



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, February 11, 2014**

**REGULAR CLOSED SESSION
11:00 a.m., Board Room**

ROLL CALL:

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

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *East Bay Municipal Utility District v. Jared Aldrich*
Contra Costa County Superior Court, Case No. C13-01362
 - b. *United States of America, et al. v. East Bay Municipal Utility District*
USDC, N.D. Cal., Case No. CV 09-0186 RS
2. Conference with Real Property Negotiators pursuant to Government Code section 54956.8 regarding conditions and terms of payment for the purchase of up to 20,000 acre feet of water from Placer County Water Agency for Freeport testing and supplemental dry year supplies in 2014. East Bay Municipal Utility District negotiators: Richard Sykes, Director of Water and Natural Resources, and Michael Tognolini, Manager of Water Supply Improvements. Negotiating parties: East Bay Municipal Utility District and Placer County Water Agency.
3. Personnel exception pursuant to Government Code section 54957 to consider public employee evaluations: General Manager and General Counsel.

(The Board will hold Closed Session in Conference Room 8A/B)

**REGULAR BUSINESS MEETING
1:15 p.m., Board Room**

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

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

CONSENT CALENDAR: (Single motion and vote approving 6 recommendations)

1. Approve the Regular Meeting Minutes of January 28, 2014.
2. File correspondence with the Board.
3. Award contracts to the lowest responsive/responsible bidders, Corpro Companies, Inc., and Sunwest Group of Companies, in the estimated annual amounts after the addition of taxes of \$104,263.95 and \$77,310.98 respectively, for supplying magnesium anodes for Oakport Distribution Center for the period beginning February 15, 2014 and ending February 14, 2016, with two options to renew for an additional one-year period for a total cost of \$726,299.72 under Request for Quotation No. 1413.
4. Award a contract to the lowest responsive/responsible bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$2,599,000 for construction of 39th Avenue and Redwood Pumping Plants Rehabilitation under Specification 2063.
5. Award a contract to the lowest responsive/responsible bidder, JMB Construction, Incorporated, in the amount of \$1,531,400 for construction of Fontaine Street, El Portal Drive, and Euclid Avenue Pipeline Improvements under Specification 2071.
6. Reaffirm the District's Equal Employment Opportunity Policy 2.25 and Prevention of Sexual Harassment in the Workplace Policy 2.26, and Adopt the 2014 Affirmative Action Plan and Goals.

DETERMINATION AND DISCUSSION:

7. Legislative Update:
 - Update on Legislative Issues of Interest to EBMUD
8. Authorize the development of a Project Labor Agreement for the construction of the Chabot Dam Seismic Upgrade project.
9. Authorize staff to request that all customers voluntarily reduce their water use by ten percent starting February 11, 2014 and continue until further notice to help keep water in storage during an unprecedented dry year.
10. General Manager's Report:
 - Water Supply Update
 - Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreements with General Manager and General Counsel
 - Residential Customer Survey
 - Monthly Report – January 2014

REPORTS AND DIRECTOR COMMENTS:

11. Committee Reports:
- Sustainability/Energy
 - Finance/Administration
 - Planning
 - Legislative/Human Resources
12. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 25, 2014 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

Disability Notice

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

Document Availability

Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, February 11	Planning Committee	9:30 a.m. Training Resource Center	<ul style="list-style-type: none"> • Update on Richmond Wastewater Services • Update on San Francisco Bay Nutrients Efforts
	Legislative/Human Resources	10:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • 2014 Affirmative Action Plan • Legislative Update
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Wednesday, February 12	Lincoln's Birthday Holiday		<ul style="list-style-type: none"> • District Offices Closed
Monday, February 17	President's Day Holiday		<ul style="list-style-type: none"> • District Offices Closed
Tuesday, February 25	Water Supply Management Program Workshop	TBD Training Resource Center	
	Finance/Administration Committee	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, March 11	Planning Committee	TBD Training Resource Center	
	Legislative/Human Resources	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, March 25	Long-Term Financial Stability Workshop	TBD Training Resource Center	
	Finance/Administration Committee	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting

MINUTES

Tuesday, January 28, 2014

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

Regular Closed Session Meeting

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

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Attorney Frederick S. Etheridge (Item 1), and Director of Water & Natural Resources Richard G. Sykes (Item 1).

PUBLIC COMMENT

Addressing the Board were the following persons: 1) Keith Beckwith, Associate Civil Engineer, commented on unresolved issues related to a grievance and asked that the Board take action; 2) Mark Foley, representing AFSCME Local 2019, commented on the Network Analyst III side letter that was bargained as part of the Memoranda of Understanding (MOU) process and said that the union and management had not come to terms on implementation. He expressed frustration that the District is unwilling to incorporate the side letter into the MOU, and that as a result, Local 2019 is unwilling to sign the MOU since it doesn't contain everything that was bargained; and 3) Mario Juarez, President of Viridis Fuels, Inc. commented that they had provided a status update on the project to the Finance/Administration Committee earlier in the day and that Viridis remained committed to bringing the biodiesel project to fruition.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

President Katz announced the Closed Session agenda. The Board convened to Conference Room 8A/B for discussion.

Regular Business Meeting

President Andy Katz called to order the Regular Business Meeting of the Board of Directors at 1:19 p.m. in the Administration Center Board Room.

ROLL CALL

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

BOARD OF DIRECTORS

President Katz led the Pledge of Allegiance.

Committee Assignments

President Katz presented the 2014 Board Committee assignments. He noted that the assignments for the standing committees are the same as the 2013 assignments with the exception of a few changes to alternates positions made in accordance to Director's requests.

- Motion by Director Foulkes, seconded by Director McIntosh, to approve the 2014 Board Committee assignments, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

BOD 013-14 -- Approved the following 2014 Board Committee assignments:

Planning

Director Foulkes, Chair
Director Linney
Director McIntosh

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

Legislative/Human Resources

Director McIntosh, Chair
Director Coleman
Director Mellon

2nd Tuesday of the month at 10:15 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

Finance/Administration

Director Coleman, Chair
Director Linney
Director Patterson

4th Tuesday of the month at 10:00 a.m.
Administration Center Building
Training Resource Center, 2nd Floor

Sustainability/Energy

Director Linney, Chair
Director Foulkes
President Katz

4th Tuesday, Quarterly

DSRSD/EBMUD Recycled Water Authority (DERWA)

Director Coleman
Director Mellon
Director Foulkes, Alternate

4th Monday of even calendar months at 6:00 p.m.
Contact: Linda H. Hu, 287-1691

Freeport Regional Water Authority

Director Coleman
Director Foulkes
Director Patterson, Alternate

*2nd Thursday at 10:00 a.m. on a quarterly basis,
with locations to be announced*

Retirement Board

Director Mellon
Director Patterson

*3rd Thursday odd calendar months at 8:30 a.m.
Administration Center Building
Training Resource Center, 2nd Floor*

**Upper Mokelumne River Watershed
Authority**

Director Coleman
Director Foulkes
President Katz, Alternate
Director Patterson, Alternate

*4th Friday, Quarterly at 1:30 p.m.
McLean Hall, Pardee Center*

Business Forum (Ad Hoc)

Director Patterson, Chair
Director McIntosh
Director Mellon
Director Coleman, Alternate

Meeting dates, times, and location to be determined

EBMUD/EBRPD Liaison

Director Linney
Director Patterson
Director Foulkes, Alternate
Director Mellon, Alternate

Meeting dates, times, and location to be determined

Oakland Chamber of Commerce

Director Patterson
Director Linney, Alternate

Special Districts Association of Alameda County/Special Districts Selection Committee

Director Mellon
Director Patterson, Alternate

Special Districts Association of Contra Costa County

Director McIntosh
Director Mellon, Alternate
Director Coleman, Alternate

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PRESENTATION

General Manager Coate announced that Manager of Water Conservation Richard W. Harris is the recipient of the California Urban Water Conservation Council's 2013 Llana Sherman Excellence Award. He said this award recognizes Mr. Harris for his excellence in local water conservation practices and his leadership of EBMUD's highly recognized water conservation program. General Manager Coate introduced Heather Cooley from the Pacific Institute of Oakland and Vice-Chair of the Council Board who presented the award to Mr. Harris. Ms. Cooley said that the award is given to individuals who demonstrate innovation, commitment, dedication, integrity, creativity and outstanding service in the field of water resource efficiency. She reported that at the Council's December meeting Mr. Harris received the award. Ms. Cooley presented the award and highlighted the Mr. Harris' many accomplishments. The Board congratulated and applauded Mr. Harris on this recognition. Mr. Harris commented that he was honored to receive this award and thanked his colleagues at the District and the Board for its leadership.

PUBLIC COMMENT

Addressing the Board were the following persons: 1) Nicole Goehring, Government Affairs Director, Associated Builders and Contractors of Northern California, offered to be a resource to EBMUD in the development of a Project Labor Agreement (PLA). She pointed out that her organization recently partnered with Sonoma County for a PLA and suggested that EBMUD look at alternate bid provisions. Director Coleman asked Ms. Goehring to provide EBMUD with a copy of the Sonoma County agreement; and 2) Ivette Rivera, EBMUD Gardener Foreman, provided the Board with a packet of materials regarding a classification grievance and due process rights. She asked when the Board would provide a response to her concerns and request for remedy. General Counsel Collins addressed Ms. Rivera and explained that it is not the role of the Board of Directors to respond to her grievance. She explained that the public comment period is provided for the public to present its concerns to the Board, but it is not the appropriate place for the Board to respond. Director Mellon addressed Ms. Rivera and explained that her terms and conditions of employment are covered under a Memorandum of Understanding and that the Board of Directors is not part of the grievance process. Director Mellon went on to point out that the collective bargaining agreements between the District and the unions provide for a grievance procedure. He suggested she review the arbitration process and decide on whether or not she will work through her union. Ms. Rivera responded that the Meyers-Milias-Brown Act does cover that process and that she will raise it to the next level.

CONSENT CALENDAR

- Items 1, 8 and 9 were removed from the Consent Calendar for discussion.
 - Motion by Director Foulkes, seconded by Director Linney, to approve Items 2-7 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 019-14** -- Approved the Regular Meeting Minutes of December 10, 2013 and January 14, 2014 (as corrected).
 - Director Coleman removed Item 1 to note an administrative correction to page 4 of the January 14, 2014 Minutes (reference of "President" Coleman versus "Director" Coleman).
 - Motion by Director Mellon, seconded by Director Coleman, to approve the Minutes with the suggested correction offered by Director Coleman, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).
 2. The following correspondence was filed with the Board: 1) Speaking notes submitted by Associate Civil Engineer Keith Beckwith dated January 28, 2014 regarding a grievance filed; 2) Memorandum to Board of Directors, from Andy Katz, President, regarding 2014 Committee Assignments; 3) Various correspondence submitted by Ivette Rivera regarding a classification issue and disparate treatment; 4) Presentation entitled "Mokelumne Aqueducts Delta Tunnel Study," dated January 28, 2014; 5) Presentation entitled "Project Labor Agreements," dated January 28, 2014; 6) Presentation entitled "Dodd-Frank Protocol Amendment of Interest Rate Swap Policy," dated January 28, 2014; 7) Presentation entitled "Refunding Wastewater General Obligation Bonds," dated January 28, 2014; 8) Presentation entitled "Delta Update," dated January 28, 2014; 9) Presentation entitled "Authority Matrix – Delta Reform Act of 2009;" 10) Presentation entitled "Water Supply Briefing," dated January 28, 2014; and 11) Presentation entitled "Dry Year Planning Water Year 2014," dated January 28, 2014.
 3. **Motion No. 014-14** -- Authorized an agreement with MWH Americas, Incorporated, in an amount not to exceed \$315,000 for consultant services related to completing the Mokelumne Aqueducts Delta Tunnel Study.
 4. **Motion No. 015-14** -- Authorized an agreement with AT&T in the estimated amount of \$1,400,000 annually for data and voice communication services for the District under the State of California's CALNET contract during the period January 30, 2014 to January 29, 2017, with 2 options to renew for an additional 1-year period.
 5. **Motion No. 016-14** -- Approved the Water Supply Assessment requested by the City of Oakland for the Oakland Coliseum Area Specific Plan pursuant to the California Water Code, Sections 10910-10915.

6. **Motion No. 017-14** -- Amended Motion No. 010-14 authorizing an agreement for customer research services to correct an erroneous reference to the vendor by its previous legal name by replacing "Evans/McDonough Company, Inc." with "EMC Research, Inc."
7. **Motion No. 018-14** -- Authorized the Office of General Counsel to continue the employment of the law firm of Trucker Huss for specialized legal services related to employee benefit plans, deferred compensation plans, related tax advice and litigation in an amount not to exceed \$80,000.
8. **Resolution No. 33964-14** -- Appointing Rachel R. Jones to the Position of Assistant Attorney of the District with the Title of Attorney II.
 - Director Mellon removed Item 8 to recognize and welcome Ms. Jones to the District.
 - Motion by Director Mellon, seconded by Director Coleman, to approve the recommended action for Item 8, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).
- 9.1. **Resolution No. 33965-14** -- Adopting Revised Policy 4.23 Interest Rate Swap Policy (to comply with the Dodd-Frank March 2013 Protocol).
- 9.2. **Motion No. 020-14** -- Accepted the Annual Swap Portfolio Summary Report, which provided the status of all outstanding District swap agreements, in accordance with Policy 4.23 (Interest Rate Swap Policy).
 - Director Coleman removed Item 9.1 and 9.2 from the Consent Calendar to comment that the Finance/Administration Committee had met earlier and unanimously voted to support the staff recommendations with the caveat that the Board is notified annually of future regulatory changes which modify Policy 4.23.
 - Motion by Director Coleman, seconded by Director Patterson, to approve the recommended actions for Items 9.1 and 9.2 including the recommendation to annually update the Board on future regulatory changes, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

DETERMINATION AND DISCUSSION

10. Legislative Update.

Manager of Legislative Affairs Marlaigne K. Dumaine reported that on January 17 Governor Jerry Brown declared a drought emergency for California and asked people to voluntarily cut their water use by 20%. She noted that a federal drought declaration has not been made, but said there is a lot of discussion at the federal level about water issues. Next, Ms. Dumaine reported that the aerial pesticide provision did not make it into the compromise version of the farm bill. She said that staff continues to seek out opportunities to advance

EBMUD's story on conservation efforts and to look for opportunities that may benefit EBMUD ratepayers. Director Coleman suggested seeking funding opportunities for sediment removal at reservoirs while water levels are low.

11. Authorize the Development of a Project Labor Agreement for the Construction of the Chabot Dam Seismic Upgrade Project.

President Katz asked for a motion to continue consideration of Item 11 until the February 11 meeting.

- Motion by Director McIntosh, seconded by Director Foulkes, to continue consideration of a Project Labor Agreement until the next Regular Meeting, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 021-14 -- Continued consideration of the development of a Project Labor Agreement for the construction of the Chabot Dam Seismic Upgrade project until the February 11, 2014 Regular Meeting.

12. Authorize the Issuance and Sale of Special District No. 1, Issue of 1970, Wastewater System General Obligation Refunding Bonds, Series G.

- Director Coleman commented that the Finance/Administration Committee met earlier and unanimously voted to support the staff recommendation.
- Motion by Director McIntosh, seconded by Director Patterson, to approve the staff recommendation for Item 12, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 33966-14 -- Provide for the Issuance and Sale of Not To Exceed \$16,500,000 Principal Amount of East Bay Municipal Utility District, Special District No. 1, Issue of 1970, Wastewater System General Obligation Refunding Bonds, Series G; Approve the Form and Authorize the Execution of Certain Documents in Connection with the Issuance and Sale of Such Bonds; Authorize the Public Sale of Such Bonds; and Authorize Certain Other Actions Relating Thereto.

13. General Manager's Report.

Environmental Affairs Officer Douglas I. Wallace presented an update on government and stakeholder activities related to the Sacramento-San Joaquin Delta. He reported that EBMUD continues to actively participate in all major arenas for planning and advocacy in the Delta. EBMUD staff will be submitting comments in April on the Bay-Delta Conservation Plan and the Environmental Impact Report/Environmental Impact Statement. General Manager Coate pointed out that staff will preview the comment letter with the Board prior to submission. Next, Mr. Wallace presented an overview of the

regulatory agencies overseeing the Delta and highlighted the primary responsibilities of the Delta Protection Commission, Delta Stewardship Council, and the Delta Conservancy. President Katz noted that staff had provided a copy of a presentation on the Mokelumne Aqueducts Delta Tunnel Study that was approved on the Consent Calendar (Item No. 3).

Next, Operations and Maintenance Department Manager Eileen M. White presented the water supply update. She reported that since the last briefing conditions have remained dry and that statewide water supply conditions for California's largest reservoirs are in poor or critical condition. Overall water supply levels in EBMUD reservoirs are in "fair" condition at 63% of capacity. As a result of the dry weather, she reported that water production is 17 mgd higher than this time last year. Ms. White pointed out that January through June 2013 was the driest on record in the East Bay and the outlook is for conditions to continue to be dry.

Ms. White reported that as a result of the dry conditions, staff has initiated preliminary dry year planning activities for Water Year 2014. She summarized the responses of several local water agencies who have called on their customers to voluntarily reduce their water use by 10-25 percent. She noted that Contra Costa Water District and EBMUD have not taken action as of yet and are continuing to tell their customers to use water wisely. She noted EBMUD customers have done a very good job of conserving water and cited last year's consumption of 164 million gallons per day. Staff will continue its public outreach and water conservation activities efforts to remind customers to use water wisely.

