and
- requiring that all late fees and penalties be waived once every 12 months.

SB 223 would also expand SWRCB reporting requirements and enforcement authority by:

- adding zip code data, time to service restoration, account delinquency information, and customer assistance program participation levels to the SB 998 service discontinuation reporting requirements; and
- extending SB 998's enforcement authority by the attorney general to also include enforcement by the SWRCB.

### CARE and FERA data

The CARE and FERA programs provide assistance to enrolled low-income customers of investor-owned natural gas and electric corporations. These programs are overseen by the CPUC and administered locally by the investor-owned gas and/or electric corporation that serves an area.

SB 223 would require the CPUC to establish a mechanism for investor-owned gas and electrical corporations to share data with water agencies on those utility customers enrolled in the CARE and FERA programs.

### Next Steps

Staff will assess this measure in the context of EBMUD's customer assistance efforts and engage with stakeholders, as appropriate, as this measure evolves. Staff will bring the measure back to the Board for consideration at a future meeting.

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

## **INFORMATION**

An overview of key state and federal actions taken in response to the COVID-19 pandemic since Legislative Report No. 01-21, which was reviewed by the Board on January 12, is provided below.

### State Government Actions

Subsequent to the writing of Legislative Report No. 01-21, two executive orders relative to COVID-19 have been issued. None are of direct interest to EBMUD.

In addition, in late January, the legislature passed and the governor signed two budget trailer bills, SB 89 (Skinner) and SB 91 (Committee on Budget and Fiscal Review), to assist tenants and small business owners impacted by COVID-19. SB 89 and SB 91 went into effect on January 29, 2021.

SB 89 makes technical changes to the state budget to allow the state to allocate and expend \$1.5 billion in federal funding for rental assistance.

SB 91 does two primary things: 1) extends until June 30, 2021, an eviction moratorium that would have expired on January 31, 2021; and 2) establishes the State Rental Assistance Program (Program) through which \$1.5 billion of federal funding for rental assistance will be allocated. Separate from the \$1.5 billion allocated to the state, additional federal funding of approximately \$1 billion will be allocated from the federal government directly to cities and counties with populations of 200,000 and above.

Among other things, SB 91 does the following:

- allocates funding to cities and counties based on population;
- sets forth priorities for allocation of the assistance funding;
- provides that eligible uses for the funds include rental arrears, prospective rent payments, and “utilities, including arrears and prospective payments for utilities” with priority given to rental arrears;
- permits the Department of Housing and Community Development to contract with a vendor to implement the Program;
- provides that localities with populations over 500,000 will receive block grants, localities with populations between 200,000 and 500,000 may elect to receive block grants or may opt to have their allocation administered by the program implementer, and localities with populations of less than 200,000 will have their funding allocation administered by the program implementer;
- provides that assistance for rental arrears is limited to 80 percent of a household’s unpaid rental debt accumulated from April 1, 2020, to March 31, 2021, conditioned upon the landlord’s agreement to forgive the remaining rental debt owed by any tenant within the eligible household for whom rental assistance is being provided; and
- allows a member of an eligible household to apply directly for assistance with rental arrears if a landlord refuses to participate in the Program.

#### Federal Government Actions

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

#### Next Steps

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

CCC:MD:DM/JW

Attachment

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**ASSEMBLY BILL**

**No. 100**

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**Introduced by Assembly Member Holden**

December 11, 2020

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

LEGISLATIVE COUNSEL'S DIGEST

AB 100, as introduced, Holden. Drinking water: pipes and fittings: lead content.

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

This bill would additionally define “lead free,” with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification.

Existing law requires the Department of Toxic Substances Control, based on its available resources and staffing, to annually select no more than 75 drinking water faucets or other drinking water plumbing fittings

and fixtures for testing and evaluation, including the locations from which to select the faucets, fittings, and fixtures, to determine compliance with the above-specified lead plumbing standards.

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

The bill would also make nonsubstantive changes.

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

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

1 SECTION 1. Section 25214.4.3 of the Health and Safety Code  
2 is amended to read:

3 25214.4.3. (a) Lead plumbing monitoring and compliance  
4 testing shall be undertaken by the department, as a part of the  
5 department's ongoing program for reducing toxic substances from  
6 the environment.

7 (b) For purposes of implementing this article, the department  
8 shall, based on its available resources and staffing, annually select  
9 not more than 75 drinking water faucets or other drinking water  
10 plumbing fittings and fixtures for testing and evaluation, including  
11 the locations from which to select the faucets, fittings, and fixtures,  
12 to determine compliance with Section 116875.

13 (c) In implementing this article, the department shall use test  
14 methods, protocols, and sample preparation procedures that are  
15 adequate to determine total lead concentration in a drinking water  
16 plumbing fitting or fixture to determine compliance with the  
17 standards for the maximum allowable total lead content set forth  
18 in Section 116875.

19 (d) (1) In selecting drinking water faucets and other drinking  
20 water plumbing fittings and fixtures to test and evaluate pursuant  
21 to this article, the department shall exercise its judgment regarding  
22 the specific drinking water plumbing fittings or fixtures to test.

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

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

(4) *When evaluating an endpoint device's compliance with clause (ii) of subparagraph (B) of paragraph (2) of subdivision (e) of Section 116875, the department shall base its evaluation upon documentation developed by an American National Standards Institute (ANSI) accredited third party that demonstrates that the ANSI accredited third party has certified that the endpoint device does not leach more than one microgram of lead for test statistic Q or R, when normalized for a first draw sample up to or equal to one liter in volume, as calculated in accordance with the 2020 NSF International/ANSI Standard 61, effective June 2020.*

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

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

116875. (a) ~~No~~ A person shall *not* use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes.

(b) (1) ~~No~~ A person shall *not* introduce into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not lead free, as defined in *subparagraph (A) of paragraph (2) of subdivision (e)*. This includes kitchen faucets, bathroom faucets, and any other ~~end-use~~ *endpoint* devices intended to convey or dispense water for human consumption through drinking or cooking, but excludes service saddles, backflow preventers for nonpotable services such as irrigation and industrial, and water distribution main gate valves that are two inches in diameter and above.

(2) Pipes, pipe or plumbing fittings, or fixtures that are used in manufacturing, industrial processing, for irrigation purposes, and any other uses where the water is not intended for human

1 consumption through drinking or cooking are not subject to the  
2 requirements of paragraph (1).

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

6 (c) ~~No~~A person engaged in the business of selling plumbing  
7 supplies, except manufacturers, shall *not* sell solder or flux that is  
8 not lead free.

9 (d) ~~No~~A person shall *not* introduce into commerce any solder  
10 or flux that is not lead free unless the solder or flux bears a  
11 prominent label stating that it is illegal to use the solder or flux in  
12 the installation or repair of any plumbing providing water for  
13 human consumption.

14 (e) For~~the~~ purposes of this section,~~“lead~~ *the following*  
15 *definitions apply:*

16 (1) (A) *“Endpoint device” means a single device typically*  
17 *installed within the last one liter of the water distribution system*  
18 *of a building. An endpoint device includes all of the following:*

19 (i) *Remote chillers.*

20 (ii) *Lavatory faucets.*

21 (iii) *Bar faucets.*

22 (iv) *Kitchen faucets.*

23 (v) *Hot and cold water dispensers.*

24 (vi) *Drinking fountains.*

25 (vii) *Drinking fountain bubblers.*

26 (viii) *Water coolers.*

27 (ix) *Glass fillers.*

28 (x) *Residential refrigerator ice makers.*

29 (B) *An endpoint device does not include either of the following:*

30 (i) *Devices specifically exempted from section nine, “Mechanical*  
31 *Plumbing Devices,” of the 2020 NSF International/American*  
32 *National Standards Institute (ANSI) Standard 61, effective June*  
33 *2020.*

34 (ii) *Devices the 2020 NSF International/ANSI Standard 61,*  
35 *effective June 2020, subjects to a different lead leaching standard*  
36 *or normalization requirement than that specified in clause (ii) of*  
37 *subparagraph (B) of paragraph (2).*

38 (2) (A) *“Lead free” means not more than 0.2 percent lead when*  
39 *used with respect to solder and flux and not more than a weighted*  
40 *average of 0.25 percent lead when used with respect to the wetted*

1 surfaces of pipes and pipe fittings, plumbing fittings, and fixtures.  
2 The weighted average lead content of a pipe and pipe fitting,  
3 plumbing fitting, and fixture shall be calculated by using the  
4 following formula: The percentage of lead content within each  
5 component that comes into contact with water shall be multiplied  
6 by the percent of the total wetted surface of the entire pipe and  
7 pipe fitting, plumbing fitting, or fixture represented in each  
8 component containing lead. These percentages shall be added and  
9 the sum shall constitute the weighted average lead content of the  
10 pipe and pipe fitting, plumbing fitting, or fixture.

11 (B) When used with respect to endpoint devices, “lead free”  
12 means that the device satisfies both of the following:

13 (i) The requirements of subparagraph (A).

14 (ii) The device does not leach more than one microgram of lead  
15 for test statistic *Q* or *R*, when normalized for a first draw sample  
16 up to or equal to one liter in volume, as calculated in accordance  
17 with the 2020 NSF International Standard 61, effective June 2020,  
18 and certified by an ANSI accredited third party.

19 (f) For the purposes of paragraph (3) of subdivision (b), “lead  
20 free,” consistent with the requirements of federal law, means not  
21 more than 0.2 percent lead when used with respect to solder and  
22 flux and not more than 8 percent *lead* when used with respect to  
23 pipes and pipe fittings. With respect to plumbing fittings and  
24 fixtures, “lead free” means not more than 4 percent *lead* by dry  
25 weight after August 6, 2002, unless the ~~department~~ *state board*  
26 has adopted a standard, based on health effects, for the leaching  
27 of lead.

28 (g) (1) All pipe, pipe or plumbing fittings or fixtures, solder,  
29 or flux shall be certified by an independent ~~American National~~  
30 ~~Standards Institute (ANSI)~~ ANSI accredited third party, including,  
31 but not limited to, NSF International, as being in compliance with  
32 this section.

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

38 (B) The certification required pursuant to this subdivision shall  
39 not interfere with either the ~~department’s~~ *state board’s* exercise  
40 of its independent authority to protect public health pursuant to

1 this section, or the Department of Toxic Substances Control's  
2 exercise of its independent authority to implement Article 10.1.2  
3 (commencing with Section 25214.4.3) of Chapter 6.5 of Division  
4 20.

5 (3) It is the intent of the Legislature that this subdivision only  
6 provide guidance and assistance to the entities that use an  
7 independent ANSI accredited third party to demonstrate  
8 compliance with this section. Any tests developed by an  
9 independent ANSI accredited third party in accordance with this  
10 subdivision shall have no weight of authority under California  
11 statute.

12 (4) Notwithstanding paragraph (1), the ~~department~~ *state board*  
13 shall retain its independent authority in administering this article.

14 (h) ~~This section shall become operative on January 1, 2010. The~~  
15 requirement described in subdivision (g) shall not be construed in  
16 any manner as to justify a delay in compliance with the ~~lead-free~~  
17 *lead free* standard set forth in *subparagraph (A) of paragraph (2)*  
18 *of subdivision (e)*.

**Introduced by Senator Hurtado**

December 7, 2020

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An act to add Article 4.5 (commencing with Section 14050) to Chapter 3 of Division 7 of the Unemployment Insurance Code, relating to job training.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 61, as introduced, Hurtado. Workforce training programs: supportive services.

The California Workforce Innovation and Opportunity Act establishes the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. That act requires the establishment of a local workforce development board in each local workforce development area of the state to assist the local chief elected official in planning, oversight, and evaluation of local workforce investment. The act requires local boards to carry out specific tasks consistent with the federal Workforce Innovation and Opportunity Act, including, with representatives of secondary and postsecondary education programs, to lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

The act also provides for training partnerships that are overseen by the board, including the High Road Training Partnerships initiative, a

demonstration project to model partnership strategies for the state among various industry sectors.

This bill would require the California Workforce Development Board to establish and administer the Lifting Families Out of Poverty Supportive Services Program. The bill would require the board, upon appropriation by the Legislature for that purpose, to make \$50,000,000 in grants available to consortia, composed of combinations of local workforce development boards, community colleges, or other stakeholders, that apply for funding to provide supportive services, as defined, and are approved in accordance with the bill.

The bill would require the California Workforce Development Board to develop criteria, policies, and guidelines for the award of supportive service grant funds to a consortium consistent with the bill. The bill would require a consortium to apply for a grant by submitting a plan with prescribed elements to the board, and would authorize the board to approve the submitted plan and award grant funds to a consortium. The bill would require the board to develop necessary policies to ensure that grants awarded are consistent with the intent of these provisions.

The bill would also require the board, as part of the supportive services program described above, to develop High Road Training Partnerships or other similar programs to address the displacement of workers, including farmworkers in the southern central valley and youth who are in or out of school who are individuals with a barrier to employment, as specified. The bill would also authorize a High Road Training Partnership or other similar workforce training program to focus on the healthcare industry, which could include the evaluation of a region's provider network adequacy to meet the needs of the community. The bill would require a consortium that receives a grant to report annually to the board how it used supportive service funds in sufficient detail to determine what services qualified as support services and how much funding went to each category of service.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Workforce, Education, and Training Subcommittee of
- 4 the state Lifting Children and Families Out of Poverty Task Force

1 was responsible for investigating existing workforce training  
2 programs and policies including community college training, career  
3 and technical education, work opportunity tax credits, and policies  
4 within the K–12 education system.

5 (b) The evidence provided to the task force showed that there  
6 is a need for supportive services to address the common reasons  
7 that low-income workforce training participants do not complete  
8 workforce training programs.

9 (c) A lack of childcare or affordable transportation are among  
10 the primary reasons that participants do not complete their  
11 vocational training programs.

12 (d) The subcommittee and the full task force determined that  
13 additional funding for supportive services for low-income  
14 workforce participants and an increase in coordination across the  
15 many programs aiming to support education and employment for  
16 this population are necessary to lift families out of poverty and to  
17 ensure that they can fully participate in programs that will provide  
18 them the regional market skills to sustain upward mobility.

19 (e) COVID-19 has further affected the ability for all Californians  
20 to start training programs due to lack of supportive services.

21 SEC. 2. Article 4.5 (commencing with Section 14050) is added  
22 to Chapter 3 of Division 7 of the Unemployment Insurance Code,  
23 to read:

24  
25 Article 4.5. Supportive Services For Workforce Program  
26 Participants  
27

28 14050. As used in this article:

29 (a) “Consortium” means an entity that may be composed of any  
30 combination of a local workforce development board, community  
31 college, California Adult Education Program Consortium, or Adult  
32 Education Program, or other local stakeholders, working in  
33 partnership to enroll and support individuals in poverty in  
34 workforce training programs aligned with regional labor market  
35 needs, except that every consortium shall include the local  
36 workforce development board that corresponds to its geographical  
37 area.

38 (b) “Supportive services” means childcare, transportation, or  
39 other services identified by the state or local workforce  
40 development board, including those listed in paragraphs (2) and

(3) of subdivision (c) of Section 134 of the Workforce Innovation and Opportunity Act (Section 3174 of Title 29 of the United States Code) as necessary to enable an individual to successfully participate in High Road Training Partnerships programs or other similar workforce programs.

(c) “Training” includes all services described in paragraph (5) of subdivision (d) of Section 14013.

(d) “Workforce training program” means California Workforce Development Board workforce programs and other workforce programs administered by local workforce development boards that are industry-based, worker-focused training partnerships that deliver equity, sustainability, and job quality aligned with the needs of the regional labor market.

14055. (a) The board shall establish and administer the Lifting Families Out of Poverty Supportive Services Program. Upon appropriation by the Legislature for that purpose, the board shall make fifty million dollars (\$50,000,000) in grants available to consortia that apply for funding and are approved in accordance with this article. The board may use up to 5 percent of the funding appropriated for purpose of this section to design and administer the program.

(b) The board shall develop criteria, policies, and guidelines for the award of supportive service grant funds to a consortium consistent with this article.

(c) These criteria, policies, and guidelines shall consider, but are not limited to, the following:

(1) The ability of a consortium to leverage additional funds in support of the program.

(2) The availability and likelihood of full-time employment in the regional labor market based on the successful completion of the High Road Training Partnerships Program or another similar workforce training program, including the alignment of the training partnerships program with regional labor market demand.

(3) The process through which a consortium of local partners will assess the needs of participants and determine the most cost-effective manner possible for the provision of supportive services, including through the referral to, and utilization of, all other public and private programs and supportive services that may be available.

1 (4) The list of designated qualified opportunity zones (QOZ)  
2 that meet the criteria for a low-income community, as defined in  
3 Sections 1400Z-1 and 1400Z-2 of the federal Internal Revenue  
4 Code.

5 (d) The criteria, guidelines, and policies developed pursuant to  
6 this section shall be exempt from the rulemaking provisions of the  
7 Administrative Procedure Act (Chapter 3.5 (commencing with  
8 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
9 Code). The board shall make the criteria, guidelines, and policies  
10 available to the public by posting them on its internet website.

11 (e) A consortium shall apply for a grant by submitting a plan  
12 to the board in accordance with subdivision (f).

13 (f) A plan submitted pursuant to subdivision (e) shall include  
14 all of the following:

15 (1) The number of people to be served.

16 (2) The coordination with local governments, public and private  
17 employers in the area, community colleges, and other stakeholders.

18 (3) The availability and likelihood of full-time employment in  
19 the local area based on the successful completion of the High Road  
20 Training Partnerships Program or another similar workforce  
21 training program.

22 (4) The process through which the needs of participants will be  
23 assessed, and those needs met, in the most cost-effective manner  
24 possible including through the referral to and utilization of all other  
25 public and private programs and services that may be available.

26 (g) A consortium that receives a grant shall report annually to  
27 the California Workforce Development Board on how it used  
28 supportive service funds in sufficient detail to determine what  
29 services qualified as support services and how much funding went  
30 to each category of service.

31 14055.1. (a) The board, as part of its supportive services  
32 program pursuant to Section 14055, shall also develop High Road  
33 Training Partnerships or other similar workforce training programs  
34 to address the displacement of workers, including, but not limited  
35 to, farmworkers in the southern central valley of the state, and  
36 youth who are in or out of school and who are individuals with a  
37 barrier to employment, as defined in Title 1 of the federal  
38 Workforce Innovation and Opportunity Act of 2014 (Public Law  
39 113-128).

1 (b) “High Road Training Partnerships” means the programs  
2 administered or overseen by the board, to model strategies for the  
3 state to develop industry-based, worker-focused training  
4 partnerships that deliver equity, sustainability, and job quality and  
5 address questions of income inequality, economic competitiveness,  
6 and climate change through regional skills development designed  
7 to support communities across the state. To be similar to the High  
8 Road Training Partnership, another workforce training program  
9 shall have similar objectives and employ similar strategies to  
10 achieve those objectives.

11 (c) A High Road Training Partnership or other similar workforce  
12 training program, as defined by subdivision (d) of Section 14050,  
13 may also include a focus on the health care industry, which may  
14 include the evaluation of a region’s provider network adequacy to  
15 meet the needs of the community.

16 14055.3. The California Workforce Development Board shall  
17 develop necessary policies to ensure that grants awarded pursuant  
18 to Section 14055 are consistent with the intent of this article.

**Introduced by Senator Dodd  
(Coauthor: Senator Gonzalez)**

(Coauthors: Assembly Members Bloom and Robert Rivas)

January 14, 2021

---

An act to add Chapter 6.5 (commencing with Section 116930) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 222, as introduced, Dodd. Water Affordability Assistance Program.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Existing law requires the state board, by January 1, 2018, to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program, as prescribed. Existing law requires the state board, by February 1, 2018, to report to the Legislature on its findings regarding the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action that may need to be taken.

This bill would establish the Water Affordability Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, as part of the Water

Affordability Assistance Program established by the bill, direct water bill assistance, water bill credits, water crisis assistance, affordability assistance, and short-term assistance to public water systems to administer program components. The bill would impose requirements on the state board in connection with the program, including, among others, developing guidelines and fund oversight procedures for implementation of the program by January 1, 2023, consulting with an advisory group, and adopting an annual fund expenditure plan.

The bill would require, by July 1, 2022, the Public Utilities Commission to establish a mechanism for electrical corporations and gas corporations to, and would authorize the state board to require local publicly owned electric utilities and local publicly owned gas utilities to, regularly share specified customer data with the state board, subject to certain confidentiality protections. To the extent this provision would impose new requirements on local publicly owned electric utilities and local publicly owned gas utilities, the bill would impose a state-mandated local program.

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

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

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

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

1     SECTION 1. Chapter 6.5 (commencing with Section 116930)  
2     is added to Part 12 of Division 104 of the Health and Safety Code,  
3     to read:

4  
5     CHAPTER 6.5. WATER AFFORDABILITY ASSISTANCE PROGRAM

6  
7             Article 1. Water Affordability Assistance Fund

8  
9     116930. (a) The Water Affordability Assistance Fund is hereby  
10    established in the State Treasury to provide water affordability  
11    assistance, for both drinking water and wastewater services, to  
12    low-income ratepayers and ratepayers experiencing economic  
13    hardship in California. Moneys in the fund shall be available upon

1 appropriation by the Legislature to the state board to provide all  
2 of the following:

- 3 (1) Direct water bill assistance.
- 4 (2) Water bill credits to renters and individuals or households  
5 that pay other amounts, fees, or charges related to residential water  
6 or wastewater service.
- 7 (3) Water crisis assistance.
- 8 (4) Affordability assistance to low-income households served  
9 by domestic wells.
- 10 (5) Water efficiency measures for low-income households.
- 11 (6) Short-term assistance to public water systems to administer  
12 program components, including initial startup costs.

13 (b) The state board may, upon appropriation by the Legislature,  
14 expend moneys from the fund for reasonable regulatory costs  
15 associated with the administration of this chapter, not to exceed 5  
16 percent of the annual deposits into the fund.

17 116930.1. The state board shall do all of the following in  
18 administering the fund:

- 19 (a) Track and manage revenue in the fund separately from all  
20 other revenue.
- 21 (b) Develop and implement a process for disbursing program  
22 funds to public water systems or third-party providers, including  
23 controls to prevent fraud, waste, and abuse.
- 24 (c) Manage and maintain fund balances in conjunction with the  
25 Controller, the Treasurer, the California State Auditor's Office,  
26 and the Department of Finance, as appropriate.
- 27 (d) Expend, upon appropriation by the Legislature, moneys in  
28 the fund for grants, contracts, direct monetary assistance, or  
29 services to assist eligible recipients.

## 31 Article 2. Program Implementation

32  
33 116931. (a) The state board shall, by January 1, 2023, develop  
34 guidelines and fund oversight procedures for implementation of  
35 the program.

36 (b) In developing the guidelines, the state board shall consult  
37 with an advisory group that includes representatives of all of the  
38 following:

- 39 (1) Public water systems.

(2) Technical assistance providers, including organizations that support the federal Low-Income Home Energy Assistance Program.

(3) Local agencies, including agencies that manage multifamily housing serving low-income residents.

(4) Nongovernmental organizations that work with residents of disadvantaged communities.

(5) Representatives from the public, including, but not limited to, low-income residents, low-income residents who live in multifamily housing, and residents served by tribal water systems.

116931.1. (a) The state board shall, in consultation with the advisory group described in subdivision (b) of Section 116931 and after a public hearing, adopt an annual fund expenditure plan. The annual fund expenditure plan may be incorporated into the fund expenditure plan developed pursuant to Article 4 (commencing with Section 116768) of Chapter 4.6.

(b) The annual fund expenditure plan shall contain all of the following:

(1) Identification of key terms, criteria, and metrics, and their definitions related to implementation of this section.

(2) A description of how proposed remedies related to this section will be identified, evaluated, prioritized, and included in the annual fund expenditure plan.

(3) A report of expenditures from the fund for the prior fiscal year and planned expenditures for the current fiscal year.

(4) An estimate of the number of households eligible for assistance, including those that do not receive a direct bill for water.

(5) A section that discusses water affordability challenges and proposed solutions for Californians served by state small water systems, local small water systems, and domestic wells. An evaluation of solutions shall include, but not be limited to, all of the following:

(A) Amortization of an unpaid balance.

(B) Participation in an alternative payment schedule.

(C) Partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.

(D) Temporary deferral of payment.

(E) An arrearage management plan.

(F) Tiered water rates or percentage of income payment plan.

1 (G) Methods to retain water system solvency, such as the use  
2 of fixed rates and increased use of water meters to improve  
3 planning.

4 (6) An estimate of the funding needed for the next fiscal year  
5 based on the amount available in the fund, anticipated funding  
6 needs, other existing funding sources, and other relevant data and  
7 information.

8 (c) The annual fund expenditure plan shall identify the funding  
9 need of disadvantaged communities and low-income households  
10 whose water bill charges pose affordability challenges based on  
11 metrics developed by the state board and the Public Utilities  
12 Commission.

13 (d) The annual fund expenditure plan shall include analysis with  
14 metrics to evaluate how expenditures from prior fiscal years  
15 improved affordability.

16 116931.2. (a) By July 1, 2022, the Public Utilities Commission  
17 shall establish a mechanism for electrical corporations and gas  
18 corporations to regularly share data with the state board regarding  
19 the utility customers enrolled in, or eligible to be enrolled in, the  
20 California Alternate Rates for Energy (CARE) program established  
21 pursuant to Section 739.1 of the Public Utilities Code and the  
22 Family Electric Rate Assistance Program. Electrical corporations  
23 and gas corporations shall regularly share that data with the state  
24 board through the mechanism.

25 (b) The state board may require local publicly owned electric  
26 utilities and local publicly owned gas utilities, including, but not  
27 limited to, municipal utility districts and irrigation districts, to  
28 regularly share data with the state board regarding utility customers  
29 enrolled in, or eligible to be enrolled in, affordability programs  
30 benefiting low-income customers.

31 (c) Data shared pursuant to subdivision (a) or (b) is subject to  
32 the confidentiality protections of Section 6254.16 of the  
33 Government Code.

### 34 Article 3. Fund Expenditures

35  
36  
37 116932. (a) If moneys are deposited into the fund before the  
38 adoption of an annual fund expenditure plan, the state board shall,  
39 upon appropriation by the Legislature, expend those moneys from  
40 the fund to provide water crisis assistance to low-income

1 households through direct assistance to the low-income households,  
2 forgiveness of delinquency by the public water system and  
3 reimbursement by the state board, or some other disbursement  
4 mechanism. The state board may use up to 5 percent of those  
5 moneys for administrative purposes.

6 (b) The state board may adopt both of the following if necessary  
7 to implement this section:

8 (1) A policy handbook.

9 (2) Emergency regulations pursuant to the Administrative  
10 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
11 Part 1 of Division 3 of Title 2 of the Government Code).

#### 12 13 Article 4. Program Administration

14  
15 116933. The state board shall do all of the following in  
16 administering the program:

17 (a) Collect and ensure the accuracy of water rate data and water  
18 system boundary data from each public water system.

19 (b) Coordinate with the Public Utilities Commission regarding  
20 existing rate assistance programs for investor-owned water utilities.

21 (c) For a public water system that is not regulated by the Public  
22 Utilities Commission, provide oversight of the public water  
23 system's implementation of the program to ensure effectiveness  
24 and prevent fraud, waste, and abuse.

25 (d) Develop and publish performance metrics for the program,  
26 including, but not limited to, enrollment levels, total water shutoffs  
27 for inability to pay, and on-time payment levels.

28 (e) Coordinate with other state agencies and resolve disputes  
29 as necessary.

30 (f) Identify alternative entities to distribute and track benefits  
31 if a public water system is unwilling to do so or if the state board  
32 has determined a public water system is incapable of administering  
33 the program.

#### 34 35 Article 5. Definitions

36  
37 116934. For purposes of this chapter, the following definitions  
38 apply:

39 (a) "Fund" means the Water Affordability Assistance Fund  
40 created pursuant to Section 116930.

1 (b) “Low income” means a household income, or a community  
2 annual median household income, that is equal to or no greater  
3 than 200 percent of the federal poverty guideline level.

4 (c) “Program” means the Water Affordability Assistance  
5 Program established pursuant to this chapter.

6 (d) “Public water system” has the same meaning as defined in  
7 Section 116275.

8 (e) “State board” means the State Water Resources Control  
9 Board.

10 (f) “State small water system” has the same meaning as defined  
11 in Section 116275.

12 SEC. 2. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 a local agency or school district has the authority to levy service  
15 charges, fees, or assessments sufficient to pay for the program or  
16 level of service mandated by this act, within the meaning of Section  
17 17556 of the Government Code.

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**Introduced by Senator Dodd  
(Coauthor: Senator Gonzalez)**

(Coauthors: Assembly Members Bloom and Robert Rivas)

January 14, 2021

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An act to amend Sections 116902, 116904, 116906, 116908, 116910, 116912, 116914, 116916, 116918, 116920, 116922, and 116926 of the Health and Safety Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 223, as introduced, Dodd. Discontinuation of residential water service.

Existing law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Existing law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for addressing the nonpayment. Existing law requires an urban and community water system to provide notice of that policy to customers, as provided.

This bill would apply those provisions, on and after July 1, 2022, to a very small community water system, defined as a public water system that supplies water to 200 or fewer service connections used by year-long residents. The bill would require the written policy on discontinuation of residential service for nonpayment to include an arrearage management plan, as specified, and, for those systems that provide water audits or have the capacity to do so, to include a free

water audit offered to low-income households with water usage that is above the annual average volume usage of their customer class.

The bill would require the board to provide technical assistance to very small community water systems, as appropriate, to assist with compliance with these requirements and to establish a bridge loan program to assist very small community water systems that may suffer revenue loss or delayed collection while complying with these requirements. The bill would also require the board to develop a template for a written policy on discontinuation of residential service for nonpayment, on or before September 1, 2022, to aid very small community water systems in complying with the requirement to have a written policy on discontinuation of residential service for nonpayment.

Existing law prohibits an urban and community water system from discontinuing residential service for nonpayment if certain conditions are met, including that the customer or a tenant submits certification that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises.

This bill would revise the conditions under which urban and community water systems and very small community water systems are prohibited from discontinuing residential service for nonpayment. The bill would prohibit these systems from discontinuing residential service for nonpayment during a state or local emergency. The bill would prohibit these systems from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 120, rather than 60, days and the total amount of the delinquency, exclusive of late charges and interest, is at least \$400. The bill would also prohibit these systems from discontinuing residential water service for nonpayment to a master-metered multifamily residence with at least 4 units or to a master-metered mobilehome park.

Existing law requires an urban and community water system to impose specified fees for reconnection of service for customers with a household income below 200% of the federal poverty line.

This bill would instead require an urban and community water system and very small community water system to waive fees for disconnection and reconnection of service for those customers.

Existing law authorizes the Attorney General to enforce the requirements imposed on urban and community water systems in connection with discontinuing residential service for nonpayment by seeking an injunction, as specified.

This bill would additionally authorize the board to issue an order to an urban and community water system or very small community water system to enforce these requirements, or to seek an injunction, as specified.

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

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

1 SECTION 1. Section 116902 of the Health and Safety Code  
2 is amended to read:

3 116902. For the purposes of this chapter, the following  
4 definitions apply:

5 (a) “Board” means the State Water Resources Control Board.

6 (b) “Public water system” has the same meaning as defined in  
7 Section 116275.

8 (c) “Residential service” means water service to a residential  
9 connection that includes single-family residences, multifamily  
10 residences, mobilehomes, including, but not limited to,  
11 mobilehomes in mobilehome parks, or farmworker housing.