Ms. White announced that the District will have a better idea of its water supplies once state regulatory agencies announce water allocations and run off is predicted. Staff historically presents the Water Supply Availability and Deficiency Report in April. Director Coleman asked if other agencies have approached EBMUD about using our water supply to augment their water supply. Ms. White said a number of agencies have approached EBMUD about using the Freeport facilities, but staff has responded that a determination to use Freeport has not been made. General Manager Coate commented that Bay Area general managers will be meeting and one of the subjects of that meeting will be regional water supply reliability.

Board discussion ensued. Director Linney said he would like to avoid using the Freeport water supply if possible and noted support for voluntary rationing. Director Foulkes recommended agendaizing discussion on voluntary reductions at the next meeting and said that EBMUD needs to be cooperating with the statewide efforts. Director McIntosh commented that EBMUD ratepayers have done well in their conservation efforts, but said that the District needs to get out a message addressing the dry year conditions. Director Patterson said that EBMUD should get a message out to customers now rather than waiting until April. Director Coleman commented that over that last decade EBMUD and its ratepayers have invested nearly a billion dollars in long-term water supply improvements to deliver supplemental supplies and that should be included in EBMUD's outreach message. President Katz concurred that EBMUD should respond to the state drought emergency

declaration and provide direction to its customers. He urged caution in using the Freeport water supply and said that he would be open to consider a reduction target consistent with neighboring agencies.

REPORTS AND DIRECTOR COMMENTS

14. Committee Reports.

- Filed with the Board were the Minutes of the January 14, 2014 Legislative/Human Resources Committee.

15. Director Comments.

- Director Foulkes reported visiting the Estates Reservoir project site on January 19 to survey the ongoing work.
- President Katz had no comment.
- Director Linney had no comment.
- Director McIntosh reported participating in ACWA Region 5 Board teleconference meetings on January 7 and January 17.
- Director Mellon reported attending the EBMUD Retirement Board meeting on January 16 in Oakland and attending the Contra Costa Special Districts Association meeting on January 27 at Contra Costa Central Sanitary District in Martinez.
- Director Patterson reported attending the EBMUD Retirement Board meeting on January 16 in Oakland and attending the Upper Mokelumne River Watershed Authority Board meeting on January 24 at Pardee Center in Valley Springs.
- Director Coleman reported attending/participating in the following events: ACWA Executive Committee teleconference meeting on January 14 in Oakland; ACWA Groundwater Sustainability teleconference meeting on January 15; CASA Mid-Year Conference on January 17 in Indian Wells; ACWA Executive Committee teleconference meeting on January 21; San Ramon Rotary Club speaking engagement on January 22 in San Ramon; East Bay Leadership Council dinner on January 23 in Concord; Upper Mokelumne River Watershed Authority Board meeting on January 24 at Pardee Center in Valley Springs; and ACWA Executive Committee teleconference meeting on January 28 in Oakland. He reported on plans to attend the following upcoming events: ACWA workshop on January 30 in Sacramento; ACWA Executive Committee and Board of Directors meeting on January 31 in Sacramento; teleconference meeting with Regional Water Board staff Judy Kelly on February 4 in Oakland; ACWA Executive Committee teleconference on February 4 in Oakland; and ACWA fundraiser for Assemblyman Jim Frazier (on behalf of ACWA) on February 8 in Antioch.

ADJOURNMENT

The meeting was adjourned at 3:01 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: February 11, 2014

Andy Katz, President of the Board

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From: Lewis, Lynelle
To: "ndolgireff@yahoo.com"
Cc: [Figueroa, Abby](mailto:figueroa.abby)
Subject: RE: EBMUD Board Needs to Impose Mandatory Water Rationing, Increased
Date: Monday, February 03, 2014 9:35:00 AM

Dear Ms. Dolgireff,

Thank you for your email regarding water rationing. I will forward your correspondence to the Board of Directors. The Board will be considering the District's response to the current dry year conditions at its upcoming February 11 Regular Board meeting. Agenda information will be posted on www.ebmud.com by February 15.

Lynelle M. Lewis, CMC
Secretary of the District
MS #806
(510) 287-0440 [office]
(510) 287-0555 [fax]

From: ND <ndolgireff@yahoo.com>
Date: February 2, 2014, 10:43:56 AM PST
To: "figueroa@ebmud.com" <figueroa@ebmud.com>
Subject: EBMUD Board Needs to Impose Mandatory Water Rationing, Increased
Reply-To: ND <ndolgireff@yahoo.com>

Dear Ms. Figueroa:

We would appreciate it if you would share this request with the EBMUD Board. Our household has just contacted Governor Brown's office and requested that he issue an order requiring immediate, mandatory water rationing for all water users in the State of California. According to an expert at U.C. Berkeley, the current California drought is the worst in 500 years! We have had abnormally low rainfall for 3 years. This is becoming a *major* disaster.

We request that EBMUD Board implement:

1. Immediate, mandatory water rationing for all users (residential, commercial/business, agricultural, governmental, etc.)

2. Substantially increased prices for all water users (a practice in place in many developed countries around the world, including those with low rainfall)
3. Bans on watering lawns, filling residential swimming pools, or other restrictions on high-water consumption activities (such as car washing other than at approved car washes that recycle water, etc).
4. Requirements that residential and industrial landscaping, particularly for new construction or substantial remodeling, require a majority (80% or higher) of total landscape be planted with drought-tolerant plants and trees, use of mulch to retain water, and minimize hardscapes (pavement), where possible.

The water we save today is the water that we need to drink tomorrow. Please impose mandatory water rationing now.

Thank you,

Thank you,

Natalie Dolgireff
Alameda, CA



AGENDA NO.
MEETING DATE

3
February 11, 2014

TITLE MAGNESIUM ANODES

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Award contracts to the lowest responsive/responsible bidders, Corrpro Companies, Inc., and Sunwest Group of Companies, in the estimated annual amounts after the addition of taxes of \$104,263.95 and \$77,310.98 respectively, for supplying magnesium anodes for Oakport Distribution Center for the period beginning February 15, 2014 and ending February 14, 2016, with two options to renew for an additional one-year period for a total cost of \$726,299.72 under Request for Quotation (RFQ) No. 1413.

SUMMARY


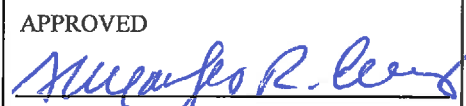
The magnesium anodes required under these contracts will be used in the District's water distribution system for repairs and installation of water mains and services. The District is not committed to purchase the material described in these contracts; purchases will be made to meet actual District requirements. Estimated quantities are based on historical data and projected needs. Award is being made by item (different types of anodes) with Corrpro the low bidder on item 2 and Sunwest the low bidder on items 1 and 3.

DISCUSSION

It is in the best interests of the District to obtain volume discount pricing over an extended period of time. It is also cost-effective for the contracts to include price adjustment clauses that will allow the District to adjust pricing both up and down as necessary to accommodate raw material cost variances in magnesium anodes over the lives of the agreements. Price adjustments will be made to accommodate adjustments to raw material and fuel costs and will not allow for additional increases related to any other cost or profit factors.

VENDOR SELECTION

Requests for quotation were sent to three resource organizations and to 18 potential bidders.

Funds Available: FY 14		Budget Code: VAR/VAR/VAR/VAR
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Finance	 Eric L. Sandler	 General Manager

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

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This expenditure has been included in the FY 14-15 operating budget.

UNION NOTIFICATION

No union notification is necessary on these contracts.

ALTERNATIVES

Purchase magnesium anodes as required on the open market. This is not recommended as the District would lose volume pricing and the product may not be available when required. These contracts provide favorable terms and conditions to the District, which would not be obtainable under an open-market purchase.

Rebid the Request for Quotation. This is not recommended since the District engaged in a fair and competitive bid process and obtained bids that contained better pricing than expected.

Attachments

**EAST BAY MUNICIPAL UTILITY DISTRICT
REQUEST FOR QUOTATION NO. 1413**

MAGNESIUM ANODES

Bids Received by 1:30 p.m. January 15, 2014

	BIDDER	ITEM 1 32 Pound Prepackaged Anode	ITEM 2 9 Pound Prepackaged Anode	ITEM 3 9 Pound Bare Anode	TOTAL AMOUNT BID
1.	Corrpro Companies 20991 Cabot Blvd. Hayward, CA 94545 (510) 363-7420	\$ 60,690.50	\$ 95,655.00	\$ 9,632.00	\$165,977.50
2.	Sunwest Group of Companies (SBE) 1974 Williams St. San Leandro, CA 94577 (510) 324-8775	\$ 61,743.50	\$103,565.00	\$ 9,184.00	\$174,492.50
3.	Farwest Corrosion Control Co. 2223 Commerce Place Hayward, CA 94545 (510) 293-0350	\$ 62,595.00	\$114,975.00	\$ 10,200.00	\$187,770.00
4.	Northtown Products, Inc. (SBE) dba Northtown Company 5202 Argosy Ave. Huntington Beach, CA 92649 (714) 897-0700	\$ 68,360.50	\$120,680.00	\$ 10,032.00	\$199,072.50
5.	Mesa 4445 S. 74 th E. Ave. Tulsa, OK 74145 (714) 963-6202	\$ 67,580.50	\$150,395.00	\$ 14,496.00	\$232,471.50
6.	Groeniger & Company 27750 Industrial Blvd. Hayward, CA 94545 (510) 266-4323	No Bid	No Bid	No Bid	No Bid

*Prices do not include sales tax.

**SBE – Small Business Enterprise



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE QUOTATION NO.: 1413 Magnesium Anodes - Two-Year Contract with 2 One-Year Renewal Options						DATE: February 5, 2014						
CONTRACTOR:				PERCENTAGE OF CONTRACT DOLLARS								
Multiple Firms See Below				Availability Group		Contracting Objectives		Participation				
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%				
		Ethnicity	Gender	White Women		2%		0.0%				
\$726,300		See Below		Ethnic Minorities		25%		42.6%				
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:												
Corpro Companies, Inc.		\$417,056	Publicly Held Corp.			---	---	---	---	57.4%	---	---
Sunwest Group of Companies		\$309,244	Asian	X		---	---	42.6%	---	---	---	---
SUBS:												
None												
TOTAL		\$726,300				0.0%	0.0%	42.6%	0.0%	57.4%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)												
			White Men		White Women		Ethnic Minorities		Total Employees			
No. of Employees:			See P-61 Form									
Percent of Total Employees:												
MSA Labor Market %:												
MSA Labor Market Location:												
COMMENTS												
Contract Equity Participation - 5.5% Ethnic Minority participation and 94.5% is a publicly held corporation and no subcontract opportunities exist.												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Magnesium Anodes - Two-Year Contract with 2 One-Year Renewal Options		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Quotation #: 1413		DATE: 2/5/2014	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	Publicly Held-Corporation	Company Wide	-	7	5	-	12	44.4%	47.8%
Corpro Companies, Inc. David Kroon 20991 Cabot Blvd. Hayward, CA 94545 510-363-7420		Manager/Prof	-	4	4	-	8	40.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	1	1	-	2	66.7%	
		Semi/Unskilled	-	2	-	-	2	50.0%	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		1/30/2014		
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		27 Bay Area: 13		
RP	EMM:A/PI - L/SBE	Company Wide	-	4	-	-	4	100.0%	47.8%
Sunwest Group of Companies Alex Co 1974 Williams Street San Leandro, CA 94577 510-324-8775		Manager/Prof	-	2	-	-	2	100.0%	
		Technical/Sales	-	2	-	-	2	100.0%	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	4	-	-	4	100.0%	39.9%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		4 Bay Area: 4		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area						39.9%	
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
P	WM	Company Wide	5	55	8	-	68	46.9%	47.8%
Farwest Corrosion Control Company Marian R. Rankin 1480 W. Artesia Blvd. Gardena, CA 90248 310-532-9524		Manager/Prof	-	2	-	-	2	11.1%	
		Technical/Sales	4	13	-	-	17	41.5%	
		Clerical/Skilled	-	12	8	-	20	50.0%	
		Semi/Unskilled	1	28	-	-	29	63.0%	
		Bay Area	-	1	-	-	1	20.0%	39.9%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		145 Bay Area: 5		
P	EMW:AI/AN - SBE	Company Wide	-	2	-	1	3	17.6%	27.2%
Northtown Company Caryl D. Hytopoulos 5202 Argosy Avenue Huntington Beach, CA 92649 714-897-0700		Manager/Prof	-	-	-	1	1	50.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	1	-	-	1	20.0%	
		Semi/Unskilled	-	1	-	-	1	25.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		Co. Wide MSA:	USA		# Employees-Co. Wide:		17 Bay Area: 0		
P	WM - SBE	Company Wide	Information Not Provided						
Mesa Products, Inc. Terry May 4445 S. 74th E. Avenue Tulsa, OK 74145 714-963-6202		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							

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



AGENDA NO. 4
 MEETING DATE February 11, 2014

TITLE 39TH AVENUE AND REDWOOD PUMPING PLANTS REHABILITATION

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$2,599,000 for construction of 39th Avenue and Redwood Pumping Plants Rehabilitation under Specification 2063.

SUMMARY

Work includes demolition and rehabilitation of electrical and mechanical equipment and performance of related required work.

DISCUSSION

The 39th Avenue and Redwood Pumping Plants are located in the city of Oakland and serve the cities of Oakland and Piedmont. The pumping plants' equipment is at the end of its useful life and has safety, reliability, and maintenance issues. Failure of the equipment at either of the pumping plants could result in significant customer service impacts. The rehabilitation will be conducted in the winter of 2014 and 2015 when water demands are lowest. See attached map for location details.

BID RESULTS

Bid documents were issued to 31 resource organizations and 41 prospective bidders. Nine bids were received, ranging from \$2,599,000 to \$3,177,000. The engineer's estimate for this work is \$3,934,210. The bid summary is attached.

The lowest responsive/responsible bidder, Anderson Pacific Engineering Construction, Inc., is licensed to perform work in California and is not on the Department of Industrial Relations debarment list. In the past five years, Anderson Pacific Engineering Construction, Inc. has not filed a Government Code Claim against the District and has not initiated any litigation against the District.

The range of bids was lower than the engineer's estimate. The major reasons for the difference are a competitive bid environment, and self-performance of more than 80% of the work, which reduces

Funds Available: FY14-15; CIP #001252; Page 36		Budget Code: WSC\570\7999\5561\2007072:25
DEPARTMENT SUBMITTING <u>Engineering and Construction</u>	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED Stephanie R. Lewis General Manager

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

markups. The engineer's estimate also included a higher contingency for performing demolition and construction within an existing facility.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This item is included in the FY14-15 Capital Improvement Program for the Pumping Plant Rehabilitation Project.

PREVAILING WAGE

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of Industrial Relations of the State of California.

UNION NOTIFICATION

Local 444 was notified of this contract on June 25, 2012. Local 444 did not raise any specific issues related to this contract.

CEQA/ENVIRONMENTAL COMPLIANCE

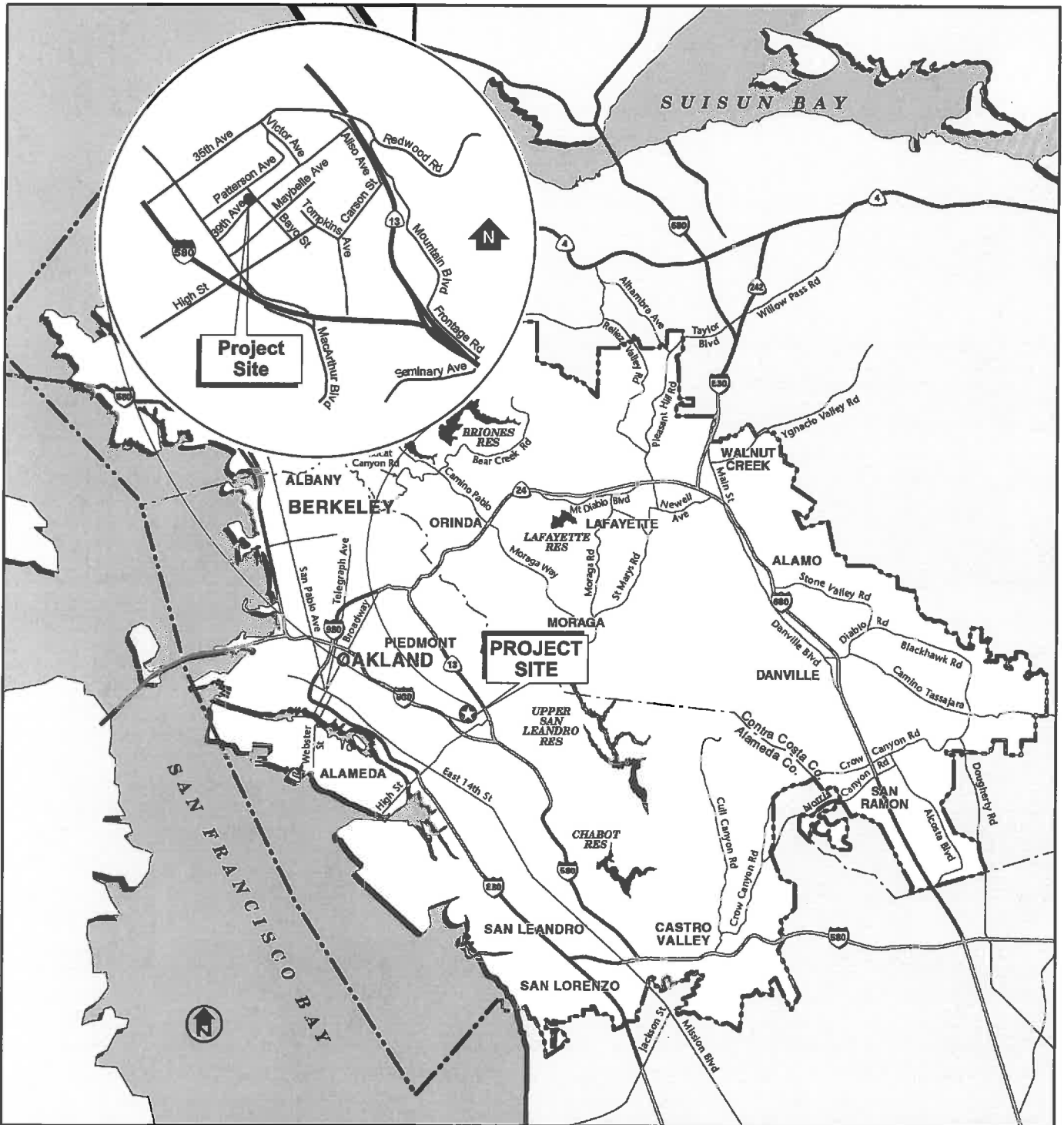
A Notice of Exemption was posted with the Alameda County Clerk on October 24, 2012.