12 (d) “Urban and community water system” means a public water  
13 system that supplies water to more than 200 service-connections.  
14 *connections used by year-long residents.*

15 (e) “Urban water supplier” has the same meaning as defined in  
16 Section 10617 of the Water Code.

17 (f) *“Very small community water system” means a public water*  
18 *system that supplies water to 200 or fewer service connections*  
19 *used by year-long residents.*

20 SEC. 2. Section 116904 of the Health and Safety Code is  
21 amended to read:

22 116904. (a) An urban water supplier not regulated by the  
23 Public Utilities Commission shall comply with this chapter on and  
24 after February 1, 2020.

25 (b) An urban and community water system regulated by the  
26 Public Utilities Commission shall comply with this chapter on and  
27 after February 1, 2020. The urban and community water system  
28 regulated by the Public Utilities Commission shall file advice  
29 letters with the commission to conform with this chapter.

(c) An urban and community water system not described in subdivision (a) or (b) shall comply with this chapter on and after April 1, 2020.

(d) *A very small community water system shall comply with this chapter on and after July 1, 2022. A very small community water system regulated by the Public Utilities Commission shall file advice letters with the commission to conform with this chapter.*

(e) *The board shall provide technical assistance to very small community water systems, as appropriate, to assist with compliance with this chapter.*

(f) *The board shall establish a bridge loan program to assist very small community water systems that may suffer revenue loss or delayed collection while complying with this chapter. To the extent funding is available, partial loan forgiveness shall be made available to systems that offer debt forgiveness to low-income residents with past due accounts.*

(g) *An urban water supplier and an urban and community water system shall update its policies to comply with this chapter by July 1, 2022.*

SEC. 3. Section 116906 of the Health and Safety Code is amended to read:

116906. (a) An urban and community water system *and a very small community water system* shall have a written policy on discontinuation of residential service for nonpayment available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. The policy shall include all of the following:

(1) A plan for deferred or reduced ~~payments~~ *payments that includes an option for repayment over a period of 12 months or longer.*

(2) Alternative payment schedules.

(3) A formal mechanism for a customer to contest or appeal a bill.

(4) *An arrearage management plan consistent with the following:*

(A) *The arrearage management plan shall extend for a maximum of 12 months and shall include forgiveness of at least one-twelfth of the delinquent balance with each consecutive on-time payment of the monthly charge for water service only. Forgiveness of the*

1 *full delinquent balance under the arrearage management plan*  
2 *shall take place at the final consecutive on-time payment under*  
3 *the plan.*

4 (B) *A customer who misses two consecutive payments may be*  
5 *removed from the arrearage management plan. If a customer is*  
6 *removed from the arrearage management plan before making 12*  
7 *on-time payments, any debt that has already been forgiven shall*  
8 *remain forgiven and the urban and community water system or*  
9 *very small community water system shall offer enrollment into an*  
10 *amortization agreement, alternative payment schedule, or a plan*  
11 *for deferred or reduced payment.*

12 ~~(4)~~

13 (5) *A telephone number for a customer to contact to discuss*  
14 *options for averting discontinuation of residential service for*  
15 *nonpayment.*

16 (6) *For systems that provide water audits or have the capacity*  
17 *to do so, a free water audit offered to low-income residential*  
18 *customers households with water usage that is above the annual*  
19 *average volume usage of their customer class.*

20 (b) ~~The policy shall be available on the urban and community~~  
21 ~~water system's Internet Web site, internet website of the urban~~  
22 ~~and community water system or very small community water~~  
23 ~~system, if an Internet Web site internet website exists. If an Internet~~  
24 ~~Web site internet website does not exist, the urban and community~~  
25 ~~water system or very small community water system shall provide~~  
26 ~~the policy to customers in writing, upon request. in writing upon~~  
27 ~~its adoption or revision and upon request by a customer.~~

28 (c) (1) *The board may enforce the requirements of this section*  
29 *pursuant to Sections 116577, 116650, and 116655. The provisions*  
30 *of Section 116585 and Article 10 (commencing with Section*  
31 *116700) of Chapter 4 apply to enforcement undertaken for a*  
32 *violation of this section.*

33 (2) *All moneys collected pursuant to this subdivision shall be*  
34 *deposited in the Safe Drinking Water Account established pursuant*  
35 *to Section 116590.*

36 (d) *The board shall develop a template for a written policy on*  
37 *discontinuation of residential service for nonpayment, on or before*  
38 *September 1, 2022, to aid very small community water systems in*  
39 *compliance with this section. The written policy template shall be*

1 *provided in English and the languages listed in Section 1632 of*  
2 *the Civil Code.*

3 SEC. 4. Section 116908 of the Health and Safety Code is  
4 amended to read:

5 116908. (a) (1) (A) An urban and community water system  
6 *or very small community water system* shall not discontinue  
7 residential service for nonpayment until a payment *for water*  
8 *service* by a customer has been delinquent for at least ~~60 days~~ *120*  
9 *days and the amount of the delinquency, excluding late charges*  
10 *and interest, is at least four hundred dollars (\$400).* No less than  
11 seven business days before discontinuation of residential service  
12 for nonpayment, an urban and community water system *and very*  
13 *small community water system* shall contact the customer named  
14 on the account by telephone or written notice.

15 (B) When the urban and community water system *or very small*  
16 *community water system* contacts the customer named on the  
17 account by telephone pursuant to subparagraph (A), it shall offer  
18 to provide in writing to the customer ~~the urban and community~~  
19 ~~water system's~~ *its* policy on discontinuation of residential service  
20 for nonpayment. An urban and community water system *and very*  
21 *small community water system* shall offer to discuss options to  
22 avert discontinuation of residential service for nonpayment,  
23 including, but not limited to, alternative payment schedules,  
24 deferred payments, *entering into an arrearage management plan*,  
25 minimum payments, procedures for requesting amortization of the  
26 unpaid balance, and petition for bill review and appeal.

27 (C) When the urban and community water system *or very small*  
28 *community water system* contacts the customer named on the  
29 account by written notice pursuant to subparagraph (A), the written  
30 notice of payment delinquency and impending discontinuation  
31 shall be mailed to the customer of the residence to which the  
32 residential service is provided. If the customer's address is not the  
33 address of the property to which residential service is provided,  
34 the notice also shall be sent to the address of the property to which  
35 residential service is provided, addressed to "Occupant." The notice  
36 shall include, but is not limited to, all of the following information  
37 in a clear and legible format:

38 (i) The customer's name and address.

39 (ii) The amount of the delinquency.

1 (iii) The date by which payment or arrangement for payment is  
2 required in order to avoid discontinuation of residential service.

3 (iv) A description of the process to apply for an extension of  
4 time to pay the delinquent charges.

5 (v) A description of the procedure to petition for bill review and  
6 appeal.

7 (vi) A description of the procedure by which the customer may  
8 request a deferred, reduced, or alternative payment schedule,  
9 including *entering into an arrearage management plan or an*  
10 *amortization of the delinquent residential service charges,*  
11 *consistent with the written policies provided pursuant to*  
12 *subdivision (a) of Section 116906.*

13 (2) If the urban and community water system *or very small*  
14 *community water system* is unable to make contact with the  
15 customer or an adult occupying the residence by telephone, and  
16 written notice is returned through the mail as undeliverable, the  
17 urban and community water system *or very small community water*  
18 *system* shall make a good faith effort to visit the residence and  
19 leave, or make other arrangements for placement in a conspicuous  
20 place of, a notice of imminent discontinuation of residential service  
21 for nonpayment and the ~~urban and community water system's~~  
22 policy for discontinuation of residential service for nonpayment.

23 (b) If an adult at the residence appeals the water bill to the urban  
24 and community water ~~system~~ *system, very small community water*  
25 *system,* or any other administrative or legal body to which such  
26 an appeal may be lawfully taken, the urban and community water  
27 system *or very small community water system* shall not discontinue  
28 residential service while the appeal is pending.

29 (c) *For purposes of this section, a residential water customer*  
30 *who pays a water bill that is combined with billing for other*  
31 *services, including, but not limited to, sewer service or electricity*  
32 *service, is not delinquent and shall not have their water service*  
33 *discontinued for nonpayment if the customer has paid an amount*  
34 *equal to or greater than the monthly charge for water service,*  
35 *excluding taxes and fees.*

36 (d) *Notwithstanding any other law, the urban and community*  
37 *water system or very small community water system shall release*  
38 *all liens, and shall not obtain any new lien, for delinquent amounts*  
39 *owed for residential water service when the customer is enrolled*  
40 *in an amortization agreement, alternative payment schedule, or*

1 *arrearage management plan, or a plan for deferred or reduced*  
2 *payment.*

3 SEC. 5. Section 116910 of the Health and Safety Code is  
4 amended to read:

5 116910. (a) *An urban and community water system or very*  
6 *small community water system shall not discontinue residential*  
7 *service for nonpayment during a state or local emergency declared*  
8 *pursuant to Section 8625 or 8630 of the Government Code.*

9 ~~(a)~~

10 (b) *An urban and community water system or very small*  
11 *community water system shall not discontinue residential service*  
12 *for nonpayment if all of the following conditions are met:*

13 (1) (A) ~~The customer, or a tenant of the customer, submits~~  
14 *self-certifies to the urban and community water system or very*  
15 *small community water system that a resident of the premises is*  
16 *older than 65 years of age or younger than 18 years of age or*  
17 *submits the certification of a primary care provider, as that term*  
18 *is defined in subparagraph (A) of paragraph (1) of subdivision (b)*  
19 *of Section 14088 of the Welfare and Institutions Code, that*  
20 *discontinuation of residential service will be life threatening to,*  
21 *or pose a serious threat to the health and safety of, a resident of*  
22 *the premises where residential service is provided.*

23 (B) *As an alternative to the procedures described in*  
24 *subparagraph (A), a customer, or tenant of the customer, may*  
25 *self-certify that they do not have a primary care provider and that*  
26 *discontinuation of residential service will be life threatening to,*  
27 *or pose a serious threat to the health and safety of, a resident of*  
28 *the premises where residential service is provided. A*  
29 *self-certification under this subparagraph may be oral or in writing*  
30 *and may be made in English or any of the languages listed in*  
31 *Section 1632 of the Civil Code.*

32 (2) ~~The customer demonstrates that he or she is~~ *they are*  
33 *financially unable to pay for residential service within the urban*  
34 ~~*and community water system's normal billing cycle.*~~ *cycle of the*  
35 *urban and community water system or very small community water*  
36 *system. The customer shall be deemed financially unable to pay*  
37 *for residential service within the urban and community water*  
38 ~~*system's normal billing cycle if any member of the customer's*~~  
39 ~~*household is a current enrollee in, or recipient of, the California*~~  
40 *Alternate Rates for Energy (CARE) program established pursuant*

1 *to Section 739.1 of the Public Utilities Code, the Family Electric*  
2 *Rate Assistance program established pursuant to Section 739.12*  
3 *of the Public Utilities Code, CalWORKs, CalFresh, general*  
4 *assistance, Medi-Cal, Supplemental Security Income/State*  
5 *Supplementary Payment Program, or California Special*  
6 *Supplemental Nutrition Program for Women, Infants, and Children,*  
7 *or the customer declares that the household's annual income is*  
8 *less than 200 percent of the federal poverty level.*

9 (3) The customer is willing to enter into an amortization  
10 agreement, alternative payment schedule, *or arrearage*  
11 *management plan*, or a plan for deferred or reduced payment,  
12 consistent with the written policies provided pursuant to  
13 subdivision (a) of Section 116906, with respect to all delinquent  
14 charges.

15 ~~(b)~~

16 (c) (1) If the conditions listed in subdivision ~~(a)~~ (b) are met,  
17 the urban and community water system *or very small community*  
18 *water system* shall offer the customer ~~one or more of~~ the following  
19 options:

20 (A) Amortization of the unpaid balance.

21 (B) Participation in an alternative payment schedule.

22 (C) A partial or full reduction of the unpaid balance financed  
23 without additional charges to other ratepayers.

24 (D) Temporary deferral of payment.

25 (E) *An arrearage management plan, as described in paragraph*  
26 *(4) of subdivision (a) of Section 116906.*

27 (2) The urban and community water system ~~may choose which~~  
28 ~~of the payment options described in paragraph (1) the customer~~  
29 ~~undertakes and may set the parameters of that~~ *or very small*  
30 *community water system shall, in consultation with the customer,*  
31 *select the option described in paragraph (1) that best assists the*  
32 *customer in avoiding discontinuation of service over the long term,*  
33 *and may set the parameters of the selected payment option.*  
34 Ordinarily, the repayment option offered should result in ~~repayment~~  
35 *resolution* of any remaining outstanding balance within 12 months.  
36 An urban and community water system *or very small community*  
37 *water system* may grant a longer repayment period if it finds the  
38 longer period is necessary to avoid undue hardship to the customer  
39 based on the circumstances of the individual case.

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

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

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

(d) *By July 1, 2022, the Public Utilities Commission shall establish a mechanism by which electrical and gas corporations regularly share data with urban and community water systems and very small community water systems in their service areas regarding the utility customers enrolled in, or eligible to be enrolled in, the California Alternate Rates for Energy program established pursuant to Section 739.1 of the Public Utilities Code or the Family Electric Rates Assistance program, established pursuant to Section 739.12 of the Public Utilities Code. Data shared pursuant to the mechanism established by the commission shall be subject to Section 6254.16 of the Government Code.*

SEC. 6. Section 116912 of the Health and Safety Code is amended to read:

116912. An urban and community water system *or very small community water system* that discontinues residential service for nonpayment shall provide the customer with information on how to restore residential service.

SEC. 7. Section 116914 of the Health and Safety Code is amended to read:

116914. (a) For a residential customer who demonstrates to an urban and community water system *or very small community water system* household income below 200 percent of the federal poverty line, the urban and community water system *or very small community water system* shall do both of the following:

~~(1) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the~~

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

10 (1) Waive fees for disconnection and reconnection of service.

11 (2) Waive all late fees, interest charges, and penalties  
12 on delinquent bills once every 12 months.

13 (b) An urban and community water system *and very small*  
14 *community water system* shall deem a residential customer to have  
15 a household income below 200 percent of the federal poverty line  
16 if any member of the household is a current *enrollee in, or recipient*  
17 *of of, the California Alternate Rates for Energy program*  
18 *established pursuant to Section 739.1 of the Public Utilities Code,*  
19 *the Family Electric Rate Assistance program established pursuant*  
20 *to Section 739.12 of the Public Utilities Code, CalWORKs,*  
21 *CalFresh, general assistance, Medi-Cal, Supplemental Security*  
22 *Income/State Supplementary Payment Program, or California*  
23 *Special Supplemental Nutrition Program for Women, Infants, and*  
24 *Children, or the customer declares that the household's annual*  
25 *income is less than 200 percent of the federal poverty level.*

26 SEC. 8. Section 116916 of the Health and Safety Code is  
27 amended to read:

28 116916. (a) This section applies if there is a landlord-tenant  
29 relationship between the residential occupants and the owner,  
30 manager, or operator of the dwelling.

31 (b) *An urban and community water system or very small*  
32 *community water system shall not discontinue for nonpayment*  
33 *residential water service to a master-metered multifamily residence*  
34 *with at least four units or to a master-metered mobilehome park.*

35 (b)

36 (c) If an urban and community water system *or very small*  
37 *community water system* furnishes individually metered residential  
38 service to residential occupants of a detached single-family  
39 dwelling, a multiunit residential structure, mobilehome park, or  
40 permanent residential structure in a labor camp as defined in

1 Section 17008, and the owner, manager, or operator of the  
2 dwelling, structure, or park is the customer of record, the urban  
3 and community water system *or very small community water*  
4 *system* shall make every good faith effort to inform the residential  
5 occupants, by means of written notice, when the account is in  
6 arrears that service will be terminated at least 10 days prior to the  
7 termination. The written notice shall further inform the residential  
8 occupants that they have the right to become customers, to whom  
9 the service will then be billed, without being required to pay any  
10 amount which may be due on the delinquent account.