ALTERNATIVES

Do not award the project. This alternative is not recommended because the mechanical and electrical equipment at each pumping plant is at the end of its useful life and is unreliable. Equipment failure at either of the pumping plants could result in service impacts to customers.

Reject all bids and re-bid. This alternative is not recommended because the bids are reasonable for the scope of work involved. Re-bidding the contract will delay rehabilitation for a full calendar year.

Attachments: Location Map
Bid Summary
Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)



**PROJECT SITE
LOCATION MAP**

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**39TH AVENUE AND REDWOOD
PUMPING PLANTS REHABILITATION**

SPECIFICATION 2063

**EAST BAY MUNICIPAL UTILITY DISTRICT
 SPECIFICATION 2063
 39TH AVENUE AND REDWOOD PUMPING PLANTS REHABILITATION
 Bids Opened January 15, 2014**

	BIDDER	TOTAL AMOUNT BID
1.	Anderson Pacific Engineering Construction, Inc. 1390 Norman Ave. Santa Clara, CA 95054 (408) 970-9900	\$2,599,000
2.	GSE Construction Co., Inc. 6950 Preston Ave. Livermore, CA 94551 (925) 447-0292	\$2,752,900
3.	Disney Construction, Inc. 859 Cowan Rd., Ste. 3 Burlingame, CA 94010 (650) 259-9545	\$2,769,000
4.	JMB Construction, Inc. 132 South Maple Ave. S. San Francisco, CA 94080 (650) 267-5300	\$2,931,000
5.	Monterey Mechanical Co. 8275 San Leandro St. Oakland, CA 94621 (510) 632-3173	\$3,024,000
6.	Proven Management, Inc. 712 Sansome St. San Francisco, CA 94111 (415) 421-95006	\$3,115,000
7.	Myers and Sons Construction, LP. 4600 Northgate Blvd., Ste. 100 Sacramento, CA 95834 (916) 283-9950	\$3,136,500
8.	Record Steel and Construction, Inc. dba Record Steel Engineering, Inc. 2710 Gateway Oaks, Ste. 150N Sacramento, CA 95833-3505 (208) 887-1401	\$3,176,500
9.	Pacific Infrastructure Corp. (SBE) 435 Boulder Ct., Ste. 200 Pleasanton, CA 94566 (925) 249-0011	\$3,177,000

SBE – Small Business Enterprise

Engineer's Estimate:

\$3,934,210



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2063 39th Avenue and Redwood Pumping Plants Rehabilitation	DATE: January 31, 2014
--	----------------------------------

CONTRACTOR:	PERCENTAGE OF CONTRACT DOLLARS		
Anderson Pacific Engineering Construction Santa Clara, CA	Availability Group	Contracting Objectives	Participation
BID/PROPOSER'S PRICE:	White Men		25%
	White Women	9%	0.0%
\$2,599,000	Ethnic Minorities		25%
	White	Men	0.9%

CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
Anderson Pacific Engineering Construction	\$1,503,559	White	X		57.9%	---	---	---	---	---	---
SUBS:											
Telestar Instruments	\$523,000	White	X		20.1%	---	---	---	---	---	---
Patterson Pumps Company	\$242,000	Publicly Held Corp.			---	---	---	---	9.3%	---	---
California Pipe Fabricators	\$112,100	White	X		4.3%	---	---	---	---	---	---
T&T Valve and Instrument	\$51,880	White	X		2.0%	---	---	---	---	---	---
James Long Construction Services	\$34,250	White	X		1.3%	---	---	---	---	---	---
John Jackson Masonry	\$33,969	White	X		1.3%	---	---	---	---	---	---
Ferguson	\$25,000	Publicly Held Corp.			---	---	---	---	1.0%	---	---
Mission City Rebar	\$19,909	Hispanic	X		---	---	0.8%	---	---	---	---
Ahlborn Fence & Steel, Inc.	\$16,675	White	X		0.6%	---	---	---	---	---	---
Value Painting	\$12,500	White	X		0.5%	---	---	---	---	---	---
BK Mill & Fixture, Inc.	\$12,258	White	X		0.5%	---	---	---	---	---	---
Pacific Metal Fabricators	\$6,500	White	X		0.3%	---	---	---	---	---	---
The Professional Tree Care Company	\$2,900	White	X		0.1%	---	---	---	---	---	---
Economy Trucking	\$2,500	Asian		X	---	---	0.1%	---	---	---	---
TOTAL	\$2,599,000				88.9%	0.0%	0.9%	0.0%	10.3%	0.0%	0.0%

CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)				
	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	61	7	40	108
Percent of Total Employees:	56.5%	6.5%	37.0%	
MSA Labor Market %:	28.0%	23.6%	48.4%	
MSA Labor Market Location:	California			

COMMENTS

Contract Equity Participation - 88.9% White Men participation and 0.9% Ethnic Minority participation.

Workforce Profile & Statement of Nondiscrimination Submitted	Good Faith Outreach Efforts Requirement Satisfied	Award Approval Recommended
NA	YES	



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: 39th Avenue and Redwood Pumping Plants Rehabilitation		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Spec. No.: 2063		DATE: 1/31/2014	National	10.5	10.7	3.7	0.7	27.3	
			9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	3	30	5	2	40	37.0%	48.4%
Anderson Pacific Engineering Construction Peter E. Anderson 1390 Norman Avenue Santa Clara, CA 95054 408-970-9900		Manager/Prof	-	-	1	-	1	4.3%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	3	30	4	2	39	45.9%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	3	30	5	2	40	37.0%	
AA Plan on File:		NA	Date of last contract with District:			2/13/2013			
Co. Wide MSA:		California	# Employees-Co. Wide:			108	Bay Area: 108		
S	WM - LBE	Company Wide	2	6	5	-	13	11.8%	38.5%
Telestar Instruments Robert Marston 1717 Solano Way, Unit 34 Concord, CA 94520 925-671-2888		Manager/Prof	-	1	1	-	2	33.3%	
		Technical/Sales	1	4	2	-	7	9.3%	
		Clerical/Skilled	1	1	1	-	3	13.6%	
		Semi/Unskilled	-	-	1	-	1	14.3%	
		Bay Area	2	6	5	-	13	11.8%	
Co. Wide MSA:		Contra Costa County	# Employees-Co. Wide:			110	Bay Area: 110		
S	Publicly Held Corporation	Company Wide	1	12	-	-	13	50.0%	34.2%
Patterson Pump Company Charles Craig 7277 Chevron Way Dixon, CA 95620 707-678-3069		Manager/Prof	Information not provided						
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
Co. Wide MSA:		Georgia	# Employees-Co. Wide:			NA	Bay Area: 0		
S	WM	Company Wide	1	12	-	-	13	50.0%	47.6%
California Pipe Fabricators Dennis Rinearson 7277 Chevron Way Dixon, CA 95620 707-678-3069		Manager/Prof	-	1	-	-	1	16.7%	
		Technical/Sales	1	-	-	-	1	50.0%	
		Clerical/Skilled	-	8	-	-	8	57.1%	
		Semi/Unskilled	-	3	-	-	3	75.0%	
		Bay Area	-	-	-	-	-	NA	
Co. Wide MSA:		Solano County	# Employees-Co. Wide:			26	Bay Area: 0		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
Co. Wide MSA:			# Employees-Co. Wide:				Bay Area:		
P	EMM:H - LBE	Company Wide	15	67	5	-	87	49.7%	39.9%
GSE Construction Co., Inc. Orlando Gutierrez 6950 Preston Avenue Livermore, CA 94551 925-447-0292		Manager/Prof	2	8	-	-	10	16.1%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	4	35	5	-	44	61.1%	
		Semi/Unskilled	9	24	-	-	33	82.5%	
		Bay Area	15	67	6	-	88	54.0%	
Co. Wide MSA:		9 Bay Area Counties	# Employees-Co. Wide:			175	Bay Area: 163		

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: 39th Avenue and Redwood Pumping Plants Rehabilitation		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Spec. No.: 2063		DATE: 1/31/2014	National	10.5	10.7	3.7	0.7	27.3	
			9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recomm P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM	Company Wide	3	40	4	-	47	100.0%	39.9%
Disney Construction, Inc. Richard Disney 859 Cowan Road, Suite 3 Burlingame, CA 94010 650-259-9545		Manager/Prof	-	12	2	-	14	87.5%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	3	28	2	-	33	106.5%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	3	40	4	-	47	100.0%	
650-259-9545		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 47				Bay Area: 47		
P	WM	Company Wide	1	29	1	-	31	56.4%	47.9%
JMB Construction, Inc. Margaret Burke 132 South Maple Avenue South San Francisco, CA 94080 650-267-5300		Manager/Prof	-	1	-	-	1	7.7%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	6	-	-	6	33.3%	
		Semi/Unskilled	1	22	1	-	24	100.0%	
		Bay Area	1	29	1	-	31	56.4%	
650-267-5300		Co. Wide MSA: San Mateo County	# Employees-Co. Wide: 55				Bay Area: 55		
P	WM - LBE	Company Wide	2	2	3	1	8	6.4%	47.8%
Monterey Mechanical Company Richard Hamilton 8275 San Leandro Street Oakland, CA 94621 510-632-3173		Manager/Prof	-	-	1	1	2	9.5%	
		Technical/Sales	-	1	1	-	2	100.0%	
		Clerical/Skilled	2	1	1	-	4	4.4%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	2	2	3	1	8	6.4%	
510-632-3173		Co. Wide MSA: Oakland	# Employees-Co. Wide: 125				Bay Area: 125		
P	EMM:H	Company Wide	2	31	4	-	37	69.8%	39.9%
Proven Management, Inc. Alan Varela 712 Sansome Street San Francisco, CA 94111-1704 415-421-9500		Manager/Prof	-	1	-	-	1	14.3%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	2	30	4	-	36	78.3%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	2	31	4	-	37	69.8%	
415-421-9500		Co. Wide MSA: 9 Bay Area Counties	# Employees-Co. Wide: 53				Bay Area: 53		
P	WM	Company Wide	1	46	2	1	50	40.3%	31.6%
Myers and Sons Construction, LP Clinton W. Myers 4600 Northgate Blvd., Suite 1005 Sacramento, CA 95834 915-283-9950		Manager/Prof	-	2	-	1	3	15.8%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	24	2	-	26	38.8%	
		Semi/Unskilled	1	20	-	-	21	55.3%	
		Bay Area	-	-	-	-	0	0.0%	
915-283-9950		Co. Wide MSA: Sacramento	# Employees-Co. Wide: 124				Bay Area: 124		
P	WM	Company Wide	-	39	1	-	40	27.8%	10.5%
Record Steel and Construction, Inc. dba Record Steel Engineering Zeke Johnson 333 W. Rossi, Suite 200 Boise, ID 83706 203-887-1401		Manager/Prof	-	2	-	-	2	10.5%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	20	1	-	21	31.8%	
		Semi/Unskilled	-	17	-	-	17	29.8%	
		Bay Area	-	-	-	-	-	NA	
203-887-1401		Co. Wide MSA: Idaho	# Employees-Co. Wide: 144				Bay Area: 0		

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: 39th Avenue and Redwood Pumping Plants Rehabilitation		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Spec. No.: 2063		DATE: 1/31/2014	National	10.5	10.7	3.7	0.7	27.3	
			9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM - L/SBE	Company Wide	-	4	2	-	6	46.2%	39.9%
Pacific Infrastructure Corporation Mark Jorgenson 435 Boulder Court, #200 Pleasanton, CA 94566 925-249-0011		Manager/Prof	-	2	-	-	2	66.7%	
		Technical/Sales	-	-	-	-	NA		
		Clerical/Skilled	-	2	-	-	2	25.0%	
		Semi/Unskilled	-	-	2	-	2	100.0%	
		Bay Area	-	4	2	-	6	46.2%	
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:	13	Bay Area:	13	
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:			# Employees-Co. Wide:		Bay Area:		

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



AGENDA NO. 5
 MEETING DATE February 11, 2014

TITLE FONTAINE STREET, EL PORTAL DRIVE, AND EUCLID AVENUE PIPELINE IMPROVEMENTS

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, JMB Construction, Incorporated, in the amount of \$1,531,400 for construction of Fontaine Street, El Portal Drive, and Euclid Avenue Pipeline Improvements under Specification 2071.

SUMMARY

Work includes furnishing and installing three 18- to 48-inch flexible expansion joints and 750 feet of 8- to 12-inch high-density polyethylene pipe, installing 360 feet of 4- to 48-inch steel pipe, and performing related required work at Fontaine Street in Oakland, El Portal Drive in San Pablo, and Euclid Avenue in Berkeley. See attached map for location details.

DISCUSSION

At each of the work locations, a large diameter transmission pipeline has experienced a significant main break, due to fault or landslide movement, within the past five years. Impacts from the main breaks include service interruptions, costly maintenance repairs, and, in some cases, adjacent utility/property damage. Pipe sections will be strategically replaced with improved materials and flexible joints that can withstand some earth movement, thus significantly extending the maintenance interval for these transmission pipelines.

BID RESULTS

Bid documents were issued to 31 resource organizations and 25 prospective bidders. Six bids were received, ranging from \$1,531,400 to \$1,880,445. The bid summary is attached. The engineer's estimate for this work is \$1,368,269.

The lowest responsive/responsible bidder, JMB Construction, Incorporated, is licensed to perform work in California, and is not on the Department of Industrial Relations debarment list. In the past five years, JMB Construction, Incorporated has not filed a Government Code Claim against the District, and has

Funds Available: FY14-15; CIP #000110; Page 34		Budget Code: WSC\570\7999\5561\2008529:39
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

not initiated any litigation against the District. The range of bids was higher than the engineer's estimate predominantly due to higher mechanical equipment and material costs than estimated.

CONTRACT EQUITY PROGRAM EFFORTS

The completed P-035 and P-061 forms are attached.

FISCAL IMPACT

This item is included in the FY14-15 Capital Improvement Program for the Pipeline System Improvements Project under the Pipeline/Regulators Program.

PREVAILING WAGE

Work under this contract is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of Industrial Relations of the State of California.

UNION NOTIFICATION

Local 444 was notified of this contract on March 12, 2013. Local 444 did not raise any specific issues related to this contract.

CEQA/ENVIRONMENTAL COMPLIANCE

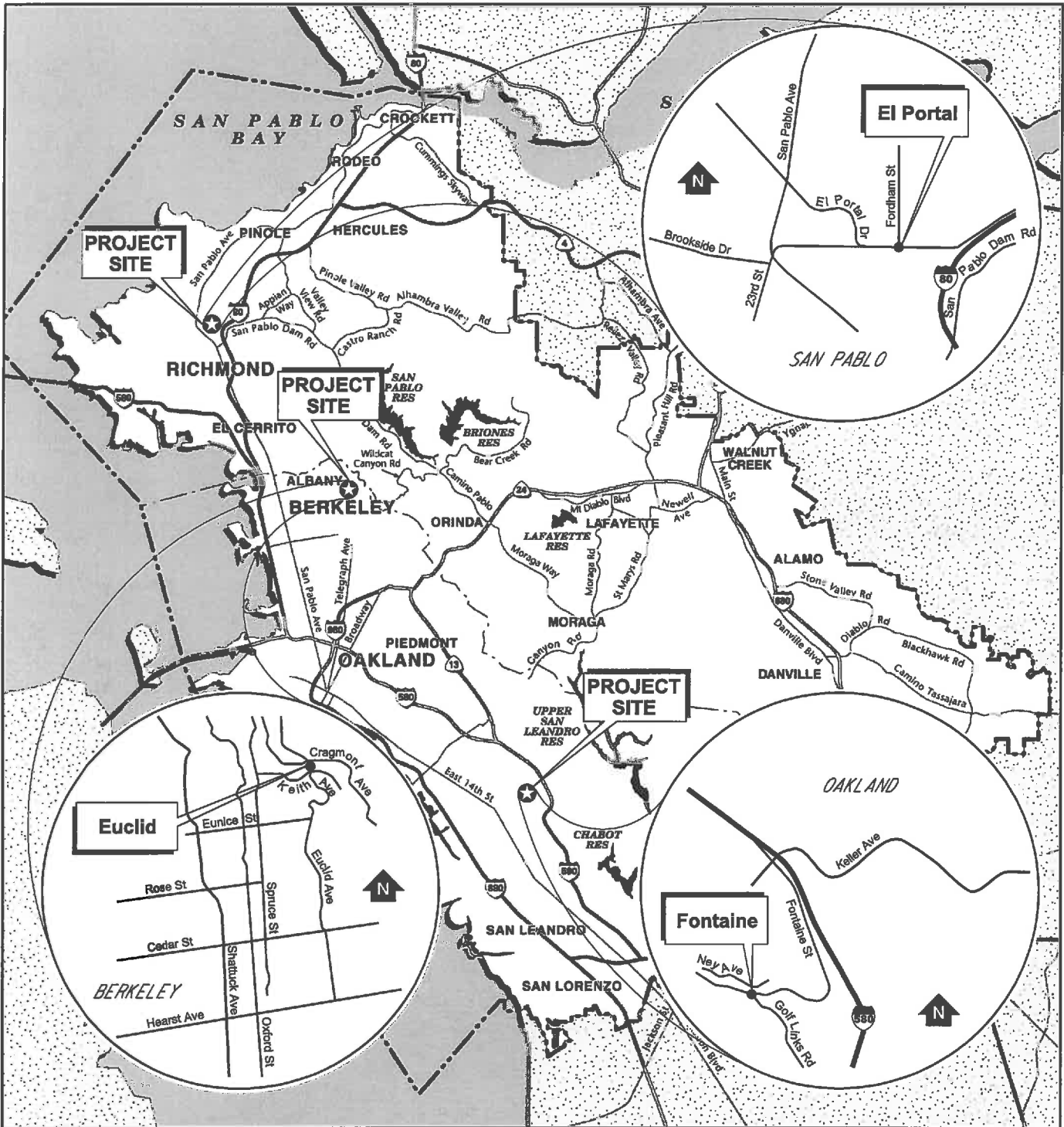
A Notice of Exemption was posted with the Alameda County Clerk and Contra Costa County Clerk on April 17, 2013 and April 19, 2013, respectively.