11 (e)

12 (d) The urban and community water system *or very small*  
13 *community water system* is not required to make *direct* service  
14 available to the residential occupants unless each residential  
15 occupant agrees to the terms and conditions of service and meets  
16 the requirements of law and the ~~urban and community water~~  
17 ~~system's rules and tariffs; rules of the urban and community water~~  
18 *system or very small community water system*. However, if one or  
19 more of the residential occupants are willing and able to assume  
20 responsibility for the subsequent charges to the account to the  
21 satisfaction of the urban and community water *system or very small*  
22 *community water system*, or if there is a physical means legally  
23 available to the urban and community water system *or very small*  
24 *community water system* of selectively terminating service to those  
25 residential occupants who have not met the requirements of the  
26 ~~urban and community water system's rules and tariffs; rules of the~~  
27 *urban and community water system or very small community water*  
28 *system*, the urban and community water system *or very small*  
29 *community water system* shall make service available to those  
30 residential occupants who have met those requirements.

31 (d)

32 (e) If prior service for a period of time is a condition for  
33 establishing credit with the urban and community water *system or*  
34 *very small community water system*, residence and proof of prompt  
35 payment of rent or other credit obligation acceptable to the urban  
36 and community water system *or very small community water*  
37 *system* for that period of time is a satisfactory equivalent.

38 (e)

39 (f) Any residential occupant who becomes a customer of the  
40 urban and community water system *or very small community water*

1 *system* pursuant to this section whose periodic payments, such as  
2 rental payments, include charges for residential water service,  
3 where those charges are not separately stated, may deduct from  
4 the periodic payment each payment period all reasonable charges  
5 paid to the urban and community water system *or very small*  
6 *community water system* for those services during the preceding  
7 payment period.

8 (f)

9 (g) In the case of a detached single-family dwelling, the urban  
10 and community water system *or very small community water*  
11 *system* may do any of the following:

12 (1) Give notice of termination at least seven days prior to the  
13 proposed termination.

14 (2) In order for the amount due on the delinquent account to be  
15 waived, require an occupant who becomes a customer to verify  
16 that the delinquent account customer of record is or was the  
17 landlord, manager, or agent of the dwelling. Verification may  
18 include, but is not limited to, a lease or rental agreement, rent  
19 receipts, a government document indicating that the occupant is  
20 renting the property, or information disclosed pursuant to Section  
21 1962 of the Civil Code.

22 SEC. 9. Section 116918 of the Health and Safety Code is  
23 amended to read:

24 116918. (a) An urban and community water system *or very*  
25 *small community water system* shall report *annually* the number  
26 of ~~annual~~ discontinuations of residential service for inability to  
27 ~~pay on the urban and community water system's Internet Web site,~~  
28 *pay, during the reporting year, both for the water system as a*  
29 *whole and for each ZIP Code served by the water system, on the*  
30 *water system's internet website, if an ~~Internet Web site~~ internet*  
31 *website exists, and to the board. The board shall post on its ~~Internet~~*  
32 *~~Web site~~ internet website the information reported.*

33 (b) *In its annual reporting to the board pursuant to this section,*  
34 *each urban and community water system and very small community*  
35 *water system shall report all of the following:*

36 (1) *The number of accounts for which water service was restored*  
37 *within 36 hours of the time of disconnection.*

38 (2) *The number of accounts for which water service was restored*  
39 *between 36 hours and seven days from the time of disconnection.*

1     (3) *The number of accounts for which water service was restored*  
2 *more than seven days after disconnection.*

3     (4) *The number of accounts for customers who fell behind on*  
4 *their water bills during the year, the median amount of household*  
5 *water debt that is outstanding at the end of each annual reporting*  
6 *cycle, and the overall amount of household water debt that is*  
7 *outstanding at the end of each annual reporting cycle.*

8     (5) *The number of accounts for customers who are enrolled in*  
9 *a water affordability program at the end of each annual reporting*  
10 *cycle.*

11     SEC. 10. Section 116920 of the Health and Safety Code is  
12 amended to read:

13     116920. (a) ~~The Attorney General,~~ *The board may issue an*  
14 *order to an urban and community water system or very small*  
15 *community water system to enforce the requirements of this*  
16 *chapter.*

17     (b) *The board, or the Attorney General at the request of the*  
18 *board or upon his or her the Attorney General's own motion, may*  
19 *bring an action in state court to restrain by temporary or permanent*  
20 *injunction the use of any method, act, or practice declared in this*  
21 *chapter to be unlawful.*

22     ~~(b)~~  
23     (c) *For an urban and community water system or very small*  
24 *community water system regulated by the Public Utilities*  
25 *Commission, the commission may bring an action in state court*  
26 *to restrain by temporary or permanent injunction the use by an*  
27 *urban and community water system or very small community water*  
28 *system regulated by the commission of any method, act, or practice*  
29 *declared in this chapter to be unlawful.*

30     SEC. 11. Section 116922 of the Health and Safety Code is  
31 amended to read:

32     116922. All written notices required under this chapter shall  
33 be provided in English, the languages listed in Section 1632 of the  
34 Civil Code, and any other language spoken by 10 percent or more  
35 of the customers in the ~~urban and community water system's~~  
36 ~~service area.~~ *service area of the urban and community water system*  
37 *or very small community water system.*

38     SEC. 12. Section 116926 of the Health and Safety Code is  
39 amended to read:

1     116926. This chapter does not apply to the termination of a  
2 service connection by an urban and community water system *or*  
3 *very small community water system* due to an unauthorized action  
4 of a customer.

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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: February 9, 2021

MEMO TO: Board of Directors

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

FROM: Laura A. Acosta, Manager of Human Resources *Laura*

SUBJECT: Approve Selection Process for General Counsel and Appoint Ad Hoc Advisory Selection Committee

**RECOMMENDED ACTIONS**

- A) Approve a recruitment and selection process for the General Counsel position.
- B) Approve the text for the recruitment brochure.
- C) Approve proposed schedule for the recruitment, selection and hiring process.
- D) Appoint a Board Ad Hoc Advisory Selection Committee.

**DISCUSSION**

On January 12, 2021, the current General Counsel announced his plans to retire from the District. To recruit for and select his replacement, staff recommends the Board authorize the Human Resources Department to initiate a recruitment effort for a new General Counsel that includes both internal and external candidates, with outreach focused in California. To expedite recruitment efforts, staff also recommends the Board appoint a three-member Ad Hoc Advisory Selection Committee (Committee). One potential approach entails appointing the current Board President and Vice-President, and the most recent past Board President.

The primary tasks of the Committee will be to screen applications and conduct the first round of interviews, with technical assistance from staff as required. The Committee would meet with the full Board in closed session to review applications and vet candidates; advise the Board on the first round of interviews; and select the finalists with Board input. The Board of Directors will interview the finalists in closed session. The Board will consider appointing the selected candidate at a future public meeting.

The draft text for the recruitment flyer and proposed schedule for the recruitment and hiring process are attached for your consideration.

**ALTERNATIVES**

The Board could conduct a nationwide search for candidates. Due to the number of qualified potential internal and external candidates in California, the additional time and expense associated with a nationwide search is not recommended.

The Board could also conduct an internal-only recruitment. This alternative may limit the number of qualified candidates for Board consideration.

## **NEXT STEPS**

Staff will seek the Board's direction on its desired recruitment and selection process for the General Counsel position, input on the recruitment brochure and schedule, and on appointing the Ad Hoc Advisory Selection Committee.

CCC:LAA:rdw

## **Attachments**

1. General Counsel Recruitment Options
2. General Counsel Recruitment Brochure Text
3. General Counsel Recruitment Timelines

# ATTACHMENT 1

## GENERAL COUNSEL RECRUITMENT OPTIONS

	Outreach Option	Advantages	Disadvantages
1	Post to internal candidates only	1. Shorter recruitment (posting and selection) process	1. Limits candidate pool
		2. Candidates know District operations and water industry	2. Managerial skills unknown
		3. District knows candidate's talents and have direct access to performance track record	3. Process closed to strong external talent with comparable talents and industry track record
		4. Cost savings (recruitment outreach fees and possible consultant fees)	
2	Open to public targeting California talent pool	1. Candidates know/licensed to practice California law, pool can be screened to those experienced in public and/or water/wastewater agencies	1. Longer recruitment process (minimum of four months)
		2. Expands candidate pool, potential to find new talent outside of organization	2. Longer learning curve if candidate is new to public utility work and/or the water/wastewater industry
			3. More expensive (outreach fees, potential candidate travel costs, potential relocation costs if required by selected candidate)
3	Open to public and conduct nationwide outreach	1. Broader candidate pool from which to find the best talent	1. Candidate pool could be very large
			2. Candidates may not know California water/wastewater laws and issues
			3. Candidates may not know the water and/or wastewater industry
			4. Longer and more expensive process (outreach fees, potential candidate travel costs, potential relocation costs if required by selected candidate)

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**JOB CLASSIFICATION:** General Counsel

**SALARY:** DOQ

**OPENING DATE:** Monday, February 15, 2021

**CLOSING DATE:** Friday, March 5, 2021 by 4:30 p.m.

**OPEN TO:** General Public

### About East Bay Municipal Utility District

The East Bay Municipal Utility District (EBMUD), located in the San Francisco Bay Area with headquarters in Oakland, California, has a proud history of providing high-quality drinking water for 1.4 million customers in Alameda and Contra Costa counties in a 332-square-mile area. EBMUD's award-winning wastewater treatment protects the San Francisco Bay and serves 685,000 customers in an 88-square-mile area.

In 1916, the East Bay Water Company was incorporated in Oakland, CA. Following the adoption of the Municipal Utility District Act (M.U.D. Act) in 1921, EBMUD was organized into the agency that it is today. It is governed by a seven-member Board of Directors, which serves as the legislative and policy-making body, elected by geographically distinct wards and serving staggered four-year terms. The Board of Directors hires the General Manager and the General Counsel.

The mission of EBMUD is to provide high quality water and wastewater services for the people of the East Bay, to provide stewardship over the natural resources with which EBMUD is entrusted, and to preserve and protect the environment for future generations.

EBMUD has more than 1,900 employees, including a leadership team of 100 managers and analysts. Most employees are represented by the American Federation of State, County and Municipal Employees, Locals 444 and 2019; the International Federation of Professional and Technical Engineers, Local 21; and the International Union of Operating Engineers, Local 39. EBMUD's workforce achieves its mission through its values of Stewardship, Integrity, Respect and Teamwork.

### The Office of General Counsel

The Office of General Counsel provides comprehensive in-house legal services on a broad range of issues affecting EBMUD operations with a litigation unit to increase capacity and flexibility for handling litigation in-house. Where specialized legal services are needed, the Office of General Counsel provides oversight and supervision to maximize efficient use of outside counsel. The Office of General Counsel has an annual budget of \$5,049,000 and a staff of 15, which currently includes nine full-time attorneys (including the General Counsel) and six paraprofessional support staff.

### **The Position**

The General Counsel is the chief legal advisor of the Board of Directors, the General Manager and other EBMUD officers, and serves at the pleasure of the Board of Directors. The General Counsel is responsible for all litigation to which EBMUD is a party or in which it is legally interested. The Office of General Counsel provides legal support to EBMUD in various areas including water rights, water quality laws, natural resources and environmental law; municipal and public law; contracts, public works construction and real estate; employment, employee benefits, retirement, and labor law; tort litigation and public liability insurance; public finance, taxes, rates, and charges.

The General Counsel formulates legal opinions and provides legal advice to EBMUD; oversees legal research and preparation of Board reports and recommendations; manages litigation and participation in administrative proceedings; monitors legal developments, including proposed legislation and court decisions related to public and water agency laws and activities; and represents EBMUD before federal, state, and municipal jurisdictions and courts. The position is also a key member of EBMUD's Senior Management Team.

### **Ideal Candidate**

The ideal candidate will have legal management and leadership skills which include experience in managing in-house legal staff, outside counsel and/or projects; be experienced in providing legal counsel to a Board of Directors-while working closely with the management staff of EBMUD; and will be fully familiar with the constitutional and statutory rules governing the conduct of legislative bodies. The ideal candidate is or has:

- Experience in working in or for the public sector in California providing legal advice and working with legislative bodies, including serving as counsel during public meetings and hearings, with knowledge of public agency law areas such as the Brown Act, Political Reform Act, Public Records Act, conflict of interest rules, and/or public bidding and procurement law, and public finance (including debt issuance and rate setting)
- A litigation background and experience in working with State and Federal agencies regarding water rights, natural resources, endangered species, and environmental laws
- An exceptional communicator with experience working with a wide variety of people, agencies and legislative bodies
- Demonstrated managerial competence in planning, organizing, staffing and directing a public agency in-house legal department's operations and overall performance, coordinating and reviewing work assignments of the legal staff on a day-to-day basis to ensure the provision of timely and high quality legal work to the public agency and instilling a work culture of teamwork and public service
- Creative with a positive legally compliant results-orientation and a legal problem solver who can find ways of getting to the solutions
- Fiscally responsible in evaluating and managing the budget of The Office of General Counsel
- An individual with high standards of personal/professional ethics and integrity
- Politically sensitive and astute in dealing with all levels within the organization and with other entities

### Requirements

Candidates must have seven years of progressively responsible experience in the active practice of public or water law and be a licensed member of the State Bar of California. Experience in the fields of public law, environmental law, public sector employment law, public works contracting, regulatory law governing water quality and wastewater treatment and water law are highly desirable. This would also include knowledge of State and Federal law and constitutional provisions that would affect EBMUD operations. Candidates should have experience representing a comparable public organization in court, in public hearings, and with other public or private organizations.

### Salary and Benefits

The monthly salary for the General Counsel will be commensurate with the appointed candidate's background and qualifications.

An excellent benefits package is also available subject to contract negotiations.

### Application and Selection Process

To be considered for this position, please submit a comprehensive resume and cover letter, including the names of four work related references by Friday, March 5, 2021. Resumes should reflect years and months of positions held and areas of legal expertise practiced, as well as the size of staff and budgets you have managed. Forward your materials to:

By mail: East Bay Municipal Utility District  
Human Resources Department  
ATTN: Richard Jung, Manager of Recruitment and Classification  
375 11<sup>th</sup> Street, MS #603  
Oakland, CA 94607-4240

By E-mail: [resumes@ebmud.com](mailto:resumes@ebmud.com)

All resumes will be reviewed and those candidates deemed to have the most relevant experience will be invited to participate in preliminary screening interviews tentatively scheduled to be held in April. Finalists will be selected to participate in interviews tentatively scheduled to be conducted in May. An appointment will be made following reference/background checks. For additional information about this opportunity, please contact the Manager of Recruitment and Classification Richard Jung at (510) 287-0707, or Manager of Human Resources Laura Acosta at (510) 287-0383.

EBMUD is an Equal Opportunity Employer. All qualified candidates will receive consideration for employment without regard to race, color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals age forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and veterans status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition), pregnancy disability leave status, domestic violence victim status, political affiliation, and other categories protected by federal, state and/or local laws.

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**Projected Recruitment Timelines  
GENERAL COUNSEL (GC) Position**

**Internal and External Recruitment with Targeted Outreach within California  
Large Candidate Pool**

<b>Action</b>	<b>Responsible Party</b>	<b>Date(s)</b>
Board approves selection process, recruitment brochure language and schedule; and appoints Ad Hoc Advisory Selection Committee	Full Board – Open Session	02/09/21
Post job announcement (3 weeks)	HR	02/15/21 to 03/05/21
HR report to Board on applicants	Full Board/HR – Closed Session	03/23/21
Complete resume screening (2 weeks)	Ad Hoc Advisory Selection Committee, GC & HR (as technical advisors)	03/23/21 to 04/06/21
Discuss applicants for 1 <sup>st</sup> round interview selection (as necessary)	Full Board – Closed Session	04/13/21
Complete 1 <sup>st</sup> round interviews (1 week) (Interviews scheduled for 4/26 – 4/30)	Ad Hoc Advisory Selection Committee, GC (as technical advisor)	04/30/21*
Ad Hoc Advisory Selection Committee presents results to full Board and Board selects finalists	Full Board – Closed Session	05/11/21
Complete interviews of finalist group (2 weeks) (Interviews scheduled for 5/24 – 5/28)	Full Board – Special Closed Session	05/28/21**
Select candidate (contingent on contract negotiation)	Full Board - Closed Session (if necessary)	06/08/21
Complete background and reference checks (1+ week)	HR	06/09/21 to 06/18/21
Negotiate contract (up to 2 weeks)	Ad Hoc Advisory Selection Committee, (GC as needed)	6/19/21 to 07/02/21
Consider proposed contract	Full Board – Closed Session	07/13/21
Approve final contract and make appointment	Full Board – Open Session	07/13/21

Note: Actual timeline will depend on (1) the number of applicants, (2) availability of Ad Hoc Advisory Selection Committee and full Board to meet and complete steps in the recruitment process, and (3) limited number of closed session meetings due to the holidays.

\* Need sufficient time to extend invitations to external candidates to schedule interviews.

\*\* Full Board could select final candidate at end of interviews during the special closed session (date to be determined) or later at the regular closed session on June 8, 2021.

**Projected Recruitment Timelines  
GENERAL COUNSEL (GC) Position**

**Internal Only Recruitment or External Small Candidate Pool with Targeted Outreach within California**

<b>Action</b>	<b>Responsible Party</b>	<b>Date(s)</b>
Board approves selection process, recruitment brochure language and schedule; and appoints Ad Hoc Advisory Selection Committee	Full Board – Open Session	02/09/21
Post job announcement (3 weeks)	HR	02/15/21 to 03/05/21
HR report to Board on applicants	Full Board/HR – Closed Session	03/23/21
Complete resume screening (2 weeks)	Ad Hoc Advisory Selection Committee, GC & HR (as technical advisors)	03/23/21 to 04/06/21
Discuss applicants for final interview selection (as necessary)	Full Board – Closed Session	04/13/21
Complete finalist interviews (1 week) (Interviews scheduled for 4/26 – 4/30)	Full Board – Special Closed Session	04/26/21 to 04/30/21*
Select candidate (contingent on contract negotiation)	Full Board - Closed Session (if necessary)	05/11/21
Complete background and reference checks (1+ week)	HR	05/11/21 to 05/18/21
Negotiate contract (up to 2 weeks)	Ad Hoc Advisory Selection Committee (GC as needed)	05/11/21 to 05/25/21
Consider proposed contract	Full Board – Closed Session	06/08/21
Approve final contract and make appointment	Full Board – Open Session	06/08/21

Note: Actual timeline will depend on (1) the number of applicants, (2) availability of Ad Hoc Advisory Selection Committee and full Board to meet and complete steps in the recruitment process, and (3) limited number of closed session meetings due to the holidays.

\* Full Board could select final candidate at end of interviews during the special closed session (date to be determined) or later at the regular closed session on May 11, 2021

ITEM 5

WATER SUPPLY UPDATE

WILL BE PROVIDED  
AS AN ORAL REPORT

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ITEM 5

CORONAVIRUS UPDATE

WILL BE PROVIDED  
AS AN ORAL REPORT

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**-EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: February 9, 2021

MEMO TO: Board of Directors

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

FROM: Laura A. Acosta, Manager of Human Resources *Laura*

SUBJECT: Racial Equity and Justice Project; Diversity, Equity, and Inclusion Strategic Plan; and District Values Project Update

**SUMMARY**

This memo provides an update on the District's Racial Equity and Justice (REJ) Project, the Diversity, Equity, and Inclusion (DEI) Strategic Plan, and District Values project. This information will be presented at the February 9, 2021 Board of Directors meeting.

**DISCUSSION**

The REJ Project addresses the eight strategies identified in the District's Board Resolution No. 35190-20. The strategies have been divided into three phases and will be implemented through the development of the DEI Strategic Plan. Staff is also incorporating feedback from the Board and Steering Committee in the Strategic Plan. In addition to ongoing internal work, staff is participating in external discussions to elevate the subjects of racial equity and diversity and inclusion across the water and wastewater industry. These efforts have a direct connection with the District's implementation of its values.

**Racial Equity and Justice**

Since the January 12, 2021 Board update, staff have completed the following actions as part of the Racial Equity and Justice project:

- **Strategy 1 (Listening to the Voices of Black and African Americans and Other Impacted Individuals)** – Staff provided an Inclusive Listening training to the District's Advocates and Affinity Groups to equip them to co-facilitate listening sessions with their respective groups. The Black Employee Network is continuing to host monthly listening sessions.
- **Strategy 6 (Establish Protocols for Responding to Racism Targeted at District Employees)** – Staff updated the Workplace Violence Protocol to include language that provides guidance for employees experiencing racism, profiling, threats, or violence from customers. The updated protocol will be integrated into New Employee Orientations and provided to frontline staff as an information item in their daily safety tailgates. The incident response team engaged in a mock activation to test the process and ensure clarity in supporting employees impacted by an incident.

- **Strategies 7 and 8 (Review of District Security Protocols and Engagement of Law Enforcement Agencies)** – The task force completed its initial discussions and began the implementation planning process. This includes reviewing the District’s security training and de-escalation protocols, partnering with Human Resources staff to update the security training to include cultural competency, and initiating outreach to the District’s partner law enforcement agencies and other agencies within the District’s service area. The task force presented its recommendations to the Steering Committee in January 2021.

### DEI Strategic Plan

The core team and the senior management team started the third of three racial equity training courses, *Developing a Racial Equity Plan*. This four-session workshop will take place over the next five months and will guide participants through the application of the Government Alliance for Racial Equity (GARE) Racial Equity Tool to five pilot projects focused on addressing both internal and external equity issues. The completion of the projects will create the action plan for the DEI Strategic Plan. The pilot projects include:

- Capital Infrastructure Investments
- Community Engagement
- Contracts and Procurement
- Hiring and Recruitment
- Promotion and Retention

### Values and Inclusion Practices

- Staff delivered two sessions of *Creating a Culture of Engagement* courses for the Managers and Supervisors Training (MAST) Program. The course emphasizes a leadership approach to building an inclusive culture.
- Staff reviewed the existing MAST Program and identified a new content provider which will allow for the integration of “inclusive leadership” into existing training subjects. The inclusive leadership emphasis includes emotional intelligence skills of self and social awareness, self-management, relationship management, and cultural competence.
- The Values Toolbox, developed by employees, provides activities, articles, and other resources to support the embedding of values throughout the District workforce. The task force leading the project has contributed new resources in the areas of supporting inclusion and facilitating difficult conversations.
- The Values Advocates began presenting during New Employee Orientations on the District’s values and efforts to build a values-based culture where all employees understand our role as stewards, our emphasis on integrity, our commitment to all employees being respected, and every employee’s right to be included as part of the EBMUD team. Upgrades to the values page on the intranet (Splashpad) will reinforce this messaging.

### Proposed New Office

Staff conducted an analysis of the Diversity and Inclusion Office and options to address the issues of internal and external DEI. The evaluation included feedback from The Winters Group, their subcontractor, OG Racial Equity, and other water and wastewater agencies regarding potential structures to facilitate a long-term approach to applying a racial equity framework to the District's overall strategic plan.

Staff proposes the creation of a new office, the Office of Diversity, Equity, and Development within the Office of the General Manager Department. The proposed office brings together the Diversity and Inclusion Office, Contract Equity Office, and the Employee and Organizational Development Division. The linking of these three divisions into one office within the Office of the General Manager Department embodies the District's commitment to creating a diverse workforce, building equity in the communities we serve, and developing an inclusive organizational culture. The new office will be led by a Special Assistant to the General Manager (SAGM).

The office's structure is aligned with best practices and benchmarks from the Global Insights in Diversity and Inclusion report. The SAGM will report to the General Manager, be a member of the senior management team, and will be the senior leader of diversity, equity, and organizational development. This office will advise the senior management team in the implementation of strategic diversity and equity practices, developing and maintaining a values-based organizational culture focused on employee engagement and inclusion, and aligning the District's internal and external equity programming.

### **NEXT STEPS**

In the next month, staff will work on the following action items:

- Continue implementing recommendations from the Strategy 1 and Strategy 6 task forces, including delivery of the Active Listening sessions for all Affinity Groups.
- Continue outreach to law enforcement agencies to discuss police reform and partnership with the District in addressing equity issues.
- Participate in session two of four of the Racial Equity Toolkit workshop.
- Host initial meetings to begin the process of defining goals and conducting analysis for the pilot projects.
- The Winters Group will provide preliminary findings of their internal assessment.
- Begin the recruitment for the SAGM.
- Continue to update and seek direction from the Board.

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## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: February 9, 2021

MEMO TO: Board of Directors

FROM: Clifford C. Chan, General Manager 

SUBJECT: Monthly Report – January 2021

### HIGHLIGHTS

**In January, the District produced a six-minute video clip of a Mokelumne River Hatchery Tour.** The video clip is being added to the curricula for the Lodi Unified School District and is intended for grades K-12. The production of the video was funded by the Mokelumne River Partnership Fund and is available to other school districts upon request. The video will be posted on the District's website in February 2021.

**On January 29, the District submitted the 2020 Pavon and Scow Restoration 10-year monitoring report to the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the San Francisco Bay Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.** This report describes the monitoring results at the restoration sites for the required monitoring period of 2010 to 2020. The report demonstrates the District created the required functional acreage of wetlands at the site. Additionally, the report shows the wetlands meet the mitigation requirements from the San Pablo Seismic Upgrade Project. After approval from the regulatory agencies, the restoration areas will be incorporated into the existing long-term management plan for the sites, which will allow for reduced annual monitoring in the future.

### WATER SUPPLY

**East Bay Plain Subbasin Groundwater Sustainability Plan update.** On January 27, staff participated in the Technical Advisory Committee meeting. An overview of groundwater model development and calibration results was provided.

**On January 7, staff met with the Calaveras County Water District (CCWD) to discuss a water supply agreement for Camanche Area South Shore (CASS).** The agreement would develop short and long-term plans for water service for the recreation area. An initial agreement between CCWD and the District would obtain water supplies for CASS for a ten-year period ending in 2031.

**On January 7, staff met with the City of Oakland and the Sequoyah Country Club to identify roles and responsibilities for the proposed Sequoyah Country Club Satellite Water Recycling Facility.** Next steps include preparing and circulating a draft memorandum of understanding to explore this project concept.

**On January 8, staff participated in the Demonstration, Recharge, Extraction, and Aquifer Management's (DREAM) Monitoring Committee meeting.** DREAM partners include North San Joaquin Water Conservation District, San Joaquin County, Stockton East Water District, and EBMUD. The construction schedule and project coordination items were discussed during the meeting. A project update will be provided to the DREAM Monitoring Committee and the San Joaquin County Advisory Water Commission in February or March 2021. On January 15, the partners met to discuss the DREAM water accounting and the quantity of groundwater available for extraction.

**Precipitation.** The East Bay precipitation for January was 2.71 inches (51 percent of average) and the season total was 4.89 inches (32 percent of average). The Mokelumne precipitation for January was 8.62 inches (99 percent of average) and the season total was 15.78 inches (61 percent of average).

### **Water Releases**

**Camanche Reservoir.** The average rate of Camanche release for January was 255 cfs (226 cfs generation, 1 cfs sluice, and 28 cfs through the hatchery), and the average flow below Woodbridge Dam was 206 cfs, both in accordance with the Joint Settlement Agreement "Below Normal" water year criteria.

**East Bay Reservoirs.** There were no East Bay reservoir releases in January.

### **Water Storage**

**Mokelumne reservoirs storage is 101 percent of average.** As of January 31, 2021, Pardee was at 560.2 feet or 105 percent of average, and the Camanche was at 211.1 feet or 98 percent of average. Combined Pardee and Camanche reservoir storage was 441,000 acre-feet compared to 482,000 acre-feet last year.

**East Bay reservoirs storage is 93 percent of average.** As of January 31, 2021, USL was at 440.8 feet or 90 percent of average, San Pablo was at 299.7 feet or 91 percent of average, and Briones was at 568.2 feet or 98 percent of average. Total terminal reservoir storage was 118,000 acre-feet compared to 130,000 acre-feet last year.

**Mokelumne Aqueducts and Raw Water Pumping Plants.** The average rate of Mokelumne Aqueduct draft for January 2021 was 106 MGD. Walnut Creek, Moraga and Briones Raw Water Pumping Plants remained out of service for the month.

**Water Production.** Average rate of gross water production for January:

	January 2021	January 2020	January 2013	Average of FY 2005-2007
East of Hills	27 MGD	25 MGD	27 MGD	28 MGD
West of Hills	99 MGD	98 MGD	105 MGD	125 MGD
<b>Total</b>	<b>126 MGD</b>	<b>123 MGD</b>	<b>132 MGD</b>	<b>153 MGD</b>
Max Day Production	142 MGD (1/18/2021)	133 MGD (1/15/2020)	144 MGD (1/17/2013)	

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

## **WATER QUALITY AND ENVIRONMENTAL PROTECTION**

**In January, staff responded to a report of a fish kill in the pond near the Upper San Leandro Dam.** On January 7 and 8, staff obtained basic water quality readings and recorded the number and species of dead fish. The distinct smell of hydrogen sulfide at the site indicates the pond turned over, allowing low oxygen water at the bottom of the pond to rise to the surface. Staff completed water quality measurements in the pond and confirmed that low dissolved oxygen levels as the result of turnover of the pond was responsible for the fish kill. Staff determined the fish kill was of natural causes. The pond has since returned to normal conditions.

**In January, staff planted approximately 230 trees at fish habitat restoration sites in the Mokelumne River Day Use Area.** The trees were planted to help meet floodplain restoration project objectives, mitigation requirements, conditions of the California Regional Water Quality Control Board erosivity waiver, and the Lower Mokelumne River Spawning and Rearing Habitat Improvement Routine Maintenance Agreement with the California Department of Fish and Wildlife.

**In January, seasonal salmonid field monitoring was conducted on the Mokelumne River.** Through January 19, a total of 4,042 Chinook salmon have been observed passing the Woodbridge Irrigation District Dam; 125 naturally-produced juvenile Chinook salmon were observed in the upstream trap and one in the downstream trap. Staff continues to conduct weekly redd and carcass surveys, with a cumulative total of 294 Chinook salmon redds and five steelhead redds observed as of January 11. On January 4, staff installed the second rotary screw trap in the lower Mokelumne River below Woodbridge Irrigation District Dam to estimate the annual juvenile Chinook salmon emigration.

**On January 5, the District submitted the 2020 East Bay Low Effect Habitat Conservation Plan annual report to the U.S. Fish and Wildlife Service.** The report detailed the District's compliance monitoring and the adaptive management implemented on the watershed for the benefit of threatened and endangered species.

**On January 8, staff participated in the per- and polyfluoroalkyl substances (PFAS) Policy Working Group roundtable.** The PFAS Policy Working Group convened to identify a shared strategy to reduce the impacts of PFAS on our community. Participants included water and wastewater utilities, associations, and representatives from environmental non-governmental organizations. The participants share a common goal of reducing the production and consumption of PFAS to protect human health and the environment.

**On January 12, staff conducted an eagle survey.** Staff observed two golden and 13 bald eagles at Pardee Reservoir, and 10 bald eagles at Camanche Reservoir. The data was submitted to U.S. Fish and Wildlife Service for inclusion in a nationwide geographic summary.