ALTERNATIVES

Do not perform the work. This alternative is not recommended because the pipelines at these locations will continue to leak due to ongoing earth movement, creating service interruptions and costly maintenance repairs.

Perform the work with District forces. This alternative is not recommended because District staff is committed to smaller diameter pipeline replacement projects, and District forces do not perform system improvement work on pipelines of this diameter.

Attachments: Location Map
Bid Summary
Contract Equity Program Summary (P-035)
Affirmative Action Summary (P-061)



**PROJECT SITE
LOCATION MAP**

NOT TO SCALE

EAST BAY MUNICIPAL UTILITY DISTRICT

**FONTAINE ST., EL PORTAL DR.
AND EUCLID AVE.
PIPELINE IMPROVEMENTS**

SPECIFICATION 2071

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIFICATION 2071
FONTAINE ST., EL PORTAL DR., AND EUCLID AVENUE
PIPELINE IMPROVEMENTS
Bids Opened January 15, 2014

	BIDDER	TOTAL AMOUNT BID
1.	JMB Construction, Inc. 132 South Maple Ave. South San Francisco, CA 94080 (650) 267-5300	\$1,531,400
2.	McGuire and Hester 9009 Railroad Ave. Oakland, CA 94603 (510) 632-7676	\$1,624,951
3.	Mountain Cascade, Inc. 555 Exchange Ct. Livermore, CA 94550 (925) 373-8370	\$1,649,000
4.	J&M, Inc. 6700 National Dr. Livermore, CA 94550 (925) 724-0300	\$1,830,501
5.	Ranger Pipelines Incorporated 1790 Yosemite Ave. San Francisco, CA 94124 (415) 822-3700	\$1,845,000
6.	R.J. Gordon Construction, Inc. (SBE) 2086 Monument Blvd. Pleasanton, CA 94523 (925) 680-8660	\$1,880,445

SBE – Small Business Enterprise

Engineer's Estimate: \$1,368,269



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: 2071 Fontaine St., El Portal Dr. and Euclid Avenue Pipeline Improvements						DATE: January 31, 2014					
CONTRACTOR: JMB Construction, Inc. South San Francisco, CA				PERCENTAGE OF CONTRACT DOLLARS							
BID/PROPOSER'S PRICE: \$1,531,400				FIRM'S OWNERSHIP Ethnicity: White Gender: Men		White Men: 25% White Women: 9% Ethnic Minorities: 25%		Contracting Objectives: 25%		Participation: 98.4% 1.0% 0.7%	
CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME:											
JMB Construction, Inc.	\$1,308,200	White	X		85.4%	---	---	---	---	---	---
SUBS:											
California Pipe Fabricators	\$198,000	White	X		12.9%	---	---	---	---	---	---
CMC Traffic Control Specialists	\$15,000	White		X	---	1.0%	---	---	---	---	---
All City Trucking	\$10,200	Asian	X		---	---	0.7%	---	---	---	---
TOTAL	\$1,531,400				98.4%	1.0%	0.7%	0.0%	0.0%	0.0%	0.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)											
			White Men		White Women		Ethnic Minorities		Total Employees		
No. of Employees:			21		3		31		55		
Percent of Total Employees:			38.2%		5.5%		56.4%				
MSA Labor Market %:			28.6%		23.6%		47.9%				
MSA Labor Market Location:			San Mateo County								
COMMENTS											
Contract Equity Participation - 98.4% White Men participation, 1% White Women participation and 0.7% Ethnic Minority participation.											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Fontaine St., El Portal Dr. and Euclid Avenue Pipeline Improvements		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Spec. No.: 2071 DATE: 1/31/2014		National	10.5	10.7	3.7	0.7	27.3		
		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	1	29	1	-	31	56.4%	47.9%
JMB Construction, Inc. Margaret Burke 132 South Maple Avenue South San Francisco, CA 94080 650-267-5500		Manager/Prof	-	1	-	-	1	7.7%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	6	-	-	6	33.3%	
		Semi/Unskilled	1	22	1	-	24	100.0%	
		Bay Area	1	29	1	-	31	56.4%	
AA Plan on File:		NA	Date of last contract with District:			9/5/2013			
Co. Wide MSA:		San Mateo County		# Employees-Co. Wide:		55	Bay Area: 55		
S	WM	Company Wide	1	12	-	-	13	50.0%	47.6%
California Pipe Fabricators Dennis Rinearson 7277 Chevron Way Dixon, CA 95620 707-678-3069		Manager/Prof	-	1	-	-	1	16.7%	
		Technical/Sales	1	-	-	-	1	50.0%	
		Clerical/Skilled	-	8	-	-	8	57.1%	
		Semi/Unskilled	-	3	-	-	3	75.0%	
		Bay Area	-	-	-	-	-	NA	
Co. Wide MSA:		Solano County		# Employees-Co. Wide:		26	Bay Area: 0		
P	EMM:H - L/SBE	Company Wide	30	2	-	-	32	84.2%	39.9%
J & M, Inc. Manuel Marques, III 6700 National Drive Livermore, CA 94550 925-724-0300		Manager/Prof	-	2	-	-	2	40.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	10	-	-	-	10	76.9%	
		Semi/Unskilled	20	-	-	-	20	100.0%	
		Bay Area	-	-	-	-	0	0.0%	
Co. Wide MSA:		9 Bay Area Counties		# Employees-Co. Wide:		38	Bay Area: 38		
P	WM - Employee Owned	Company Wide	10	32	4	2	48	49.5%	47.8%
McGuire and Hester Michael R. Hester 9009 Railroad Avenue Oakland, CA 94603 510-632-7676		Manager/Prof	-	2	-	-	2	33.3%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	5	12	2	-	19	35.2%	
		Semi/Unskilled	5	18	2	2	27	73.0%	
		Bay Area	-	32	4	2	38	39.2%	
Co. Wide MSA:		Oakland		# Employees-Co. Wide:		97	Bay Area: 97		
P	WM - L/SBE	Company Wide	5	99	-	1	105	42.3%	39.9%
Mountain Cascade, Inc. Michael Lee Fuller 555 Exchange Court Livermore, CA 94551 925-373-8370		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	5	99	-	1	105	51.5%	
		Bay Area	5	99	-	1	105	42.3%	
Co. Wide MSA:		9 Bay Area Counties		# Employees-Co. Wide:		248	Bay Area: 248		
P	WM	Company Wide	1	65	1	2	69	58.0%	39.9%
Ranger Pipelines, Inc. Thomas Hunt 1790 Yosemite Avenue San Francisco, CA 94124 415-822-3700		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	1	-	-	1	7.7%	
		Clerical/Skilled	-	7	1	-	8	25.8%	
		Semi/Unskilled	1	57	-	2	60	89.6%	
		Bay Area	1	65	1	2	69	58.0%	
Co. Wide MSA:		9 Bay Area Counties		# Employees-Co. Wide:		119	Bay Area: 119		

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



AGENDA NO. _____
 MEETING DATE February 11, 2014 6

**TITLE REAFFIRM THE DISTRICT'S EQUAL EMPLOYMENT OPPORTUNITY POLICIES
 AND ADOPT THE 2014 AFFIRMATIVE ACTION PLAN**

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

(1) Reaffirm the District's Equal Employment Opportunity Policy 2.25 and Prevention of Sexual Harassment in the Workplace Policy 2.26, and (2) Adopt the 2014 Affirmative Action (AA) Plan and Goals.

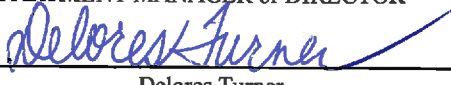
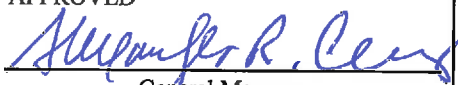
SUMMARY

EBMUD is an equal employment opportunity employer. As a recipient of federal funds, the District is required by federal regulations to update and adopt an AA plan on an annual basis with placement goals and action-oriented plans to address any underutilization of minority and female employees as compared to their availability in the labor market. The Board's adoption of the 2014 AA Plan and AA Goals complies with these regulations. The 2014 AA Plan will be presented to the Legislative/Human Resources Committee on February 11, 2014.

DISCUSSION

EBMUD is proud to be a leader in taking legal, proactive steps in support of a diverse workforce and upholding equal employment opportunity. EBMUD's affirmative action plan and program complies with Executive Order 11246. Pursuant to these requirements, EBMUD establishes placement goals on an annual basis for job groups whenever the percentage of minorities and women employed in that job group is less than would be reasonably expected, given their availability in the labor market. EBMUD also strives to make good faith efforts toward reaching those goals, to advise top management of program effectiveness, and to submit recommendations to improve performance.

The 2014 AA Plan provides information on the effectiveness of EBMUD's good faith efforts in 2013 to achieve a workforce that is reflective of the available labor market during the past year.

Funds Available FY: 14		Budget Code:
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Human Resources	 Delores Turner	 General Manager

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

Reaffirm the District's Equal Employment Opportunity Policies and Adopt the 2014 Affirmative Action Plan
February 11, 2014

Page 2

Parity is achieved when the District's workforce representation of women and minorities matches the representation of these groups' availability in the labor market. The District achieved workforce parity for females in the Directors/Managers job group with two goal achieving hires, and Asian representation in the Customer Services job group reached parity due to two hires. Hispanic underutilization in the Supervising Engineer job group was eliminated due to one promotion.

Overall, AA goal achieving hires were twenty-five percent of total 2013 hires (24:96 hires). There was only a small reduction in workforce underutilization because underutilized group employees are also retiring or leaving District employment. The District's AA goal achievement rate was 22%. This is the third lowest rate achieved in the last thirteen years. More information about 2013 hires is provided in the attached AA plan.

The 2014 AA Goals were calculated using detailed data from the 2010 U.S. Census, and reflect significant changes in labor market representation. Most significantly, Hispanic representation in the available labor market grew considerably, requiring increased AA Goals for twelve job groups and new AA Goals for four job groups. Female labor market representation decreased in maintenance occupations requiring the elimination of AA Goals in the Pipeline, Electrical, and Service Maintenance job groups. Asian labor market representation increased requiring an increased goal for Director/Manager, and new goals for Ranger and Supervising Engineer job groups. The changed labor market representation of African Americans required increased goals for the Lab & Quality Control Technician and Heavy Equipment/Truck Operator job groups, and elimination of the Plant Operator job group goal.

The 2014 Action Plan focuses on workforce areas where the District anticipates filling positions key to operations, maintenance, and customer services. The District plans outreach to qualified, diverse candidates for trainee and entry-level job opportunities such as Meter Reader Mechanic, Instrument Worker II, and Wastewater Plant Operator Trainee. The District has workforce underutilization in all of these jobs.

This Plan also identifies specific good faith actions that the District will implement in 2014 including outreach to local veteran organizations, pre-apprenticeship programs, and local high schools and colleges. The District will also partner with local colleges to provide internships to increase the employment readiness of potential job candidates.

FISCAL IMPACT

The costs for implementing the 2014 AA Plan are included in the FY14 District budget.

ALTERNATIVE

Do not adopt the 2014 AA Plan. This alternative is not recommended because it would not be consistent with federal regulations.

Attachment: 2014 AA Plan

2014 Affirmative Action Plan



East Bay Municipal Utility District



2014 Affirmative Action Plan

Board of Directors

John A. Coleman

Katy Foulkes

Andy Katz

Doug Linney

Lesa R. McIntosh

Frank Mellon

William B. Patterson

Adopted by the Board of Directors

February 11, 2014

Alexander R. Coate, General Manager

East Bay Municipal Utility District

375 11th Street

Oakland, CA 94607

This 2014 AA Plan was prepared by the EBMUD Affirmative Action Office:

Elaine Lew-Smith, Affirmative Action Officer

Katherine Tate, Senior Human Resources Analyst

J.R. Guzmán Pedersen, Human Resources Intern

Ana Gosney, Senior Administrative Clerk

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RECOMMENDATION FOR 2014

1. Reaffirm Policy 2.25, Equal Employment Opportunity and Policy 2.26 Prevention of Sexual Harassment in the Workplace.

These policies comply with state and federal laws prohibiting employment discrimination, harassment and retaliation.

2. Adopt the 2014 Affirmative Action Plan and Placement Goals.

As a recipient of federal funds, EBMUD is mandated by federal law to have an affirmative action plan and program that complies with Executive Order 11246. Pursuant to these requirements, EBMUD is required to establish placement goals for job groups whenever the percentage of minorities and women employed in that job group is less than would be reasonably expected, given their availability in the labor market.

The Office of Federal Contract Compliance Programs (OFCCP) regulations also require the District to take lawful affirmative action to achieve a workforce reflective of the external labor market, in compliance with federal laws and regulations. To meet this objective, the District develops and executes action-oriented programs that are designed to ensure equal employment opportunity in the workplace.

DISCUSSION OF RECOMMENDATIONS

1. Reaffirm Policy 2.25, Equal Employment Opportunity and Policy 2.26 Prevention of Sexual Harassment in the Workplace.

(Pages 19 and 57)

EBMUD is proud to be a leader in taking legal, proactive steps in support of a diverse workforce. These policies comply with state and federal requirement and affirm the principles of equal employment opportunity.

2. Adopt the 2014 Affirmative Action Plan and Placement Goals.

The District’s Affirmative Action Placement Goals (AA Goals) provide milestones by which to measure the District’s progress in achieving a workforce that is reflective of the labor market. The 2014 AA Goals are shown in Table A and also in more detail in Table VI.2 on page 48. These goals were calculated using detailed data from the 2010 U.S. Census, and reflect significant changes in labor market representation. Hispanic representation grew considerably, requiring increased AA Goals for twelve job groups and new AA Goals for four job groups. Other workforce changes are discussed in detail in Section 5 of this plan.

Table A: 2014 AA Placement Goals				
Job Group	Female Goal	African American Goal	Asian Goal	Hispanic Goal
Directors/Managers			22%	7%
Programmers		8%		7%
Analyst	72%	16%		13%
Other Professionals	55%			9%
Science Professionals	49%			5%
Administrative Assistants				13%
General Clerical	90%			16%
Customer Services	60%			25%
Technicians	36%		35%	13%
Plant Operators	10%			
Plant Operators Lead/Supervisors			12%	18%
Lab & Quality Control Technicians	51%	13%	27%	11%
Rangers	37%		20%	17%
Engineers				
Supervising Engineers	23%		34%	
Engineering Technicians	18%	4%		15%
Pipeline Maintenance			8%	40%
Heavy Equipment/Truck Operators		16%	9%	37%
Pipeline Maintenance Lead Supervisors	5%		7%	
Electrical/Structural Maintenance		6%	7%	39%
Mechanical Maintenance	5%	4%	15%	27%
Service Maintenance				44%

Workforce Underutilization

Each year the District's workforce representation is compared with relevant labor market (LM) representation. If the District's workforce representation is below LM representation for any of the four AA groups (Females, African Americans, Hispanics and Asians), workforce underutilization is identified in the AA Plan and the District develops good faith efforts to recruit and hire qualified and diverse job candidates to address the underrepresentation.

Table B indicates areas of workforce utilization changes. Increased workforce underutilization (shown in bold font shaded in gray) was due to attrition of underutilized group employees and increases in labor market representation.

- Hispanic underutilization ranging from 5% - 25% occurs in thirteen job groups. In 2013 Hispanic underutilization exceeding 5% occurred in six job groups.
- Female underutilization ranging from 5% - 16% occurs in eight job groups.
- Asian underutilization ranging from 5% - 19% occurs in five job groups.
- African American underutilization ranging from 5% - 7% occurs in three job groups.

Decreases in underutilization primarily were the result of decreases in labor market representation (shown in white font shaded in black). However, four job groups show decreased underutilization due to goal achieving hires (see footnotes).