**On January 14, staff met with the West County Wastewater District (WCWD) to discuss the recent pH exceedances in the waste stream from the Richmond Advanced Recycled Expansion (RARE) facility at the Chevron Richmond Refinery to WCWD.** Staff discussed a planned project to improve mixing in the RARE waste equalization tank to prevent future pH exceedances. WCWD intends to issue the District a compliance order through September 2021. The District committed to completing the improvements and WCWD committed to not imposing fines on the District for exceedances that may occur during the compliance period. Construction of the improvements is expected in summer 2021.

**On January 19, the District notified the Bay Area Air Quality Management District regarding non-compliance with the Main Wastewater Treatment Plant air permit.** The permit requires daily demonstration of compliance with sulfur dioxide limits in the turbine exhaust by taking daily hydrogen sulfide readings of digester gas. On January 10, when reviewing data for the semi-annual report, it was discovered daily readings were missed on July 4 and 11, 2020. To prevent a reoccurrence, staff implemented an automated, daily push-to-text reminder to direct staff to verify the readings have been completed and recorded.

**On January 28, the District submitted a proposal for an adaptive management flow change to the State Water Resources Control Board (SWRCB).** The proposed change would reduce flows in February and March by 35 cfs to save up to 4,000 acre-feet for fish attraction flows in October. The District expects a response from SWRCB by March 2021.

**On January 28, the District submitted the final dam breach inundation maps to the California Division of Safety of Dams (DSOD) for Pardee and Camanche reservoirs.** The maps are required by the California Code of Regulations for emergency planning and show the inundation area below each reservoir under an extremely unlikely hypothetical dam breach. The final maps addressed comments from DSOD. Formal approval of the Pardee and Camanche maps is anticipated in spring 2021, followed by DSOD posting the maps to their website. Because the maps had not previously been publicly released, staff will prepare a press release prior to posting by DSOD.

**On January 29, the District submitted the annual reports to the National Marine Fisheries Service for the Section 10(a)(1)(A) permit for Central Valley Steelhead.** This permit provides take authorization to sample steelhead for the regular fisheries monitoring conducted on the Lower Mokelumne River.

**On January 29, the District submitted a Sanitary Sewer Overflow (SSO) Technical Report to the State Water Resources Control Board and the San Francisco Regional Water Quality Control Board regarding the December 16, 2020 event on Bay Farm Island in Alameda.** The report describes the cause of the SSO, which was the combination of a failed automatic transfer switch at Pump Station M and a disabled alarm dialer. An electrical malfunction on District equipment at the pump station opened the breaker to utility power supply and resulted in a loss of power. The automatic transfer system failed, and therefore did not start the standby generator. In addition, the alarm dialer was disabled earlier in the day while work was in progress and was not re-enabled; because of that, there was no notification of power loss to the on-duty shift supervisor. Failed electrical components from the pump control panels have been sent to the equipment manufacturer for a forensic evaluation, and the District is awaiting those results. The equipment at the pump station has been restored to service and is fully functional.

**The District received one odor complaint from the public in January.** On January 18, staff investigated the complaint and detected no odors at the location where odors were reported. However staff did detect odors at the Main Wastewater Treatment Plant that may have contributed to the complaint. Sodium hypochlorite dosing was increased at the Influent Pump Station to mitigate the odors.

**All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of January.** Results from increased sampling using multiple test methods indicated the elevated fecal coliform levels detected in December 2020 were not representative of the MWWTP effluent. A process data review also supported this conclusion. These findings are being summarized in a report for the San Francisco Regional Water Quality Control Board.

## **INFRASTRUCTURE INVESTMENT**

**In January, staff completed a pipeline replacement project in the Julianne Court area in Walnut Creek.** This project replaced asbestos cement pipe with approximately 515 feet of 8-inch structurally-enhanced polyvinyl chloride pipe.

**In January, staff completed a pipeline replacement project in the Colusa Avenue area in Berkeley.** This project replaced cast iron pipe with approximately 6,105 feet of 6- and 8-inch structurally-enhanced polyvinyl chloride pipe.

**In January, staff began two pipeline replacement projects in Oakland.** The Fairmount Avenue area project will replace cast iron pipe with approximately 850 feet of 6-inch structurally-enhanced polyvinyl chloride pipe. This project is expected to be completed in February 2021. The Kerrigan Drive area project will replace cast iron pipe with approximately 9,745 feet of 6- and 8-inch structurally-enhanced polyvinyl chloride pipe. This project is expected to be completed in August 2021.

**In January, staff began a pipeline replacement project in the Sierra Drive area in Walnut Creek.** This project will replace asbestos cement pipe with approximately 1,765 feet of 6-inch structurally-enhanced polyvinyl chloride pipe. This project is expected to be completed in March 2021.

**In January, staff began a pipeline replacement project in the Dwight Way area in Berkeley.** This project will replace cast iron with approximately 4,400 feet of 6-inch structurally-enhanced polyvinyl chloride pipe and 6- and 8-inch mortar-lined plastic coated pipe. This project is expected to be completed in May 2021.

**Staff completed the design of the Main Wastewater Treatment Plant Secondary Clarifiers Rehabilitation Phase 2 Project under SD-430.** This \$2.2 million project is the second of several phases to rehabilitate two of the 12 secondary clarifiers. This phase includes replacement of the mechanical sludge and scum collection equipment, rehabilitation of the bridges between the exterior wall and center drives, rehabilitation of the drives, miscellaneous concrete repairs, and related work. The mechanical equipment for these two clarifiers was pre-purchased to meet the construction schedule. Construction is expected to be completed in fall 2021.

**Mains repaired in January totaled 98.** The attached table lists the mains repaired by staff in January, sorted by city and street. The table indicates the source of the leaks in three categories: non-surfacing leaks discovered by leak detection technologies, breaks caused by contractors or other agencies, and all other main breaks. The associated map shows the location of the main repairs.

## **CUSTOMER AND COMMUNITY SERVICES**

**Trail Use Permit update.** In January, an assessment of calendar year 2020 showed trail use permit purchases skyrocketed to more than 10,000. With the completion of the District's online trail maps, the East Bay's new paper trail map, and COVID-19 restrictions on other recreational activities, District watersheds provided thousands of new visitors with various hiking experiences. The trail use permit sales in 2020 exceeded the previous three years combined. The increase in activity resulted in various challenges – the trails, restroom facilities and staging areas have seen more use than ever before. East Bay Regional Park District police witnessed an increase in calls and incidents. Patrols reported many visitors did not hold trail permits, and many users did not remain on the designated trails.

**On January 19, staff presented at the Bay Area Clean Water Agencies' Recycled Water Committee meeting.** The presentation included a proposal to allow customers to use recycled water fill stations across water service boundaries. The proposal would create a framework allowing users to truck recycled water from one service area to another, increasing the overall use of recycled water truck programs in the region.

**On January 19, staff presented at the San Leandro City Council meeting.** The presentation provided an update on the Bayfair, South, and Peralta Pumping Plants Project. Approximately 65 people attended.

**On January 20, staff presented at the San Pablo Rotary Club meeting.** The presentation highlighted dry weather conditions and the District's water supply. Approximately 30 people attended.

**On January 26, the District held a virtual public meeting for the Wildcat Pumping Plant Project.** Staff provided architectural and landscape design alternatives. Although no one attended the meeting, staff placed a recording of the meeting along with the architectural and landscape design plan alternatives on the project's webpage. The public can submit comments on the alternatives up until February 25. All input will be considered in selecting the preferred architectural and landscape plans for the site.

**Media.** On January 12, the District issued a press release regarding the Board of Directors' elections for President and Vice President.

EBMUD was included in articles about wastewater testing for COVID-19; an invitation to compete for U.S. Environmental Protection Agency Water Infrastructure Finance and Innovation Act loans for the Water Treatment Plant Improvements Program (\$209 million); our partnership with CALSTART's "Drive to Zero" campaign to accelerate use of zero-emission vehicles; and a year-end round-up included the December 16 sewage spill into an Alameda lagoon.

Staff was interviewed by the San Francisco Chronicle and KNTV regarding water debt, highlighting the financial challenges many people are facing as a result of the COVID-19 pandemic.

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

- Copper Lateral Cathodic Protection Project (Richmond)
- Everett Street Pipeline Replacement (El Cerrito)
- Kerrigan Cluster Pipeline Replacement Project (Oakland)
- Lexington Pipeline Cluster (El Cerrito)
- Maloney Pumping Plant and Sobrante Water Treatment Plant Improvements Project (El Sobrante)
- Sobrante Water Treatment Plant Maintenance and Safety Improvements Project (El Sobrante)
- Wildcat Pumping Plant (San Pablo)

**Social Media:**

<b>Social Platform</b>	<b>Popular Topic</b>	<b>Impression Generation</b>	<b># Followers</b>	<b>Change Over Last Month</b>
Twitter	Photo of Upper San Leandro Water Treatment Plant	2,000	3,367	-1
Facebook	Historical photo of EBMUD Workforce	1,500	1,525	19
LinkedIn	Historical photo of EBMUD Workforce	1,700	6,032	76
Nextdoor	Customer Pipeline January/February	Entire service area		

**Water Conservation**

**On January 26, the District hosted a virtual Landscape Advisory Project Committee meeting.** Staff provided an update on the District’s water conservation programs and projects. An update was also given on micro-climate plant lists suitable for the District service area and the California Native Plant Society’s statewide native plant campaign. Approximately 15 people attended.

**WORKFORCE PLANNING AND DEVELOPMENT**

**Staff Rotation Program update.** In January, three employees commenced their six-month rotations to broaden their experience and enhance their skills by working in a new work unit. These employees are among 40 staff that will participate in rotations spread out over the next three years. These rotations will continue to provide staff with a better understanding of how their regular work assignments complement and connect with other District work groups.

**In January, the District aided the Division of Occupational Safety and Health of California (Cal/OSHA) by providing staff to interview regarding an ongoing Cal/OSHA inspection of a serious injury that occurred on November 4, 2020.** All interviews were completed in January 2021.

**On January 11, the District established a temporary COVID-19 testing program to reduce risks associated with potential employee-to-employee transmission of the coronavirus during an intense period of the pandemic.** The program is limited to job classifications which regularly and unavoidably work in close proximity to others. Self-administered test kits are provided at specific District locations and sent to a laboratory for analysis. Employees in the identified job classifications will be tested once per week. The testing program will be evaluated after February 4, 2021.

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

- **January 11, staff participated in the Arroyo High School Engineering Pathway Business Advisory meeting.** Staff provided information on key competencies required for District engineering careers. Approximately 15 people attended
- **January 25, staff participated on the Oakland Unified School District’s (OUSD) Virtual Hosting Information Session panel.** Staff provided an overview of the District’s Virtual High School Internship Pilot Program and best practices for structuring virtual internships and processes related to successful facilitation. Approximately 25 people attended.
- **January 28, staff presented at San Lorenzo’s Arroyo High School.** Staff provided information on District engineering careers including job duties and project examples. Approximately 30 people attended.
- **January 29, staff attended City Career Fair’s 21<sup>st</sup> Annual Diversity Employment Day Career Fair.** This virtual fair was aimed at minorities, veterans, women, and persons with disabilities. Staff provided information about current and upcoming District recruitment opportunities. Approximately 35 people attended.

#### **Tuition Reimbursement**

	January 2021	FY21 Total
# of Employees	15	114
# of Classes	20	156
Total Reimbursed	\$8,685	\$105,618

#### **Employment Information**

	January 2021	FY21 Total
Retirements – Regular	15	45
Retirements – Vested	0	8
Hires/Rehires	12	86
Other Separations	1	31

#### **FINANCIAL STABILITY**

**The construction contract with Bay City Mechanical, Inc. for the Administration Building Heating, Ventilation, Air Conditioning Systems Upgrade Project requires an increase in the change order contingency.** Costs increased on the project due to the additional requirements placed on the project from the COVID-19 health orders, existing site conditions that hindered the integration of new and existing systems, and installation of the required temporary construction

facilities. It is estimated the change order contingency will need to be raised to \$1,802,528 or 16 percent of the original contract amount of \$11,265,800.

**In January, an additional qualified vendor was added to the agreement for paving, striping, sealing, and other related services.** The City of Berkeley has been added to support a joint paving project on Hill Court and Euclid Avenue.

**On January 8, the District was invited by the U.S. Environmental Protection Agency (EPA) to apply for a low-interest Water Infrastructure Finance and Innovation Act (WIFIA) loan.** The \$209 million low-interest federal loan will help fund the District’s Water Treatment Plant Improvements Program. The WIFIA program funds regionally significant water quality improvement projects and will allow the District to lock in historically low interest rates with greater flexibility than general bonds. Only 55 agencies in the nation are eligible for the \$5.1 billion EPA-administered program which will reduce the District’s debt and interest obligation over the next 30 years for large water treatment projects that improve water quality. Over the next six months staff will work with EPA to finalize the terms of the loan.

**The estimated earned revenue from Mokelumne power sales for January is \$176,313.** The District sold renewable power and related Renewable Energy Credits (RECs) to Marin Clean Energy (MCE). A total of \$22,551 was generated from REC sales – all from MCE. Resource Adequacy capacity sales to 3 Phases Renewables, Inc. and East Bay Community Energy earned \$82,993. Earned revenue to date through January is estimated at \$2,907,000 or 58.1 percent of the FY21 budgeted \$5.0 million. Forecasted revenue for FY21 is \$5.5 million.

**The estimated earned revenue from the Main Wastewater Treatment Plant Power Generation Station’s surplus power sales for January is \$65,734.** The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. Sale of RECs generated \$11,868 from the Port of Oakland. Earned revenue for FY21 to date is estimated at \$422,020 or 42 percent of the total FY21 budget of \$1.0 million.

**There were no material and supply contracts from \$80,001 to \$100,000 approved by the General Manager in January 2021. There was one general services agreement from \$30,001 up to \$80,000 approved by the General Manager in January 2021.**

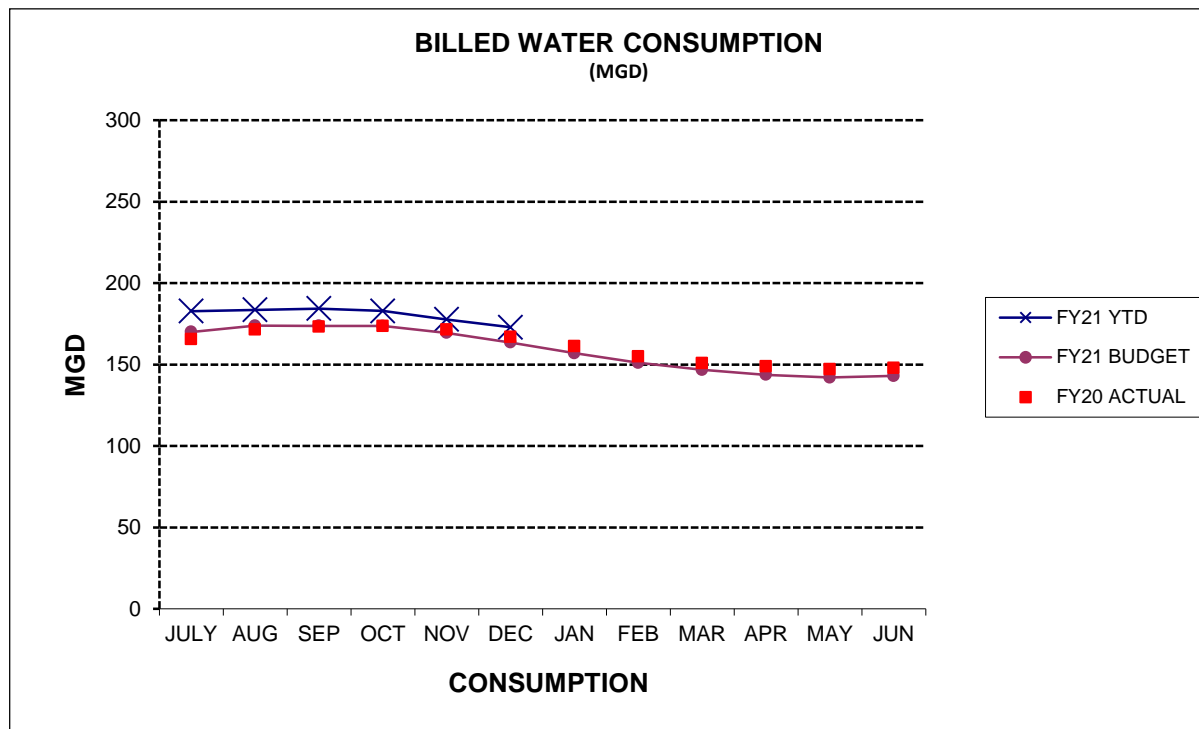
VENDOR NAME	DATE AWARDED	CEP STATUS	ITEM (S) PURCHASED	PROJECT	CONTRACT TERM	VALUE
City of San Pablo	01/11/21	N/A	Installation of (40) G5 gate valve boxes	Pipeline Appurtenances	N/A	\$30,800

### **Water Sales (Consumption)**

The following consumption information provides the average water consumption in millions of gallons per day (MGD) for the first six months of FY21. Budgeted average daily water consumption for FY21 is 143 MGD with higher summer month consumption due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY20 data for the same period of time.

Alameda and Contra Costa counties' public health departments have issued "shelter-in-place" orders since March 17, 2020. This has limited the activities of businesses, industries, schools and public agencies within the service area; however, the District has not seen a significant impact from the pandemic on overall water consumption and has rather experienced a shift in usage types as seen below. Staff will continue to monitor billed water sales and water production for changing trends.

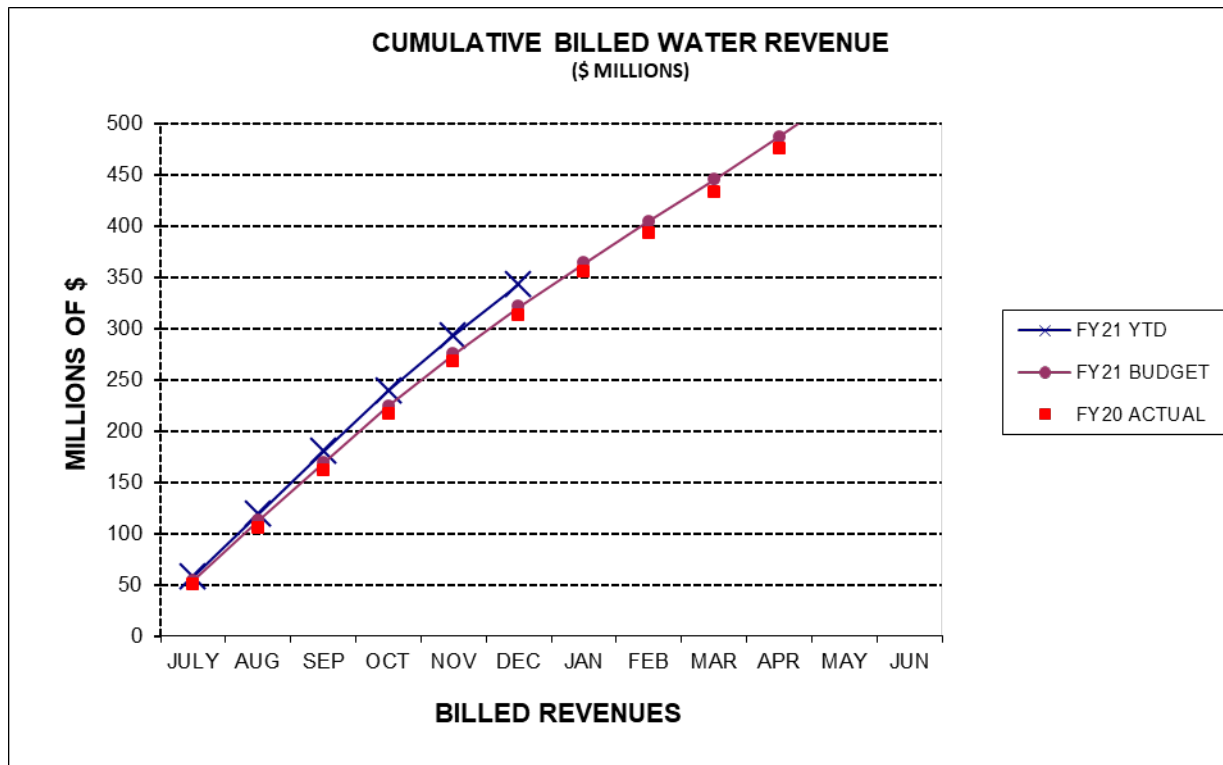
<b>Fiscal Year-to-Date Billed Water Consumption</b>			
<b>Usage Type</b>	<b>FY21 (MGD)</b>	<b>FY20 (MGD)</b>	<b>Year-over-Year (% change)</b>
Residential	93.7	87.4	7.2%
Commercial	53.3	55.1	-3.3%
Industrial	17.8	16.1	10.6%
Public Authority	8.1	8.4	-3.6%
<b>Total Billed Water Consumption</b>	<b>172.9</b>	<b>167.0</b>	<b>3.5%</b>



Source: Customer Information System

### **Water Sales (Revenue)**

Water revenues billed through the first six months of FY21 were \$343.6 million or 9.7% more than the \$313.1 million billed for the same period in FY20. This increase reflects the 6.25% FY21 rate increase and higher water consumption. Total FY21 billed water revenues through December are \$22.1 million, or 6.9% greater than the budgeted water revenue of \$321.5 million.



Source: Customer Information System

DECEMBER 2020 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
ALAMEDA		MASTICK	CT	ASBESTOS CEMENT	6.00	1960	450	1/19/2021	1/19/2021	Y
ALBANY		POMONA	AVE	CAST IRON	4.00	1915	1,800	1/29/2021	1/29/2021	Y
BERKELEY		8TH	ST	CAST IRON	6.00	1940	20,160	1/14/2021	1/20/2021	Y
BERKELEY		4TH	ST	CAST IRON	6.00	1925	9,000	1/17/2021	1/18/2021	Y
BERKELEY		BENVENUE	AVE	CAST IRON	6.00	1949	4,320	1/25/2021	1/27/2021	Y
BERKELEY		DELAWARE	ST	CAST IRON	6.00	1925	10,080	1/14/2021	1/20/2021	Y
BERKELEY		DELAWARE	ST	CAST IRON	4.00	1950	23,040	1/19/2021	1/22/2021	Y
BERKELEY		ELLIS	ST	CAST IRON	12.00	1953	20,160	1/21/2021	1/27/2021	Y
BERKELEY		EUNICE	ST	STEEL	8.00	Unknown	630	1/23/2021	1/24/2021	Y
BERKELEY		GRIZZLY PEAK	BL	CAST IRON	8.00	1940	20,160	1/21/2021	1/27/2021	Y
BERKELEY		OAKRIDGE	RD	ASBESTOS CEMENT	6.00	1955	9,000	1/22/2021	1/22/2021	Y
BERKELEY		QUEENS	RD	CAST IRON	6.00	1937	5,400	1/16/2021	1/16/2021	Y
BERKELEY		SAN PABLO	AVE	CAST IRON	8.00	1937	3,600	1/9/2021	1/10/2021	Y
BERKELEY		TUNNEL	RD	ASBESTOS CEMENT	6.00	Unknown	9,000	1/22/2021	1/23/2021	Y
CASTRO VALLEY	N	6TH	ST	CAST IRON	4.00	1948	450	1/7/2021	1/7/2021	Y
CASTRO VALLEY		BEARDSLEY	ST	CAST IRON	4.00	1950	900	1/12/2021	1/12/2021	Y
CASTRO VALLEY		LEILA	ST	ASBESTOS CEMENT	8.00	1948	900	1/29/2021	1/29/2021	Y
DANVILLE		ST GEORGE	RD	ASBESTOS CEMENT	8.00	1977	13,500	1/29/2021	1/29/2021	Y
EL CERRITO		BARRETT	AVE	CAST IRON	6.00	1925	1,080	1/1/2021	1/1/2021	Y
EL CERRITO		CUTTING	BL	CAST IRON	6.00	1953	12,960	1/12/2021	1/14/2021	Y
EL CERRITO		NORVELL	ST	CAST IRON	6.00	1949	17,280	1/23/2021	1/28/2021	Y
EL CERRITO		SEAVIEW	DR	STEEL	12.00	1981	7,200	1/6/2021	1/6/2021	Y
EL CERRITO		SEAVIEW	PL	CAST IRON	6.00	1949	23,040	1/7/2021	1/8/2021	Y
EL CERRITO		SNOWDON	AVE	CAST IRON	6.00	1951	9,000	1/7/2021	1/7/2021	Y
EL SOBRANTE		KELVIN	RD	CAST IRON	6.00	1942	11,520	1/13/2021	1/20/2021	Y
EL SOBRANTE		MITCHELL	WAY	CAST IRON	6.00	1947	2,250	1/15/2021	1/15/2021	Y
EMERYVILLE		CHRISTIE	AVE	ASBESTOS CEMENT	8.00	1983	1,800	1/8/2021	1/8/2021	Y
HAYWARD		E	ST	CAST IRON	4.00	1933	3,600	1/9/2021	1/9/2021	Y
HAYWARD		E	ST	CAST IRON	4.00	1933	2,250	1/10/2021	1/10/2021	Y
KENSINGTON		AMHERST	AVE	CAST IRON	6.00	1948	1,800	1/29/2021	1/29/2021	Y
KENSINGTON		RINCON	RD	CAST IRON	6.00	1954	0	1/20/2021	1/26/2021	Y
LAFAYETTE		BROWN	AVE	STEEL	6.00	1974	0	1/29/2021	1/31/2021	Y
LAFAYETTE		GLORIA	TER	STEEL	12.00	1956	1,350	1/12/2021	1/12/2021	Y

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

DECEMBER 2020 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
LAFAYETTE		GOLDEN GATE	WAY	CAST IRON	6.00	1932	0	1/6/2021	1/21/2021	Y
LAFAYETTE		LOS ARABIS	CIR	ASBESTOS CEMENT	6.00	1977	1,800	1/5/2021	1/5/2021	Y
LAFAYETTE		MCGRAW	LN	CAST IRON	6.00	1953	1,350	1/14/2021	1/15/2021	Y
LAFAYETTE		RELIEZ VALLEY	RD	CAST IRON	4.00	1941	14,400	1/3/2021	1/7/2021	Y
LAFAYETTE		ST MARYS	RD	STEEL	6.00	1951	4,500	1/7/2021	1/7/2021	Y
LAFAYETTE		VIA FERRARI		ASBESTOS CEMENT	6.00	1978	4,320	1/23/2021	1/25/2021	Y
OAKLAND	E	21ST	ST	CAST IRON	4.00	1939	6,300	1/1/2021	1/1/2021	Y
OAKLAND	E	24TH	ST	CAST IRON	6.00	1929	14,400	1/21/2021	1/25/2021	Y
OAKLAND		24TH	ST	CAST IRON	6.00	1894	180	1/14/2021	1/14/2021	Y
OAKLAND	E	32ND	ST	CAST IRON	6.00	1927	21,600	1/11/2021	1/13/2021	Y
OAKLAND	E	34TH	ST	CAST IRON	4.00	1940	20,160	1/25/2021	1/26/2021	Y
OAKLAND		55TH	ST	CAST IRON	6.00	1951	6,750	1/26/2021	1/26/2021	Y
OAKLAND		61ST	AVE	CAST IRON	6.00	1932	11,520	1/7/2021	1/8/2021	Y
OAKLAND		69TH	AVE	CAST IRON	4.00	1924	28,800	1/28/2021	1/29/2021	Y
OAKLAND		69TH	AVE	CAST IRON	6.00	1926	2,250	1/29/2021	1/29/2021	Y
OAKLAND		75TH	AVE	ASBESTOS CEMENT	8.00	1953	14,400	1/12/2021	1/13/2021	Y
OAKLAND		75TH	AVE	ASBESTOS CEMENT	6.00	1953	0	1/21/2021	1/21/2021	Y
OAKLAND		101ST	AVE	CAST IRON	10.00	1930	360	1/26/2021	1/26/2021	Y
OAKLAND		44TH	ST	CAST IRON	6.00	Unknown	9,000	1/13/2021	1/14/2021	Y
OAKLAND		ANDERSON	AVE	CAST IRON	6.00	1937	11,520	1/20/2021	1/27/2021	Y
OAKLAND		BERGEDO	DR	CAST IRON	6.00	1946	900	1/30/2021	1/30/2021	Y
OAKLAND		COOLIDGE	AVE	CAST IRON	6.00	1931	14,400	1/16/2021	1/20/2021	Y
OAKLAND		EUCALYPTUS PATH		CAST IRON	6.00	Unknown	1,440	1/21/2021	1/21/2021	Y
OAKLAND		EVERETT	AVE	CAST IRON	8.00	1962	22,500	1/9/2021	1/9/2021	Y
OAKLAND		HOLWAY	ST	CAST IRON	6.00	1951	5,760	1/6/2021	1/7/2021	Y
OAKLAND		IRIS	ST	CAST IRON	6.00	1926	3,600	1/26/2021	1/26/2021	Y
OAKLAND		JAMES	AVE	CAST IRON	6.00	1934	2,700	1/27/2021	1/28/2021	Y
OAKLAND		KERRIGAN	DR	CAST IRON	4.00	1948	450	1/12/2021	1/12/2021	Y
OAKLAND		KRAUSE	AVE	CAST IRON	6.00	1951	18,000	1/25/2021	1/26/2021	Y
OAKLAND		LAIRD	AVE	CAST IRON	2.00	1938	17,280	1/8/2021	1/13/2021	Y
OAKLAND		LOGAN	ST	CAST IRON	6.00	1929	0	1/19/2021	1/25/2021	Y
OAKLAND	W	MACARTHUR	BL	CAST IRON	4.00	1935	11,520	1/12/2021	1/19/2021	Y