Table B: 2014 Changes in Workforce Underutilization								
Job Group	Female		African American		Asian		Hispanic	
	2013	2014	2013	2014	2013	2014	2013	2014
Director/Managers					4%	5%		
Analysts	4%	10%	6%	7%			3%	6%
Other Professionals	0	7%					3%	5%
Science Professionals	5%	4%						
General Clerical							2%	5%
Customer Services	10%	11%			5%	0	0	12%
Technicians	19%	16%			14%	19%	0	5%
Plant Operators Lead/ Supervisory	6%	0					9%	7%
Lab & QC Technicians	18%	12% ¹						
Rangers	0	16%	21%	0	0	17%	33%	14%
Supervising Engineers	6%	5% ²						
Engineering Technicians	5%	5%					7%	8%
Pipeline Maintenance							7%	16%
Heavy Equip/Truck Operators			0	7%	9%	7% ³	15%	22%
Electrical/Structural Maintenance	13%	0	3%	5%	10%	1% ⁴	3%	25%
Mechanical Maintenance			5%	(3%)	3%	5%	2%	9%
Service Maintenance							14%	22%

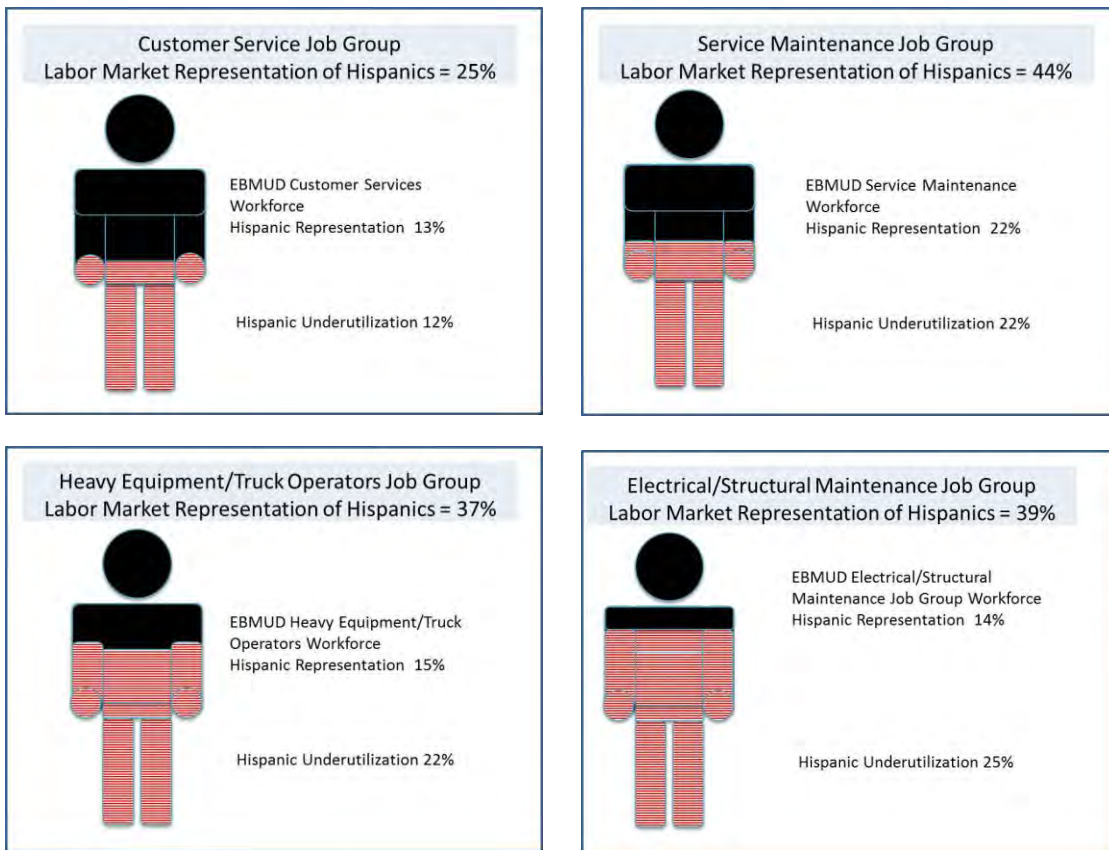
¹ Reduction in underutilization is due to one goal achieving promotion.



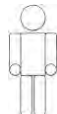
² Reduction in underutilization is due to one goal achieving promotion.

³ Reduction in underutilization is due to one goal achieving hire.

⁴ Reduction in underutilization is due to two goal achieving hires.

The large increase of Hispanics in the labor market provides an opportunity for the District to make greater progress in achieving a workforce representative of the available labor market. Among other efforts, the District will need to increase its visibility in Hispanic communities to recruit qualified applicants. The following graphics for key job groups illustrate current District Hispanic representation (shown in black) compared to Hispanic underutilization (shown in red). Each figure represents the labor market representation of Hispanics for that job group. If Hispanics in the District’s workforce were equal to their representation in the labor market, the figures would be shown entirely black.



-  = % Hispanic representation in District
-  = % Hispanic underutilization in District
-  = Labor market representation of Hispanics

Parity is achieved when the District’s workforce representation of women and minorities matches the representation of these groups’ availability in the labor market. In 2013, the District achieved workforce parity for Females in the Directors/Managers job group with two goal achieving hires, and Asian representation in the Customer Services job group

reached parity due to two hires. Hispanic underutilization in the Supervising Engineer job group was eliminated due to one promotion. Overall, AA Goal achieving hires were twenty-five percent of total 2013 hires (24:96 hires). There was only a small reduction in workforce underutilization because underutilized group employees are also retiring or leaving District employment. The District's Affirmative Action Goal achievement rate was 22%. This is the third lowest rate achieved in the last thirteen years. More information about 2013 hires is provided in the attached AA plan on pages 45 – 49.

A. Key Areas to Address Workforce Underutilization

During fiscal year 2014 the District has prioritized hiring in three areas: Operations & Maintenance, Infrastructure, and Customer Services. Our goal is to enhance outreach in 2014 for the following examinations where multiple hiring opportunities exist:

- Meter Reader/Mechanic (Customer Services job group)
- Instrument Worker II (Electrical job group)
- Wastewater Operator Trainee (Plant Operator job group)

Efforts to Address Electrical and Mechanical Workforce Underutilization

Table C shows changes in Electrical and Mechanical workforce underutilization over the last three years. African American underutilization in the Electrical job group increased, and Asian underutilization in the Mechanical job group increased. Hispanic underutilization in both job groups increased significantly.

Table C: Rate of Underutilization for Electrical and Mechanical Job Groups AAY 2012 - 2014												
Job Group	Females			African Americans			Asians			Hispanics		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Electrical	11%	13%	0	1%	3%	5%	10%	10%	1%	4%	3%	25%
Mechanical	4%	4%	3%	5%	5%	3%	2%	3%	5%	N/A	2%	9%

With retirements and a growing need for infrastructure maintenance, the District will have continuing employment opportunities in these areas.

To address the District's staffing needs and workforce underutilization, the in-house maintenance trades training program was revised to allow hiring at multiple trainee levels. The District now has the option to consider diverse student graduates of community college skilled trades training programs for more advanced trainee employment. This allows trainees to matriculate through District training in less time. This effort will reduce the cost of training and the impact on production goals when journey-level staff must re-direct their work time to train the trainees.

Hiring at the trainee level, in addition to hiring at the journey-level, allows consideration of a larger, more diverse candidate pool. The students enrolled in community college

skilled trades training programs live locally, and are diverse in age, ethnicity and race. The pool of journey-level skilled trades job candidates is diminishing because these candidates are primarily from the less diverse Baby Boomer generation, and are rapidly reaching retirement age.

The first test of this workforce strategy has proven successful. The District partnered with Laney College’s Industrial Maintenance Machinist/Mechanic (IMMM) training program to provide internships during fall semester 2012. The interns, other IMMM graduates, and candidates from the general public took the Machine/Plant Mechanic Worker II exam. Of the nine candidates certified for employment eligibility, six were graduates from the Laney College IMMM training program. Two Machinist trainees were hired – both IMMM graduates - and one is a veteran. One Plant Mechanic trainee was a goal achieving hire, and also a graduate of the IMMM training program. The hiring supervisors were impressed with the quality and quantity of the trainee candidates, especially when compared to the results of the last journey-level Machinist exam, from which only two candidates were certified for employment eligibility.

Plans to address skilled trades workforce underutilization are described in the 2014 Action Plan, pages 10-11.

Efforts to Address Operator Workforce Underutilization

Table D shows changes in Operator workforce underutilization over the last three years. Underutilization of females decreased due to one goal achieving hire in 2013. Labor market representation decreased for African Americans and Hispanics so underutilization for these groups in the District’s Operator workforce does not exist in 2014. However, about 40% of Wastewater Plant Operators are currently eligible for retirement so the District needs to continue efforts to develop and recruit a qualified, diverse operator candidate pool.

Table D: Rate of Underutilization for Operator Job Group AAY 2012 - 2014 (Increased underutilization or no decrease in underutilization in bold.)												
Job Group	Females			African Americans			Asians			Hispanics		
	12	13	14	12	13	14	12	13	14	12	13	14
Operators	4%	4%	1%	3%	3%	N/A	N/A	N/A	N/A	N/A	1%	N/A

For several years the District has been a member of the Bay Area Consortium of Water & Wastewater Education (BACWWE) in an effort to increase the local candidate pool for operator trainee jobs. BACWWE contracts with Solano College to provide a wastewater and water treatment training program. The District and other sponsoring utilities provide students enrolled in this program tuition-free classes, books and classroom supplies, and unpaid internships. The students are encouraged to take state exams to obtain mandatory certifications for operator jobs. In addition to Solano College, Tri-Valley Regional Occupation Program (TVROP) offers Wastewater Treatment training and Los Medanos College provides Processing Operator training.

Applicant data from the 2012 EBMUD Wastewater Plant Operator Trainee (WWPOT) exam included questions to identify applicants who had taken wastewater or water treatment training. The applicant data indicates that the partnerships with Solano College and Tri-Valley ROP produced qualified and diverse job candidates. Fifty-six applicants successfully passed the WWPOT exam, interviewed, and were placed on an employment list. Of the top ten candidates on this list, six (which included an Asian female, and two Hispanics - one female and one male.) completed training classes at Solano College or Tri-Valle ROP. The Asian female was one of four candidates hired from this WWPOT list in 2013.

2014 AA/EEO Action Plan to Address Workforce Underutilization

This Action Plan identifies workforce areas for which recruitment and staff development strategies have been initiated to reduce areas of workforce underutilization. Reducing workforce underutilization is one means of measuring the District's progress towards achieving the goal of equal employment opportunity.

EBMUD's 2014 Action Plan includes outreach efforts to increase the pool of local, qualified and diverse candidates for jobs with multiple hiring opportunities. Additional efforts include development of staff and a culture that encourages diversity.

A. Develop Skilled Trades and Operator Job Candidates

EBMUD's partnerships with local colleges have helped the colleges to focus on skills development relevant for utility jobs; offered students experience they need to better compete for those jobs; and provided utilities with a larger, diverse and skilled candidate pool for skilled trades and operator jobs.

Below are examples of work with local colleges that illustrate the District's extensive partnership efforts to develop qualified diverse skilled trades and operator job candidates.

Provide Internships to Increase Qualified Diverse Trainee Candidate Pool

EBMUD's partnership with Laney College's Industrial Maintenance Machinist/Mechanic (IMMM) training program successfully increased the District's staffing options. Past administrations of Machinist exams have resulted in employment lists with only one or two qualified candidates due to diminishing journey-level candidate pools. Nine trainee candidates passed the recent Machine/Plant Maintenance Worker II exams and were placed on employment lists. Six of the nine candidates were graduates of the Laney College training program. These trainees were also more diverse than candidates on journey-level lists. In September 2013 the District hired three trainees and all were IMMM graduates. Two of these recently hired trainees had gained hands-on skills while assisting District Plant Mechanics and Machinists during their fall 2012 internships.

To increase the diversity of the candidate pool for Plumber I jobs, during summer 2013 the District provided six Plumber internships for graduates of Diablo Valley College's Pre-Apprenticeship program and graduates from the PG&E "Introduction to Energy & Utility Careers for Women" training program. A graduate of the PG&E program was hired as a District carpenter at the completion of her Plumber internship. However, the other Plumber interns did not pass the Plumber I exam.

The District will also partner with Solano College's Water/Wastewater Treatment training program (sponsored by BACWWE) to provide plant operator internships in the Spring of 2014. Wastewater and Water Treatment divisions will offer three Operator internships to help students gain in-plant work experience required by the state of California to earn mandatory water and wastewater treatment certification. These interns will be encouraged to apply for employment when the District administers the Wastewater Plant Operator Trainee exam during summer 2014.

To help meet the District's growing need for Instrument Technicians, the District will provide five Instrument internships during summer 2014 to graduates of Los Medanos College's Electrical/Electronic Technician (EETEC) training program. These interns will be encouraged to apply for employment when the District administers an Instrument Worker II exam during summer 2014.

Staff also participated in a January 2014 BAYWORK workshop "Successful Internships" and presented information on the District's strategic development of internships to cultivate qualified and diverse job candidates for hard-to-fill jobs.

Linked Learning: Bring the Class Room to the Workplace

The District continues to provide tours of EBMUD plants to local college and high school educators and students to increase understanding of District skilled trades careers.

In May 2013, EBMUD staff hosted 25 junior and senior high school students and educators from the City of Richmond's Kennedy High School's Architecture, Construction, and Engineering Technology (ACET) program. EBMUD staff provided information about trades careers at the District and also gave a tour of the District's Plumber Training Academy. The ACET program is designed for high school students interested in careers in the construction trades, engineering, architecture, and urban planning. This event helped local students explore construction trades careers. The information provided by District staff also helped educators strengthen classroom curriculum by linking the students' learning with potential career paths.

Staff continues to work with the Bay Area Community College Consortium (BACCC) and other employers from the refinery, beverage, pharmaceutical, and water/wastewater industries to develop strategies for increasing the qualified diverse Industrial Maintenance Machinist and Mechanic (IMMM) candidate pool. EBMUD, Shell and USS-POSCO offer internships, and are sharing their best practices and lessons learned so other employers can develop similar intern programs. BACCC plans to work with employers to develop outreach programs with local high schools with vocational education programs during 2014.

B. Partner with Educational and Professional Organizations

Support MESA and MEP

The Mathematics, Engineering, Science Achievement (MESA) program was founded in the 1970's by UC Berkeley students concerned about low minority college student enrollment. MESA and Minority Engineering Program (MEP) programs have gained national acclaim, and the California MESA model for educational achievement in Science Technology Engineering and Math (STEM) has been replicated in over a dozen states. EBMUD engineers have volunteered to mentor and tutor MESA students, and have served as judges for MESA engineering contests at high schools and colleges. Staff continues to inform MESA and MEP coordinators when the District has Engineering internship opportunities.

Support Local College Engineering Programs

In December 2013, two District staff made presentations to engineering students at Ohlone College. Their presentations included current District projects, such as upgrades to San Pablo Tunnel and Tower. Several students engaged in conversations with both District engineers after their presentations. BAYWORK & BACCC are working together to prepare students for engineering careers.

Continue District Career Intern Program

No new CIP interns have been hired for this program since 2007. Since its inception in 1991, the Career Intern Program (CIP) has helped to diversify the District's engineering workforce. There is one remaining participant in this program. After graduating from UC Davis, this CIP participant is working as a limited-term Junior Engineer with the Design division. A UC Berkeley CIP graduate was promoted to Assistant Engineer with the Design Division in the Mechanical Engineering section December 2013.

Provide Internships Sponsored by Partners

The Oakland Unified School District summer intern program, in partnership with District staff, placed ten interns at EBMUD. The interns attended Engineering and Green Academies at Oakland Tech, Ralph J. Bunche, and Skyline high schools. Each student worked a maximum of 150 hours, had an individualized learning plan, and gained valuable work experience. District staff from Human Resources, Customer Services, Wastewater Engineering, Environmental Services, Water Conservation and Engineering mentored the students and assisted them with their projects.

C. Continue Outreach to Youths and Veterans

EBMUD is a member of BAYWORK, a consortium of water and wastewater agencies developing and implementing collaborative and cost effective workforce strategies. Over sixty Bay area water and wastewater agencies have now participated in BAYWORK activities including development of a BAYWORK website to increase high school students' awareness of "green" utility jobs, as well as increase our visibility as "Employers of Choice". BAYWORK outreach materials identify the qualifications

required for entry-level operator, skilled trades, and engineering jobs and refer students to local training resources such as college programs.

Staff also continues to outreach to local high school students, trainees from pre-apprenticeship programs, and veterans to encourage them to enroll in local college training programs to increase their job skills to become better prepared for EBMUD job opportunities. During 2014 staff will make presentations to local colleges and attend high school and college career fairs such as the Green Corridor Job Fair sponsored by the City of Berkeley.

D. Support District Events Valuing Diversity

For several decades, District employee volunteers have organized events that recognize and value the diversity of the District’s workforce: Black History Month, Asian Pacific Heritage Month, and Latino Heritage Month. In 2013, for the first time, a group of employees held a potluck to celebrate Lesbian, Gay, Bisexual, Transgender (LGBT) Pride Month. Employees are planning all of the events again for 2014. All of these diversity educational events are celebrated nationwide, and serve the District’s mission to promote diversity and equality.

E. Address Equal Employment Opportunities (EEO) Concerns

Table G: 2013 EEO Case		
EEO Cases	Number of Cases	
	2012	2013
Informal Consultations	36 (73%)	11 (38%)
Formal Complaints	13 (27%)	18 (62%)
Total Cases	49	29

Twenty-nine EEO cases were resolved by the AA Office during 2013. Over half of the EEO cases were formal complaints, requiring more staff resources to investigate and address the concerns. Staff continues to work with the complaint parties and management to aggressively investigate EEO complaints and take appropriate corrective actions. Prompt investigation and resolution of EEO concerns help to value diversity, improve employee morale and productivity, and helps to reduce the District’s exposure to litigation.