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

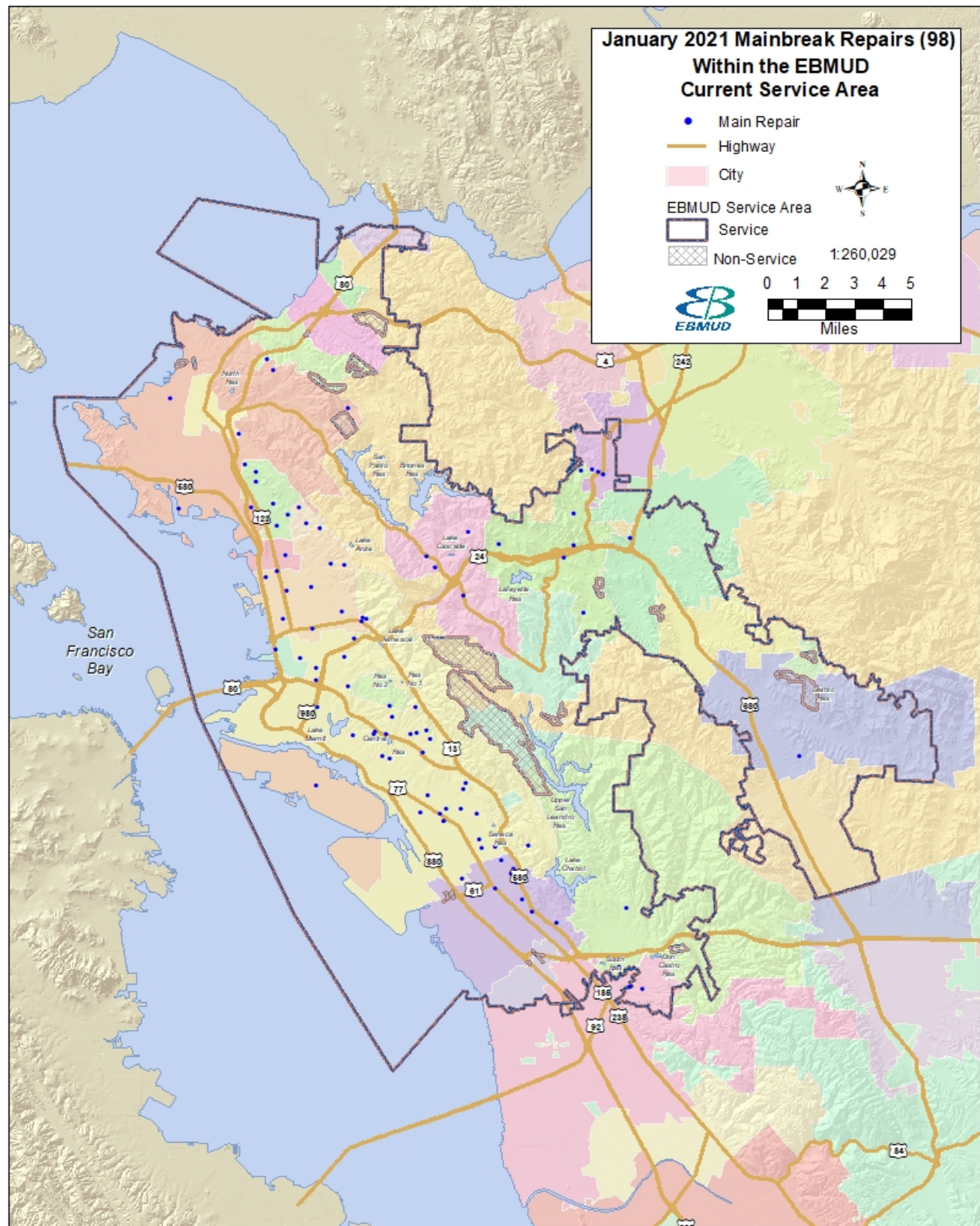
DECEMBER 2020 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
OAKLAND		MACARTHUR	BL	CAST IRON	4.00	1936	450	1/12/2021	1/12/2021	Y
OAKLAND		MACARTHUR	BL	CAST IRON	6.00	1925	20,160	1/30/2021	1/31/2021	Y
OAKLAND		MAPLE	AVE	CAST IRON	6.00	1937	18,000	1/25/2021	1/25/2021	Y
OAKLAND		MOKELUMNE	AVE	CAST IRON	6.00	1949	1,350	1/29/2021	1/30/2021	Y
OAKLAND		MONTE CRESTA	AVE	CAST IRON	6.00	1938	22,500	1/18/2021	1/18/2021	Y
OAKLAND		OLIVE	ST	CAST IRON	6.00	1933	4,320	1/20/2021	1/22/2021	Y
OAKLAND		QUIGLEY	ST	CAST IRON	4.00	1935	10,080	12/29/2020	1/4/2021	Y
OAKLAND		ROSECREST	DR	CAST IRON	6.00	1936	17,280	1/1/2021	1/6/2021	Y
OAKLAND		ROSS	ST	CAST IRON	6.00	1928	28,800	1/5/2021	1/6/2021	Y
OAKLAND		SCENIC	AVE	CAST IRON	6.00	1939	360	1/25/2021	1/25/2021	Y
OAKLAND		WISCONSIN	ST	CAST IRON	6.00	1925	1,800	1/30/2021	1/30/2021	Y
ORINDA		EL TOYONAL		ASBESTOS CEMENT	6.00	1960	0	1/8/2021	1/20/2021	N
ORINDA		MINER	RD	CAST IRON	6.00	1938	13,500	1/12/2021	1/13/2021	Y
ORINDA		MORAGA	WAY	STEEL	8.00	1934	0	1/21/2021	1/28/2021	Y
ORINDA		NORTH	LN	CAST IRON	8.00	1934	4,500	1/30/2021	1/30/2021	Y
ORINDA		TAHOS	RD	ASBESTOS CEMENT	6.00	1960	1,350	1/29/2021	1/30/2021	Y
PIEDMONT		SEA VIEW	AVE	CAST IRON	6.00	1912	45,000	1/28/2021	1/28/2021	Y
PLEASANT HILL		BELMONT	CT	CAST IRON	2.00	1947	900	1/15/2021	1/15/2021	Y
RICHMOND	S	59TH	ST	CAST IRON	6.00	Unknown	23,040	1/7/2021	1/8/2021	Y
RICHMOND		HACKNEY	LN	ASBESTOS CEMENT	6.00	1985	5,760	1/19/2021	1/22/2021	Y
RICHMOND		HARBOUR WAY S		CAST IRON	10.00	1929	9,000	1/26/2021	1/26/2021	Y
RICHMOND		PARR	BL	ASBESTOS CEMENT	12.00	1955	0	1/6/2021	1/7/2021	Y
SAN LEANDRO	E	14TH	ST	CAST IRON	6.00	1938	1,350	1/29/2021	1/30/2021	Y
SAN LEANDRO		138TH	AVE	CAST IRON	6.00	1947	1,800	1/15/2021	1/16/2021	Y
SAN LEANDRO		CARY	DR	CAST IRON	4.00	1927	3,600	12/31/2020	1/1/2021	Y
SAN LEANDRO		GARDNER	BL	CAST IRON	4.00	1943	7,200	1/12/2021	1/12/2021	Y
SAN LEANDRO		MANCHESTER	RD	CAST IRON	6.00	1946	1,170	1/8/2021	1/8/2021	Y
SAN LEANDRO		MORGAN	AVE	CAST IRON	6.00	1927	900	1/26/2021	1/26/2021	Y
SAN LEANDRO		OAKES	BL	CAST IRON	4.00	1937	1,350	1/1/2021	1/1/2021	Y
SAN LEANDRO		VICTORIA	AVE	CAST IRON	6.00	1925	1,800	1/10/2021	1/10/2021	Y
SAN LEANDRO		WAKE	AVE	CAST IRON	8.00	1945	0	1/19/2021	1/21/2021	Y

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

DECEMBER 2020 MAIN BREAK REPAIRS										
City	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gals)	Identified On	Completed On	KPI Met?
SAN PABLO		MCBRYDE	AVE	CAST IRON	6.00	1934	0	1/5/2021	1/11/2021	Y
							768,060			

Non-surfacing leaks discovered by leak detection technologies	3
Breaks caused by contractors or other agencies	5
Main breaks	90
<b>Total water main repairs</b>	<b>98</b>

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



Customer Account Delinquency Information

January 2021

(Data collection began September 1, 2017)

CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT	September <sup>3</sup>	October <sup>3</sup>	November <sup>3</sup>	December <sup>3&amp;6</sup>	January <sup>3</sup>	Totals
New CAP Participants	185	201	171	193	171	6,961
CAP Renewals	157	171	133	166	154	6,484
CAP Departures	151	150	166	144	191	6,097
Total Active CAP Participants w/Active Accounts	8,026	8,120	8,149	8,237	8,272	
PAYMENT PLANS	September	October	November	December	December	Totals
Approved Payment Plans	1,295	1,316	1,393	1,544	1,446	169,628
Payment Plans Established After Service Interruptions	-	-	-	-	-	1,320
SERVICE INTERRUPTIONS - RESIDENTIAL	September <sup>3</sup>	October <sup>3</sup>	November <sup>3</sup>	December	January	Totals
15-day Final Collection Notices	13,132	16,306	17,206	13,619	12,299	634,584
48-hr Service Interruptions Notices	8,709	9,042	8,405	9,914	7,506	342,788
Service Interruption Orders Created	*	*	*	*	*	82,689
Service Interruptions Completed (Actual)	*	*	*	*	*	22,712
CAP Enrolled Service Interruptions	*	*	*	*	*	802
WATER THEFT	September	October	November	December	January	Totals
No. of Incidents	-	-	-	-	-	367
No. of 2nd or 3rd Occurrences	-	-	-	-	-	41
No. Water Theft Penalties Issued	-	-	-	-	-	227
No. of Appeals Received	-	-	-	-	-	10
No. of 1st Appeals Approved	-	-	-	-	-	5
No. of 1st Appeals Denied	-	-	-	-	-	7
Multi-Family Liens <sup>1</sup>	September	October	November	December	January	Totals
Liens Filed	87	138	25	78	164	4,451
Released	16	-	513	311	-	3,338
Transferred to Alameda Cty.	-	-	-	-	-	1,612
Transferred to Contra Costa Cty.	-	-	-	-	-	337
Total/Month	103	138	538	389	164	9,738

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

BAD DEBT - WRITE OFFS	September	October	November	December	January	Totals
Total Referred to Collection Agency	\$ 132,322	\$ 156,456	\$ 126,908	\$ 167,754	TBD <sup>2</sup>	\$ 6,291,428
Write-Off % to Billed Revenue	0.19%	0.23%	0.21%	0.29%	TBD <sup>2</sup>	

<sup>2</sup> Information not available until the 20th of the month is normally one month behind, however due to summer schedule July and August to be updated in September 2020.

<sup>3</sup> 48-hours notices were generated, but not mailed to customers since March 23, 2020. Customers are receiving payment reminders in-lieu of 48-hours notices.

<sup>6</sup> CAP data up to December 29th only

\*Notes: - Effective March 12, 2020, the District suspended "Disconnects Due to Non-Payment" (DNP) to residential customers, withheld mailing 48-hr notices to customers, and began restoring service to all customers shutoff as of January 2020. The DNP information will be omitted from this table until the District resumes DNP activities.


Water Theft Type/City	Alameda	Alamo	Albany	Berkeley	Castro Valley	Crockett	Danville	El Cerrito	El Sobrante	Hayward	Hercules
Meter	2	1	2	12	2	2	1	2	1	6	4
Illegal Connection	-	-	-	-	-	-	-	-	-	-	-
Hydrant	-	-	-	-	-	-	-	-	-	-	-
Total	2	1	2	12	2	2	1	2	1	6	4
Water Theft Type/City	Oakland	Piedmont	Pinole	Richmond	Rodeo	San Lorenzo	San Leandro	San Pablo	San Ramon	Total as of 9/1/2017	
Meter	237	1	5	69	7	1	5	3	2	365	
Illegal Connection	2	-	-	-	-	-	-	-	-	2	
Hydrant	-	-	-	-	-	-	-	-	-	0	
Total	239	1	5	69	7	1	5	3	2	367	


## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: February 4, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Finance/Administration Committee Minutes – January 26, 2021

Committee member John A. Coleman called to order the Finance/Administration Committee meeting at 8:12 a.m. He announced that in light of the COVID-19 pandemic, the meeting will be conducted pursuant to California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate remotely while social distancing requirements are in effect. Director Andy Katz was present at roll call. Chair William B. Patterson was absent (excused). Both Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Treasury Manager Robert L. Hannay, Special Assistant to the General Manager Kelly A. Zito, Assistant to the General Manager Janetta M. Johnson, and Secretary of the District Rischa S. Cole.

**Public Comment.** None.

**Monthly Investment Transactions Reports.** Director of Finance Sophia D. Skoda provided an overview of the reports for November and December 2020 and reported current interest rate earnings of approximately 0.29 percent. The reports will be presented to the Board for consideration at its meeting in the afternoon. The Committee had no questions. It was moved by Director Katz, seconded by Director Coleman, and carried (2-0) by roll call vote to accept the reports. Director Patterson was absent (excused).

**Interest Rate Swap Portfolio Summary Report.** Treasury Manager Robert L. Hannay reviewed the report which is provided in accordance with District Policy 4.23 - Interest Rate Swap Policy, and the status of outstanding District swap agreements as of December 31, 2020. Mr. Hannay said there have been no updated regulatory protocols or similar agreements required to be adhered to by the District since the last report. The District has reduced its outstanding swap agreements to 3.8 percent of the total Water System debt portfolio. If the District had terminated all swap agreements on December 31, 2020, total payments due to counterparties would have been \$35.3 million. He reported that although outstanding swap agreement debt is minimal, staff continues looking for opportunities to reduce the amount to zero. There are no outstanding swap agreements for the Wastewater System. The Committee raised no questions. It was moved by Director Katz, seconded by Director Coleman, and carried (2-0) by roll call vote to accept the report. Director Patterson was absent (excused).

**Quarterly Financial Reports.** Director of Finance Sophia D. Skoda said the quarterly reports were filed in compliance with government statutes. The information includes investment transactions along with quarterly payroll, disbursements and real estate summary reports for the Water and Wastewater Systems for the quarter ended December 31, 2020. There were no real estate transactions during this period.

The Committee raised no questions. It was moved by Director Katz, seconded by Director Coleman, and carried (2-0) by roll call vote to accept the reports. Director Patterson was absent (excused).

**Adjournment.** Director Coleman adjourned the meeting at 8:20 a.m.


CCC/RSC


## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: February 4, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Rischa S. Cole, Secretary of the District 

SUBJECT: Sustainability/Energy Committee Minutes – January 26, 2021

Chair Doug Linney called to order the Sustainability/Energy Committee meeting at 8:30 a.m. He announced that in light of the COVID-19 pandemic, the meeting will be conducted pursuant to California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate remotely while social distancing requirements are in effect. Directors Andy Katz and Frank Mellon were present at roll call. All Directors participated remotely. EBMUD staff participants included General Manager Clifford C. Chan, General Counsel Craig S. Spencer, Director of Wastewater Eileen M. White, Special Assistant to the General Manager Kelly A. Zito, Assistant to the General Manager Janetta M. Johnson, and Secretary of the District Rischa S. Cole.

**Public Comment.** None.

**Climate Action Plan.** Director of Wastewater Eileen M. White presented an overview of the plan. In 2014, the District updated the Water System Climate Change Monitoring and Response Plan, and in 2019 completed the Wastewater System Climate Change Plan. The Climate Action Plan summarizes the previous plans with themes focusing on sustainability and resilience. She discussed the District's plans to address climate change which is based on a conservative scenario, and reviewed impacts and vulnerabilities from rising temperatures and sea levels; drought and extreme weather; and variances in precipitation. The District has mitigation measures and adaptation strategies in place to remain reliable, resilient, and sustainable and staff continues to collaborate with local, state and national partners on these efforts, which is key to achieving the District's mission. Ms. White advised the Climate Action Plan will be available on the District's website and hard copies will be made available as needed. The Committee, Ms. White and General Manager Chan commended staff from various workgroups for their work on developing the plan.

**Reduction in Paper Footprint.** Special Assistant to the General Manager Kelly A. Zito presented information on District goals to reduce the amount of paper used internally and externally, and plans to digitize the printed Customer Pipeline newsletter. She reviewed alternative processes implemented by staff pre-COVID-19 and in response to the pandemic which resulted in a 46 percent reduction in bulk paper use in 2020. The District has been promoting its electronic bill payment options and has seen a 200 percent increase in participation since 2014. Ms. Zito said the District spends approximately \$144,000 annually to print 1.8 million newsletters per year. As more customers enroll in paperless billing, staff sees this as an opportunity to convert the Customer Pipeline newsletter to a digital format which can be distributed by email, on social media and on eb mud.com. She reviewed a sample of other agencies' digital newsletters and discussed next steps

which include increased use of digital tools to reduce paper consumption; continued outreach to customers on how to enroll in paperless billing; digitizing the Customer Pipeline newsletter; and exploring methods to share information with customers without regular access to online platforms. Ms. Zito responded to Committee questions regarding the plan to digitize the Customer Pipeline newsletter. Director Mellon asked for an estimate of cost savings in the past year from reduced paper use, and for staff to contact Spectrum Community Services, Inc. regarding their use of G-pad tablets. He also asked staff to explore how the East Bay Regional Park District distributes its digital newsletter to its constituents. The Committee asked staff to continue discussions on the proposed plans to digitize the Customer Pipeline newsletter and to provide additional information on how people receive information on EBMUD activities.

**Adjournment.** Chair Linney adjourned the meeting at 9:00 a.m.

CCC/RSC

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