F. Implement New Federal Requirements

Changes to Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)

On August 27, 2013, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) announced changes to the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), which prohibits federal contractors from discriminating in employment against protected veterans, and requires these employers to take affirmative action to recruit, hire, promote, and retain these veterans. These changes strengthen the affirmative action provisions of the regulations to aid contractors like EBMUD in their efforts to recruit and hire protected veterans.

These changes become effective on March 24, 2014 and staff is finalizing an action plan to implement the new requirements.

Highlights of the changes:

Hiring benchmarks The District will establish annual hiring benchmarks for protected veterans.

Data collection: The District will need to document and annually update several quantitative comparisons for the number of veterans who apply for jobs and the number of veterans hired. Having this data will assist the District's efforts to measure the effectiveness of outreach and recruitment efforts. The data must be maintained for three years to be used to spot trends.

Invitation to Self-Identify: The District will invite applicants to self-identify as protected veterans at both the pre-offer and post-offer phases of the application process.

Incorporation of the EO Clause: The District will use the language required by OFCCP when incorporating the equal opportunity clause into a subcontract by reference. The mandated language, though brief, will alert subcontractors to their responsibilities as Federal contractors.

Job Listings: The District will list job openings and provide job information in a manner and format required by State or local job services, so the job listings can be made available to veteran job seekers.

Records Access: The District will allow OFCCP, upon request, to review documents related to a compliance check or focused review.

Changes to Section 503 of the Rehabilitation Act

On August 27, 2013, the U.S. Department of Labor's Office of Federal Contract Compliance Programs announced changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973. Section 503 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities (IWDs), and requires these employers to take affirmative action to recruit, hire, promote, and retain these individuals. These changes strengthen the affirmative action provisions of the regulations to aid contractors like EBMUD in their efforts to recruit and hire IWDs, and improve job opportunities for individuals with disabilities.

These changes become effective on March 24, 2014 and staff is also finalizing actions needed to implement the new requirements.

Highlights of the changes:

Utilization goal: Establishes a nationwide 7% utilization goal for qualified Individuals with Disabilities (IWD). EBMUD will apply the goal to each job group in the AA Plan. The District must conduct an annual utilization analysis and assessment of problem areas, and establish specific action-oriented programs to address any identified problems.

Data collection: The District will document and annually update several quantitative comparisons for the number of IWDs who apply for jobs and the number of IWDs hired. This will assist EBMUD's efforts to measure the effectiveness of outreach and recruitment efforts. The data will be maintained for three years to be used to spot trends.

Invitation to Self-Identify: The District will invite applicants to self-identify as IWDs at both the pre-offer and post-offer phases of the application process, using language prescribed by OFCCP. The District will also invite employees to self-identify as IWDs every five years.

Incorporation of the EO Clause: The District will use the language required by OFCCP when incorporating the equal opportunity clause into a subcontract by reference. The mandated language, though brief, will alert subcontractors to their responsibilities as Federal contractors.

Records Access: The District will allow OFCCP, upon request, to review documents related to a compliance check or focused review.

SECTION 1

INTRODUCTION

Section 1 - Introduction

East Bay Municipal Utility District (EBMUD) is a leader in taking legal, proactive steps in support of a diverse workforce and in removing artificial barriers to equal employment opportunity in the workplace. EBMUD is firmly committed to the concept and practice of equal opportunity and legal affirmative action in all aspects of employment. This commitment is reflected in the District's mission statement, which states that in carrying out the District's mission, "we will promote diversity and equality in personnel matters and contracting."

EBMUD created its first Affirmative Action Plan in 1975 and continued to develop and implement Affirmative Action Plans consistent with the guidelines set forth by the U.S. Supreme Court for voluntary affirmative action plans in *United Steelworkers v. Weber* (1979) 443 U.S. 193 and *Johnson v. Transportation Agency* (1987) 480 U.S. 616. These decisions, and others like them, looked at the reasons why Title VII of the Civil Rights Act of 1964 had been enacted – the status of minorities in the nation's economy, racial injustice and sex discrimination, and the need to open employment opportunities for minorities and women in traditionally closed occupations – and permitted private and public employers to adopt voluntary plans designed to mitigate race and gender imbalances in traditionally segregated job categories.

Through these efforts, the District's workforce has changed to better reflect labor market representation. Since the adoption of the first AA Plan in 1975, the representation of total minorities in the District's workforce has increased from 24% to 45%. The representation of female employees (includes all ethnic groups) has increased from 14% to 27%. In the November 1996 General Election, Proposition 209 was passed and Section 31 was added to Article I of the California Constitution, prohibiting all state and local governmental entities from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting, unless such action must be taken to establish or maintain eligibility for federal funding. As a recipient of federal funds, EBMUD is required under Executive Order 11246 to have an affirmative action plan that conforms to federal regulatory requirements. Affirmative action required by Executive Order No. 11246 does not violate Proposition 209.

In summary, this Affirmative Action Plan includes an analysis of personnel data covering the period of July 1, 2012 through June 30, 2013, and is designed to fulfill the District's mission to promote diversity and equality in employment in three important ways. First, the Plan ensures equal employment opportunity by institutionalizing the District's fundamental commitment to equality in every aspect of its employment process. Second, it identifies continuing underutilization in the District's workforce and sets goals and recommends steps to address the underutilization. In essence, the Plan requires the District to take lawful affirmative action towards achieving a workforce that would be expected in the absence of discrimination, in compliance with federal laws and regulations. Third, EBMUD is fortunate to be located in one of the most demographically diverse and dynamic areas of the United States. EBMUD's strategy to maintain a qualified workforce includes effective and legal strategies to recruit, hire and retain a qualified diverse workforce from its labor market. The District's Affirmative Action Plan is one of those strategies by promoting inclusive policies and programs that value, support and sustains a diverse workforce.

SECTION 2

AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY POLICY

Section 2 - EEO Policy 2.25

EBMUD Policy 2.25, “Equal Employment Opportunity (EEO)”, which requires the District to provide equal employment opportunity for all persons on the basis of job related merit, is reaffirmed by the Board of Directors February 11, 2014.

Policy of Equal Employment Opportunity

It is the policy of East Bay Municipal Utility District to:

Provide equal employment opportunity for all persons on the basis of job related merit.

Ensure fairness in all employment practices, including recruitment, selections, transfers, promotions, and training consistent with the merit principles of the District and in order to promote the full realization of equal employment opportunity.

Develop and maintain an Affirmative Action Plan consistent with applicable laws. Use inclusive and creative recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the labor market in the community served by the District.

Discrimination

Prohibit discrimination based on gender including gender identity or expression, race, color, religious creed, national origin, ancestry, age, physical or mental disability (including AIDS and HIV), medical condition (cancer), genetic information, marital or domestic partnership status, sexual orientation; veterans, pregnancy, family or medical leave status, or any other status protected by state and federal laws. This applies to every aspect of personnel policies and practices in the employment, development, advancement and treatment of employees, including the authorization of family and medical care leave, and pregnancy disability leave.

Harassment

Prohibit harassment based on the reasons listed above, and take all reasonable steps to prevent harassment from occurring.

Retaliation

Retaliation against employees alleging discrimination and harassment, or involved as witnesses in a discrimination or harassment investigation is prohibited. Employees who oppose and/or refuse to participate in illegal discrimination or harassment are also protected against retaliation.

East Bay Municipal Utility District will reaffirm this EEO policy statement annually and will update it to comply with state and federal laws.

SECTION 3

AFFIRMATIVE ACTION REQUIREMENTS UNDER EXECUTIVE ORDER 11246

Section 3 – Affirmative Action Requirements

Executive Order 11246

Soon after Title VII was created by the Civil Rights Act of 1964, President Lyndon Johnson signed Executive Order 11246 on September 24, 1965. This order requires employers who enter into contracts with the federal government or into subcontracts with federal contractors to take affirmative action efforts to hire and promote minorities and women. The basic concept of affirmative action soon spread through other areas of federal agency procurement or program administration, including grant or funding programs that extend these obligations to state and local government projects. The Office of Federal Contract Compliance Programs (OFCCP) was created in 1966 to administer the executive order. Together with the EEOC, the OFCCP has promulgated regulations, establishing the affirmative action requirements with which the District must comply in order to maintain its eligibility to receive federal funding.

OFCCP Requirements for Affirmative Action

Under the federal regulations, an affirmative action program is a management tool designed to ensure equal employment opportunity. A central premise underlying affirmative action is that, absent discrimination, over time the District's workforce, generally, will reflect the gender, racial and ethnic profile of the labor pools from which the District recruits and selects. Affirmative action programs contain a diagnostic component that includes a number of quantitative analyses designed to evaluate the composition of the workforce of the District and compare it to the composition of its relevant labor pools. Affirmative action programs also include action-oriented programs, under the federal regulations. If women and minorities are not being employed at a rate to be expected given their availability in the relevant labor pool, the OFCCP requires the District's affirmative action plan to include specific practical steps designed to address this underutilization.

Most importantly, the OFCCP regulations require the District to estimate the number of qualified minorities or women available for employment in a given job group as a benchmark against which the demographic composition of the District's workforce can be compared. When the percentage of minorities or women employed in a particular job group is less than would be reasonably expected given their availability percentage in that particular group, the federal regulations require the District to establish a placement goal for that particular job group, and to make good faith efforts toward reaching that goal.

The OFCCP regulations also require the District to advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance. As stated earlier, the District's affirmative action efforts in the past have made great strides towards achieving a workforce reflective of the labor market. EBMUD will continue to make good faith efforts to achieve greater progress.

Other Applicable Affirmative Action Laws and Regulations

East Bay Municipal Utility District has Affirmative Action Plans for covered veterans and persons with disabilities prepared in accordance with the Rehabilitation Act of 1973, Section 503, as amended and Title 41, Code of Federal Regulations, Part 60-741 (Affirmative Action Program for Handicapped Persons), the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 4212, as amended, and Title 41 Code of Federal Regulations, Part 60-250 (Affirmative Action Program for Disabled Veterans and other veterans).

The Veterans Employment Opportunities Act of 1998 (VEOA), Public Law 105-339, effective October 31, 1998, increased the threshold for coverage under VEVRAA from a contract of \$10,000 or more to a contract of \$25,000 or more; extended the law's protections to "veterans who served on active duty during a war or in a campaign for which a campaign badge was authorized; and, provides temporary (up to one year) protection to veterans who do not have a service connected disability, did not see action in a foreign war and did not serve during the Vietnam era."

The Jobs for Veterans Act (JFVA), Public Law 107-288, effective December 1, 2003, increased the threshold for coverage under 38 U.S.C. §4212 from \$25,000 to \$100,000; grants VEVRAA protection to those veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (62 Fed. Reg. 1209); changes the definition of "recently separated veteran" to include "any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty"; changes "Special Disabled Veterans" to "Disabled Veterans," expanding the coverage to conform to 38 U.S.C. § 4211 (3); and, following publication of the final regulations, requires contractors to post job listings with their local employment service delivery system.

SECTION 4

ROLES AND RESPONSIBILITIES OF DISTRICT EMPLOYEES AND BOARD OF DIRECTORS

Section 4 – Roles and Responsibilities of District Employees and Board of Directors

Roles and Responsibilities

This section delineates the major Affirmative Action/Equal Employment Opportunity roles of the Board of Directors and employees at various levels of the organization.

Board of Directors

Annually reaffirms EBMUD Policies 2.25, “Equal Employment Opportunity” and 2.26 “Prevention of Sexual Harassment in the Workplace”, and adopts the annual Affirmative Action Plan and Goals. These policies require the District to provide equal employment opportunity for all persons on the basis of job related merit to comply with state and federal laws. The Board of Directors is also responsible for upholding EBMUD Policy 6.04, “Ethics Policy” which among other things requires the Board to promote diversity and equality in personnel matters and in contracting, consistent with state and federal laws.

General Manager

Upholds and models compliance with EEO policies, and establishes performance expectations in line with a work environment free of discrimination and adherence to the principles of Affirmative Action and Equal Employment Opportunity (AA/EEO). Delegates to the Manager of Human Resources responsibility for overseeing the District’s Affirmative Action and EEO Program.

Manager of Human Resources

The Manager of Human Resources is responsible for ensuring that all relevant employment policies, procedures and practices adhere to EBMUD’s commitment to affirmative action and equal employment opportunity. The Manager of Human Resources’ responsibilities include, but are not limited to, the following:

- Enforces the District’s EEO policies and programs to address the under representation of women and minorities.
- Ensures that necessary action is taken by all levels of management to achieve AA and EEO objectives.
- Delegates to the AA Officer the responsibility and authority to interpret and uphold EEO policies, and to manage and implement the AA/EEO Program.
- Ensures that employees’ qualifications for transfers and promotions are reviewed based on job-related employment practices.
- Ensures that managers and supervisors are aware that their work performance is being evaluated in part on the basis of their equal employment opportunity efforts.
- Monitors training programs, and hiring and promotional exams to identify and address impediments to the attainment of AAP goals and objectives.
- Ensures that all new employees receive an orientation to EBMUD’s equal employment opportunity policy and are thoroughly informed with regard to the AAP and its objectives.
- Monitors applicant-tracking reports to determine if any selection processes have adverse impact on candidates based on race/ethnicity and/or sex.

- Ensures that recruitment and job advertising is inclusive and includes outreach to underutilized groups.
- Ensures all exam announcements and classification specifications are based on relevant job requirements.

Affirmative Action Officer

Provides leadership and direction in the development, implementation, and evaluation of an effective Affirmative Action and Equal Employment Opportunity Program. The Affirmative Action Officer's responsibilities include, but are not limited to, the following:

- Ensures that EEO Policies and AA/EEO performance standards are communicated to all levels within the organization.
- Evaluates the AA/EEO performance of District management and supervisors.
- Identifies areas of concern including workforce underutilization and barriers to EEO, and develops strategies and programs with management to address these problems.
- Provides guidance and direction to management on the prevention and/or resolution of problems relating to AA/EEO issues.
- Provides direction, evaluates, and reports on the District's AA/EEO progress and effectiveness at all levels of the organization.
- Provides support to hiring supervisors and managers regarding job related, objective hiring criteria and candidate evaluations.
- Identifies potential EEO compliance issues and advises the Human Resource Manager to ensure that personnel management policies, procedures, and practices comply with state and federal laws and EEO regulations.
- Reviews recruitment efforts, exam process selection standards and other HR practices and procedures to identify potential EEO barriers and assists HR and department managers in developing remedies.
- Responsible for fair, timely and thorough investigation of EEO discrimination complaints, determines when EEO policy has been violated, and works with management, General Counsel and HR staff to ensure that appropriate action is taken to resolve complaints.
- Prepares annual AA Plan and presents findings and recommendations to the Board of Directors.
- Ensures that EBMUD's EEO Federal Reporting Form is completed and submitted semi-annually.
- Ensures that EBMUD's VETS-100A Federal Reporting Form is completed and submitted annually.
- Oversees the District's response to DFEH and OFCCP audits.

Human Resources Regulatory Coordinator

The HR Regulatory Coordinator (HRRC) acts as the District's ADA/AA Compliance Officer. The HRRC responds to requests for reasonable accommodation of physical or mental disabilities covered under ADA/AA and FEHA. Works with Risk Management Office staff to coordinate District response to requests for reasonable accommodations as covered under ADA/AA, FEHA and worker compensation requirements.

Managers and Supervisors

The management team is responsible for ensuring that line managers and supervisors understand and carry out their AA and EEO responsibilities. All management and supervisory personnel are charged with the responsibility to meet District AA/EEO performance standards.

In addition, managers and supervisors:

- Model, monitor and enforce staff's compliance with District AA/EEO policies.
- Promote and encourage a work environment free from discrimination and harassment.
- Participate in and support staff's involvement with AA, EEO and diversity programs and recruitment activities.
- Work with the AA Officer to enhance the effectiveness of the AA/EEO Program.
- Make good faith efforts by considering alternate methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion or hire, including candidates from underutilized groups.
- Ensure that all selections are made for valid job-related reasons and without discrimination.
- Respond appropriately to concerns of EEO harassment or discrimination.

All District Employees

Employees at all levels are responsible for providing support to the District's affirmative action and equal employment opportunity program, as may be appropriate in the performance of their official duties, by assuring equal treatment, and equal access to service for all persons with whom they deal. Employees are prohibited from discriminating based on EEO protected status including gender, gender identity or expression, race, color, religious creed, national origin, ancestry, age, physical or mental disability (including AIDS and HIV), medical condition (cancer), genetic information, sexual orientation, marital or domestic partnership status, veterans or any other status protected by state and federal laws. This also applies to every aspect of personnel policies and practices in the employment, development, advancement and treatment of employees, including the authorization of family and medical care leave, and pregnancy disability leave.

All management and supervisory employees will have their job performance evaluated on the basis of their AA/EEO efforts as well as other job related criteria. Non-supervisory employees will be evaluated on their adherence to the District's EEO policies, and positive contributions to creating an inclusive work environment.

SECTION 5

EVALUATION OF WORKFORCE CHANGES AND 2013 GOALS ACHIEVEMENT

Section 5 - Evaluation of Workforce Changes and 2013 Goal Achievement

Introduction

An acceptable affirmative action program must include an identification of problem areas. When the representation of minorities or women employed in a particular job group is less than their labor market (LM) representation, the District must establish a placement or hiring goal. The District must then make reasonable and effective steps toward meeting those goals and addressing the underutilization.

The District is a civil service employer and hires only qualified candidates who meet our exacting job requirements. To meet our commitment to achieve a workforce representative of the available labor market, the District establishes affirmative action goals for minorities and women where underutilization exists. AA goals are expressed in terms of percentage (%) representation of total annual hires. Goals are not quotas. They are targets reasonably attainable by applying good faith efforts to make all aspects of the Affirmative Action program work. By establishing placement goals, the District sets a target for changes in the workforce representation of women and minorities. The goals provide a way to measure the District's progress in attaining a workforce reflective of the labor market. The 2014 AA Goals are shown in Table A, page 5 and Table VI.2, page 47.

Evaluation of 2013 Changes in District Workforce Underutilization

During the fourth year of the hiring freeze, hiring increased from 89 hires in the prior year to 96 regular, full-time hires in AA Plan year 2013. The most significant workforce changes are summarized in Table V.1.

Most of these changes in the District's workforce underutilization are due to labor market representation changes; not due to hires made in 2013. Detailed 2010 United States Census data was used to calculate labor market (LM) representation for the 2014 AA Plan. The significant increases in Hispanic and Asian labor market representation match the demographic shifts occurring in the Bay area and throughout California.

Also of note is the sharp decrease in the labor market representation of females in skilled trades and maintenance jobs. AA goals for females were eliminated in the following job groups due to reductions in LM representation:

- Pipeline Maintenance
- Electrical/Structural Maintenance
- Service Maintenance

Goal achieving hires eliminated workforce underutilization in the following job groups:

- Director/Manager Job Group - Two female managers were hired.
- Customer Services Job Group - Two Asians were hired.
- Supervising Engineer Job Group – one Hispanic female was promoted.

Decreases in the District's workforce underutilization were primarily the result of decreases in labor market representation. Table V.1 shows the reasons for significant workforce changes.

Table V.1 – 2013 Significant Changes in Workforce Representation		
Job Group	Workforce Change	Reason for Change
Directors/Managers	Female underutilization was eliminated. Asian and Hispanic underutilization increased.	2:2 hires were females. LM representation increased for Asians & Hispanics.
Customer Services	Asian underutilization was eliminated. New goal (12%) for Hispanics.	2:8 hires were Asians.
Supervisory Engineer	Hispanic underutilization was eliminated and female underutilization decreased. Asian underutilization increased.	1:1 hire was Hispanic female Asian LM representation increased.
Plant Operators	Female underutilization decreased. Goals for African Americans & Hispanics were eliminated.	1:6 hires was female. LM representation decreased for African Americans & Hispanics.
Lab & Quality Control Technicians	Female underutilization decreased. Goals for African Americans, Asians & Hispanics increased.	1:1 hire was African American female. LM representation of African Americans & Hispanics increased.
Rangers	Goal for African Americans eliminated. Hispanic underutilization decreased. New goals for females (16%) and Asians (17%).	No goal achieving hires. LM representation changes.
Engineering Technicians	Female underutilization remained the same. Hispanic underutilization decreased. New goal for Asians.	1:12 hires was female 2:12 hires were Hispanic 3:12 hires were Asian but hiring rate was below LM representation.
Pipeline Maintenance	Goal for females eliminated. Asian underutilization decreased. Hispanic underutilization doubled to 16%.	Female LM representation decreased. 1:21 hires was Asian 3:21 hires were Hispanic but hiring rate was below LM representation.
Heavy Equip/Truck Operator	Asian underutilization decreased. Increased underutilization: African American (7%) & Hispanic (22%)	1:1 hire was Asian. African American & Hispanic LM representation increased.
Electrical/Structural Maintenance	Goal for females eliminated. Asian underutilization decreased. Increased Underutilization: African American (5%). Hispanics (25%)	Female LM representation decreased. 2:9 hires were Asian. African American & Hispanic LM representation increased.
Mechanical Maintenance	Female & African American Goals decreased. Asian underutilization increased (5%). Hispanic underutilization increased (9%).	LM representation decreased for females & African Americans. 1:10 hires was Hispanic. Asian & Hispanic LM representation increased.
Service Maintenance	Goal for females eliminated. Hispanic underutilization increased (22%)	Female LM representation decreased. Hispanic LM representation increased.

Evaluation of 2013 Goals Achievement

2012 AA Goals Achievement *(See 2013 Placement Goal Monitoring Report, page 43)*

In compliance with Federal Regulations, the Affirmative Action Office identifies AA Placement Goals by Job Group for females and minorities when their representation in EBMUD's workforce is below parity. Therefore, each of the twenty-two Job Groups could have up to four placement goals depending on the representation of females, African Americans, Hispanics and Asians each year. Progress in achieving AA Placement Goals is affected by the number of hiring opportunities, availability of qualified AA Group candidates, and attrition.

For the 2013 AA Plan (AAY13), forty-nine (49) Placement Goals were established. The District met or exceeded 12 out of 49 goals for an AA Goal's Achievement rate of 24%. Table V.2 provides a comparison of AA goal achievement rates achieved during the last thirteen years. Although the number of hires increased from previous years, the District's AAY13 goal achievement rate was below the average achievement rate (28%). Recruitment of qualified diverse candidates is an essential strategy to reduce underrepresentation and to make progress towards workforce parity.

Table V.2 – AA Goals Achievement Rate		
Year	Rate	Full-time Regular Hires
AAY 13	24%	96
AAY12	18%	89
AAY11	24%	59
AAY10	16%	45
AAY09 ⁵	27%	110
AAY08	22%	176
AAY07	31%	173
AAY06	36%	169
AAY05	40%	125
AAY04	27%	80
AAY03	30%	80
AAY02	40%	78
AAY01	31%	86

Table V.3 shows District hires (regular, full-time) that met or exceeded 2013 placement goals. During 2013, the District had more hiring opportunities but made fewer goal achieving hires than average.

⁵ Previous AA Plans were based on AA Year (April 1st of previous year through March 31st of current year). Starting with the 2009 AA Plan, AA Plans are based on fiscal year data (July 1 – June 30).

Table V.3 - 2013 AA Placement Goals Met or Exceeded				
Underutilized Groups	Job Groups and Placement Goal %		Actual Placement Rate %	Status of Goal Achievement
Females (5 out of 15 Goals)	Director/Managers	34%	100%	Parity Achieved
	Customer Services	57%	75%	Hiring Exceeds Expectations
	Plant Operators	13%	17%	Hiring Exceeds Expectations
	Lab & Quality Control Techs	59%	100%	Hiring Exceeds Expectations
	Supervising Engineers	21%	100%	Hiring Exceeds Expectations
African Americans (1 out of 8 Goals)	Lab & Quality Control Techs	10%	100%	Hiring Exceeds Expectations
Asians (3 out of 10 Goals)	Customer Services	18%	25%	Parity Achieved
	Heavy Equip/Truck Operators	10%	100%	Hiring Exceeds Expectations
	Elec/Structural Maintenance	15%	22%	Hiring Exceeds Expectations
Hispanics (3 out of 16 Goals)	General Clerical	13%	20%	Hiring Exceeds Expectations
	Supervising Engineers	7%	100%	Hiring Exceeds Expectations
	Engineering Technicians	12%	17%	Hiring Exceeds Expectations

The District made no goal achieving hires for eight job groups where hires were made. Table V.4 shows the job groups where no goal achieving hires were made, where there were regular, full-time hiring opportunities.

Table V.4 - Job Groups with No Goal Achieving Hires in 2013		
Job Group	Total 2013 Hires	Underutilized Group
Programmers	5	Hispanics
Other Professionals	5	Hispanics
Administrative Assistants	3	Hispanics
Technicians	1	Females, Asians
Plant Operators Lead/Supervisory	2	Females, Asians, Hispanics
Rangers	1	African Americans, Hispanics
Pipeline Maintenance Lead/Supv	1	Females, African Americans, Hispanics
Service Maintenance	2	Females, Hispanics

As the District focuses on recruitment in the priority areas of infrastructure, operations and maintenance, and customer service, departments with hiring opportunities will need to work closely with the AA Office and Recruitment & Classification division staff to develop outreach strategies to increase qualified diverse candidate pools.

Evaluation Criteria

In evaluating “good faith efforts” to contribute to the District’s AA goal achievement, the District follows the Office of Federal Contract Compliance Programs’ (OFCCP) requirements. The OFCCP states that goals may not be rigid and inflexible quotas that must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

The District will continue to make every legal effort to remove barriers to equal employment opportunity that may exist in the workplace for women and minorities. These efforts include recruiting a qualified inclusive applicant pool that represents the

District’s very diverse labor market, ensuring that all selections are made on the basis of relevant and job-related criteria, continuing departmental efforts to train, develop and promote our current diverse workforce, and maintaining reasonable and equitable workplace policies that welcome, support and sustain a diverse workforce.

Monitoring Veteran Representation in District Workforce

As a federal contractor, EBMUD must comply with the provisions of the Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (VEVRAA). This act prohibits discrimination against veterans and requires federal contractors to conduct employment outreach to covered veterans. An affirmative action plan for covered veterans is detailed on pages 73-76.

To comply with VEVRAA, staff conducted a survey of “permanent”⁶ District employees in 2009 to determine the representation of veterans in the District’s workforce. The data from this survey has been used as a baseline to monitor changes in veteran representation in the District’s workforce.

Table V-5 shows information reported to the Department of Labor. Prior to 2013, the workforce representation of employees with Protected Veterans Status has been an average of 4.2%. In 2013, the District hired 4 Veterans out of a total of 83 hires, achieved a Veterans hiring rate of 4.8%, and the representation of Veterans in the District’s workforce fell to 3.8%.

Table V.5 Veteran Hires & Workforce Representation				
VET100A Reporting Period*	Total Hires	Veteran Hires	% Veteran Hires to Total Hires	% Veterans in EBMUD Workforce
2013	83	4	4.8%	3.8 (64:1692)
2012	58	4	6.9%	4.1% (69:1685)
2011	50	3	6.0%	4.2% (72:1692)
2010	31	2	6.5%	4.1% (71:1728)
2009	66	3	4.5%	4.6% (82:1786)

**VETS100A Reporting Period is September 1st through August 31st of the following year.*

As shown in Table V.6, in 2013, only 2 employees with veteran status left the District. The lower attrition rate in 2013 partially offset the effect of the low hiring rate, but the overall representation of Veterans decreased. Most veterans employed at EBMUD served in the Vietnam War, so many more will be eligible for retirement in the next few years. With planned enhanced outreach to qualified veteran job seekers and increased effort to get new hires to self-identify as veterans, we anticipate an increase in veteran representation over time.

⁶ Per Department of Labor VETS’ definition of “permanent” employees, District hires into Limited Term, TC, and any other temporary positions are excluded from this report.

Table V.6 Veterans Retired/Released/Terminated/Resigned Between September 1 – August 31			
VET100A Reporting Period	Total Employees Who Left the District	Total District Veterans Who Left the District	% Veterans in EBMUD Workforce
2013	117	2 (1.7%)	3.8%
2012	89	7 (7.8%)	4.1%
2011	85	3 (3.5%)	4.2%
2010	89	11 (12.3%)	4.1%

Between 2010 and 2013, a large percentage of the employees who left the District belonged to the Craft Worker Job Category (see Table V.7 below). This job category includes District positions such as Water Distribution Plumber, Wastewater Plant Operators, and other District skilled trades positions. Most of the District employees with Veteran status are employed in the Craft Worker job category. Given the District's past success in hiring veterans into Crafts Worker jobs, outreach to veterans for Plumber, Operator, and skilled trades jobs could be enhanced by involving District employees with veteran status in these jobs.

Table V.7 Job Category and Veteran Status of Employees Who Left District 2010 - 2012				
VET100A Reporting Period	Total Employees	Employees in Craft Worker Job Category	Total Veterans	Total Craft Workers with Veteran Status
2013	117	41 (35%)	2	2
2012	89	36 (40%)	7	5
2011	85	31 (37%)	3	2
2010	89	37 (42%)	11	5

The Office of Federal Contract Compliance Programs (OFCCP) issued new regulations to enhance non-discrimination and affirmative action with respect to veteran outreach, recruitment and hiring. These regulations are effective March 2014.

District Affirmative Action 2013 Placement Goal Monitoring Report

July 1, 2012 – June 30, 2013

This table reflects only regular, full-time hires. "Female" includes women of all races.

Job Group	Total Employees	Total # of Hires	Placement Goal %	Actual Placement Rate %	Status of Goal Achievement
Directors/Managers	66	2	Female 34% Asian 20%	100% 0%	Exceeds Expectations No Progress
Programmers	93	5	Hispanic 6%	0%	No Progress
Analysts	47	0	Female 68% African American 17% Hispanic 9%	0% 0% 0%	No Progress No Progress No Progress
Other Professionals	50	5	Hispanic 7%	0%	No Progress
Science Professionals	41	0	Female 47% Hispanic 4%	0% 0%	No Progress No Progress
Administrative Assistants	63	3	Hispanic 12%	0%	No Progress
General Clerical	104	5	Hispanic 13%	20%	Exceeds Expectations
Customer Services	103	8	Female 57% Asian 18%	75% 25%	Exceeds Expectations Exceeds Expectations
Technicians	25	1	Female 43% Asian 30%	0% 0%	No Progress No Progress
Plant Operators	125	6	Female 13% African American 11% Hispanic 14%	17% 0% 0%	Exceeds Expectations No Progress No Progress
Plant Operators Lead/Supervision	38	2	Female 21% Asian 13% Hispanic 20%	0% 0% 0%	No Progress No Progress No Progress
Lab & Quality Control Technicians	54	1	Female 59% African American 10% Asian 30%	100% 100% 0%	Exceeds Expectations Exceeds Expectations No Progress
Rangers	35	1	African American 24% Hispanic 35%	0% 0%	No Progress No Progress
Engineers			N/A	N/A	N/A
Supervising Engineers	40	1	Female 21% Hispanic 7%	100% 100%	Exceeds Expectations Exceeds Expectations
Engineering Technicians	89	12	Female 18% African American 6% Hispanic 12%	8% 0% 17%	Partially met No Progress Exceeds Expectations
Pipeline Maintenance	175	21	Female 3% Asian 9% Hispanic 32%	0% 5% 14%	No Progress Partially met Partially met
Heavy Equipment/ Truck Operators	83	1	African American 15% Asian 10% Hispanic 31%	0% 100% 0%	No Progress Exceeds Expectations No Progress
Pipeline Maintenance Lead/Supervision	70	1	Female 5% Asian 7%	0% 0%	No Progress No Progress
Electrical/Structural Maintenance	97	9	Female 17% African American 6% Asian 15% Hispanic 18%	0% 0% 22% 0%	No Progress No Progress Exceeds Expectations No Progress
Mechanical Maintenance	127	10	Female 6% African American 7% Asian 13% Hispanic 20%	0% 0% 0% 10%	No Progress No Progress No Progress Partially met
Service Maintenance	69	2	Female 27% Hispanic 36%	0% 0%	No Progress No Progress

SECTION 6

2014 AA GOALS AND ACTION PLAN

Section 6 – 2014 AA Goals and Action Plan

Table VI.1 2014 AA Placement Goals by Job Group				
JOB GROUP	UNDERUTILIZED GROUPS			
	FEMALE	AFRICAN AMERICAN	ASIAN	HISPANIC
Directors/Managers			●	○
Programmers		○		○
Analysts	●	●		●
Other Professionals	●			●
Science Professionals	○			○
Administrative Assistants				○
General Clerical	○			●
Customer Service	●			●
Technicians	●		●	●
Plant Operators	○			
Plant Operators Lead/Supervisors			○	●
Lab & Quality Control Technicians	●	○	○	○
Rangers	●		●	●
Engineers				
Supervising Engineers	●		○	
Engineering Technicians	●	○		●
Pipeline Maintenance			○	●
Heavy Equipment/Truck Operators		●	●	●
Pipeline Maintenance Lead Supervisors	○		○	
Electrical/Structural Maintenance		●	○	●
Mechanical Maintenance	○	○	●	●
Service Maintenance				●

- Job Groups with an underutilization of 5% or greater
- Job Groups with an underutilization of below 5%

Table VI.2 2014 AA Placement Goals and Degree of Underutilization

JOB GROUP	INCUMBENTS	Female			African American			Asian			Hispanic		
		Goal	Actual	Under	Goal	Actual	Under	Goal	Actual	Under	Goal	Actual	Under
Directors/Managers	64							22%	17%	5%	7%	3%	4%
Programmers	91				8%	7%	1%				7%	6%	1%
Analysts	42	72%	62%	10%	16%	9%	7%				13%	7%	6%
Other Professionals	52	55%	48%	7%							9%	4%	5%
Science Professionals	40	49%	45%	4%							5%	2%	3%
Administrative Assistants	63										13%	9%	4%
General Clerical	105	90%	87%	3%							16%	11%	5%
Customer Service	107	60%	49%	11%							25%	13%	12%
Technicians	25	36%	20%	16%				35%	16%	19%	13%	8%	5%
Plant Operators	125	10%	9%	1%									
Plant Operators Lead/Supervisors	38							12%	8%	4%	18%	11%	7%
Lab & Quality Control Technicians	51	51%	39%	12%	13%	10%	3%	27%	24%	3%	11%	8%	3%
Rangers	33	37%	21%	16%				20%	3%	17%	17%	3%	14%
Engineers	154												
Supervising Engineers	39	23%	18%	5%				34%	31%	3%			
Engineering Technicians	92	18%	13%	5%	4%	2%	2%				15%	7%	8%
Pipeline Maintenance	188							8%	5%	3%	40%	24%	16%
Heavy Equipment/Truck Operators	83				16%	9%	7%	9%	2%	7%	37%	15%	22%
Pipeline Maintenance Lead Supervisors	64	5%	3%	2%				7%	3%	4%			
Electrical/Structural Maintenance	102				6%	1%	5%	7%	6%	1%	39%	14%	25%
Mechanical Maintenance	126	5%	2%	3%	4%	1%	3%	15%	10%	5%	27%	18%	9%
Service Maintenance	69										44%	22%	22%

 = Job Groups with underutilization of 5% or greater

2014 District Action Plan

Under the OFCCP regulations, there are steps that the District must take to meet its affirmative action responsibilities under federal law. The District must perform in-depth analysis of its total employment process to determine whether and where impediments to equal employment opportunities might exist. The District must also develop and execute action-oriented programs that are designed to correct any problem area and that are effective. Refer to pages 3-15 for more information about the recommended 2014 Affirmative Action Plan.

The following ongoing activities and procedures are designed to ensure that the District implements inclusive and nondiscriminatory recruitment and selection practices, and to further the District's commitment to Affirmative Action and Equal Employment Opportunity:

- Minimum requirements for all District jobs are reviewed to ensure that they are job-related and do not screen out minorities and women.
- The entire selection process is evaluated to make every good faith effort to select persons according to ability and qualifications, while recognizing a commitment to take affirmative action to address underutilization of minorities and women. Recruitment sources are notified of the District's policy of nondiscrimination.
- Staff works with professional organizations, community agencies, training centers, and schools to provide information about employment opportunities at the District to maintain a satisfactory flow of qualified diverse applicants for District jobs. In addition, employees are encouraged to assist in word of mouth recruitment by referring friends and relatives for potential employment.
- Recruitment at colleges with ethnically diverse student populations is conducted whenever the District has relevant vacant positions.
- Human Resources staff reviews selection criteria and hiring recommendations for all District hires to assure selections are made based on job related criteria.
- The District provides job training including tuition reimbursement in an effort to provide promotional opportunities for all employees. In addition, through the performance plan and appraisal program, employees receive feedback on their work performance and areas for career development are identified.

SECTION 7

DISSEMINATION OF THE AFFIRMATIVE ACTION PLAN

Section 7 - Dissemination of the Affirmative Action Plan

Effective Implementation

Effective implementation of an Affirmative Action Plan (AAP) requires identification of specific procedures that will be used to disseminate the AAP. EBMUD has, therefore, identified the following steps to ensure effective internal and external communication regarding the AAP and its related Affirmative Action/Equal Employment Opportunity (AA/EEO) and Preventing Sexual Harassment policies. Any item requiring action includes the identification of the responsible individual(s) by job title.

Internal Dissemination

- Include EEO policies in appropriate in-house publications such as Policies and Procedures manuals.
Responsible Personnel: Human Resources Department and Affirmative Action Office
- Schedule and conduct annual meetings with executive, management, and supervisory personnel to explain the intent of the EEO policies and individual responsibility for effective implementation, making clear the General Manager's personal commitment on behalf of EBMUD as an employer.
Responsible Personnel: Affirmative Action Officer and Senior Management Team
- Conduct informal discussions with employees regularly regarding EBMUD's EEO/AA programs.
Responsible Personnel: All District supervisors and managers, Human Resources and Affirmative Action Office staff
- Distribute AA/EEO and Preventing Sexual Harassment policies and discuss them thoroughly in new employee orientation sessions, management training programs, and periodic staff meetings.
Responsible Personnel: HR Employee Development Division, Affirmative Action Office and all District supervisors
- Post the DFEH poster and brochure "Sexual Harassment is Forbidden by Law" on all District bulletin boards, and make copies available to all employees.
Responsible Personnel: Affirmative Action Office
- Include nondiscrimination clauses in all union agreements, and review all Memoranda of Understanding (MOU) provisions to ensure they are nondiscriminatory.
Responsible Personnel: HR Employee Relations Manager
- Post the EEO policy; along with required state and federal EEO regulations, on EBMUD's bulletin boards and other areas designated for general reading and information.
Responsible Personnel: Affirmative Action Office
- Communicate to all employees the existence of EBMUD's AAP and make available such elements of the program that will enable the employees to know of and avail themselves of its benefits.
Responsible Personnel: Affirmative Action Office

- Provide training in Preventing Sexual Harassment to all employees every five years, to all new supervisors within their first six months of employment, continuing supervisors every two years.
Responsible Personnel: HR Employee Development Division, Affirmative Action Office staff

External Dissemination

- Inform recruiting sources of EBMUD's EEO policies.
Responsible Personnel: HR Recruitment/Classification Division and Affirmative Action Office
- Encourage recruitment sources to refer minorities, women, persons with disabilities, and U.S. Veterans for District jobs.
Responsible Personnel: HR Recruitment/Classification Division, and Affirmative Action Office
- Include EBMUD's AA/EEO policy statement in employment information given to applicants and recruiting sources.
Responsible Personnel: HR Recruitment/Classification Division
- Send written notice of EBMUD's policies to all contractors and request their compliance.
Responsible Personnel: Contract Equity Program Administrator
- Include the EEO clause either by reference or in its entirety, in all contracts.
Responsible Personnel: General Counsel's Office, managers, supervisors and contract administrators
- Notify prospective vendors and suppliers of their obligation in EEO-related activities.
Responsible Personnel: Contract Equity Program Administrator and contract administrators

SECTION 8

PREVENTION OF SEXUAL HARASSMENT IN THE WORKPLACE POLICY STATEMENT

Section 8 - Prevention of Sexual Harassment in the Workplace Policy 2.26

This policy is reaffirmed by the Board of Directors February 11, 2014

It is the policy of the East Bay Municipal Utility to:

Provide a workplace for all employees that is free from any form of sexual harassment.

Definition

Sexual harassment is a form of gender discrimination and is an unlawful employment practice. It is a personal affront to the affected employee and negatively impacts morale, motivation and job performance. This policy includes sexual harassment of District employees by non-employees. Unwelcome sexual advances, requests for sexual favors, and verbal, physical, visual, or other conduct of a sexual nature, constitute sexual harassment and are prohibited by this policy when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of creating a working environment, which would reasonably be perceived as inappropriate, hostile, or abusive.

Prevention

The District believes that prompt appropriate action should be taken to prevent or stop incidents of sexual harassment, and strongly encourages employees to express their objections to unwelcome conduct, either to the perpetrator directly or the Affirmative Action Officer or any District supervisor. However, an employee is not required to complain about conduct in order for unlawful harassment to have occurred. Failure to communicate with the perpetrator does not prevent an employee from filing a complaint, nor does it in any way exonerate the harasser.

Enforcement

In keeping with District's long-standing anti-discrimination policy, sexual harassment will not be condoned or tolerated. The District is committed to enforcing this policy and to providing training to its managers, supervisors, and employees to assist them in dealing sensitively and effectively with this important issue. When any District supervisor or manager is notified or becomes aware of any behavior that violates this policy, they are required to take corrective actions, including sharing confidential information on a need-to know basis.

Complaints and cases of sexual harassment brought to the attention of the Affirmative Action Officer or any District supervisor shall be handled promptly through a confidential procedure, which will protect complainants and witnesses from retaliation. Appropriate remedial or disciplinary action will be taken when warranted. Retaliation against employees alleging sexual harassment or involved as witnesses in a sexual harassment investigation is prohibited. Employees who oppose and/or refuse to

participate in sexual harassment are also protected against retaliation. If retaliation occurs, the District will take further corrective measure.

Consensual Relationships

The District is aware that consensual intimate relationships sometimes develop between District employees. Although these relationships do not in and of themselves violate this sexual harassment policy, the District is sensitive to the potential for such relationships to give rise to conditions where sexual harassment might occur, especially where the relationship involves supervisor and subordinate. The District therefore adopts the following:

- If current employees become involved in consensual intimate relationships where one employee is in a position to directly make or influence employment decisions about the other or to directly affect any term or condition of the other's employment, it is the responsibility of the employees to advise the supervisor of the more influential employee of the situation.
- The supervisor shall consult with Human Resources regarding the appropriate organizational response that will best protect both the District and the employees involved.

SECTION 9

PROCEDURE 227 – EQUAL EMPLOYMENT OPPORTUNITY (EEO) DISCRIMINATION OR HARASSMENT COMPLAINTS

*Section 9 - Procedure 227 Equal Employment Opportunity (EEO)
Discrimination or Harassment Complaints*



Procedure 227

EQUAL EMPLOYMENT OPPORTUNITY (EEO) DISCRIMINATION/HARASSMENT COMPLAINTS

EFFECTIVE 17 JAN 12

SUPERSEDES 03 MAR 09

LEAD DEPARTMENT HR

PURPOSE - This procedure assigns responsibilities within the District for investigating and resolving grievances and complaints filed with the Affirmative Action (AA) Office alleging Equal Employment Opportunity (EEO) discrimination or harassment (including sexual harassment) to assure prompt, consistent, and appropriate action.

Forms Used

- Q-006 - EEO Discrimination/Harassment Complaint (from AA Office)
- PE-105 - Statement of Grievance (from Locals 2019, 444, 39 and 21)

What Constitutes Unlawful EEO Discrimination/ Harassment

The District's AA/EEO Policy 2.25 – Equal Employment Opportunity - prohibits discrimination/ harassment based on the following protected group status: gender including gender identity or expression, race, color, religious creed, national origin, ancestry, age, physical or mental disability (including AIDS and HIV), medical condition (cancer), genetic information, marital or domestic partnership status, sexual orientation, veterans or any other status protected by state and federal laws. Policy 2.25 also prohibits discrimination or harassment based on the authorization of leave under the Family and Medical Leave Act and Pregnancy Disability Act. In addition, Policy 2.26 – Prevention of Sexual Harassment in the Workplace - specifically addresses the prevention of sexual harassment.

Examples of EEO discrimination include:

- **Disparate Treatment** in any aspect of employment based on a person's protected group status
- **Denial of Reasonable Accommodation** to a qualified disabled employee or prospective employee
- **Retaliation** for having opposed illegal discrimination or harassment, or for having participated as a witness or complainant in an investigation of discrimination.

EEO harassment (including sexual harassment) is a form of EEO discrimination and may include, but is not limited to:

- **Verbal Conduct** such as epithets, derogatory comments, or slurs based on a protected group status; or unwanted sexual advances, invitations or comments. This conduct also includes verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations

Equal Employment Opportunity (EEO) Discrimination/Harassment Complaints

NUMBER 227

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EFFECTIVE DATE 17 JAN 12

- **Visual Conduct** such as leering, making sexual gestures, displaying sexually suggestive or derogatory objects, posters, cartoons, drawings, or e-mail messages based on a person's protected group status
- **Physical Conduct** such as assault, blocking normal movement, or interference with work directed at an individual because of his/her gender or other protected basis
- **Threats or Demands** to submit to sexual requests in order to keep a job or affecting other employment status
- **Offers** of employment benefits in return for sexual favors
- **Retaliation** for having resisted or reported the harassment, or for having participated in a harassment investigation.

Filing a Complaint of Discrimination or Harassment

Any employee who believes that he or she has experienced EEO discrimination or harassment is encouraged to file a complaint within thirty (30) working days of the last discriminatory or harassing incident.

The District encourages the early reporting of conduct which can reasonably be construed as EEO discrimination or harassment. Early reporting permits more accurate investigation.

The complainant has the responsibility to provide accurate and complete information that is pertinent to the complaint filed.

Step 1: How To File

All complaints filed with the District should be submitted with a completed Form Q-006, EEO Discrimination/Harassment Complaint Form which may be obtained at the AA Office. If the complaint is filed as a grievance, the appropriate grievance form must be used in addition to the Form Q-006.

An EEO grievance or complaint may be filed with:

- the employee's supervisor;
- the Affirmative Action Officer; or
- the employee's union steward.

All complaint/grievance information must be handled as confidential material. Supervisors, other District officials, and Union Stewards should immediately forward the EEO grievance or complaint to the AA Office in a sealed envelope, and follow the procedures detailed on page 5.

Right to File With an External Agency

All employees have a right to file with an external agency. The statute of limitation to file a complaint with the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC) is 365 calendar days and 300 calendar days, respectively, from the last discriminatory incident. The DFEH may be contacted by calling 1 (800) 884-1684. The phone number for the EEOC is (510) 637-3230.

Step 2: The Intake Interview

Within 10 working days of receipt of a completed Form Q-006, the AA Officer or designated staff will schedule an intake interview. The intake interview appointment will be scheduled for the earliest date the complainant and staff are available. During the intake interview the complainant must clearly state the basis upon which the charge of discrimination is filed and the specific employment action about which he/she is complaining.

The AA Officer will determine if the complaint meets jurisdictional requirements. To meet jurisdictional requirements, the complainant must fulfill the following:

- Timeliness—complaint should be filed within 30 working days, and
- Prima Facie—complainant must provide initial information which would lead the AA Officer to infer, absent other evidence, that discriminatory conduct may have occurred based on the complainant’s protected group status.

Notification

The AA Officer will notify the complainant whether or not their complaint was accepted within 20 working days of the intake interview. The AA Officer or responsible manager will notify the person alleged to have engaged in the discriminatory behavior (respondent) within 20 working days of the intake interview only if the complaint is accepted.

Step 3: Investigation

All formal EEO investigations will be conducted by the AA Officer or a qualified EEO investigator designated by the AA Officer.

To maintain confidentiality to the fullest extent possible, the investigation will be conducted in a manner which will limit the dissemination of information.

Components of the investigation will include:

- Interviews with the complainant and respondent;
- Interviews with witnesses identified by the complainant and respondent, and any other witnesses deemed appropriate by the investigator; and
- Review of personnel records and other relevant documents.

Prior to being interviewed, the complainant and respondent will be notified that a union representative or another District person may be present during their interview.

Intentionally deceiving or misleading an investigator will not be tolerated and constitutes falsehood under Policy 2.05 Discipline Policy, which requires disciplinary action up to termination of employment.

Depending on the situation, temporary measures to restrict and/or eliminate contact between parties under investigation may be necessary. Such actions may include separating the employees, temporarily reassigning one or both, and/or restricting their work activities or locations until the investigation is complete and appropriate corrective actions are taken. If it becomes necessary to remove an employee from the workplace during an EEO investigation, the employee may receive paid leave.

Step 4: Possible Outcomes

All investigations will result in one of the following conclusions:

- **Discrimination/harassment not found** if the conclusion is that the complaint lacks merit or the incident did not constitute a violation of District EEO policy;
- **Insufficient evidence** to find discrimination or harassment if the alleged actions are uncorroborated, or a determination cannot be made based on the information available; or
- **Discrimination/harassment found** if there is an admission or sufficient evidence that an EEO policy violation occurred.

Step 5: Appeals

If the complainant or respondent is dissatisfied with the report of findings issued by the AA Officer, either may submit to the AA Officer a written response within 15 working days. The response must clearly detail the concerns about specific findings. The AA Officer will consider the issues raised in the response and determine if additional evidence or investigation deemed material to the findings is required.

Equal Employment Opportunity (EEO) Discrimination/Harassment Complaints

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If the AA Officer determines that no further investigation is necessary, the employee has exhausted the District administrative channels for addressing the complaint through the AA Office.

If the employee filed the EEO complaint as a union grievance, the employee may pursue the appeals available through the respective Memorandum of Understanding.

The employee may also pursue the complaint through an external agency –the DFEH and/or the EEOC (refer to page 2, **Right to File With an External Agency**).

Step 6: Sanctions

Management, in conjunction with Employee Relations, is responsible for taking corrective/disciplinary actions to end discrimination or harassment and correct the behavior that led to the incident/complaint. Depending upon the severity of the conduct, these actions may include, but are not limited to:

- apology from the respondent;
- letter of counseling;
- written warning;
- training;
- mandatory counseling;
- suspension;
- reassignment, transfer, demotion; and/or
- discharge.

Prohibition Against Retaliation

District policy and state law prohibits retaliation against employees who complain about EEO discrimination or harassment, or who provide information as part of any EEO investigation. Any such retaliation is itself a violation of Policies 2.25 and 2.26, regardless of whether or not the original complaint is sustained.

Periodic and regular follow-up by the supervisor or the AA Officer shall be taken to monitor the workplace for discriminatory or harassing behavior, and to check if retaliation is occurring. Employees are also responsible for notifying the AA Officer or supervisor if retaliation occurs.

Supervisor's Responsibilities

Supervisors at all levels act on behalf of the District. A supervisor's duties include monitoring his or her work unit for discriminatory or harassing behavior and taking appropriate steps to stop and correct behavior that violates District EEO policy. At the same time, supervisors must enforce policy as well as adhere to it. Each supervisor is expected to familiarize himself or herself with the District's policies on discrimination and harassment (Policies 2.25 and 2.26), to incorporate them into his or her own behavior, and to inform employees in the work unit to do the same.

**Equal Employment Opportunity (EEO)
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Supervisors must also be familiar with this EEO Discrimination/ Harassment Complaint Procedure and be ready to assist employees (including those who do not report directly to them) who wish to lodge complaints. Supervisors must regard all complaints of EEO discrimination or harassment seriously. They should not ignore or minimize such complaints or otherwise discourage employees from reporting them.

All discussions with individuals involved or potentially involved in an EEO discrimination or harassment complaint shall be conducted to obtain an understanding of the facts and circumstances and shall be done in an objective, non-accusatory fashion. During the discussion, the employee(s) should be told to maintain confidentiality and not to discuss the situation with coworkers due to the sensitive nature and the potential for unsubstantiated rumors. The supervisor shall immediately confer with the AA Officer to determine further actions to be taken. (All formal EEO investigations will be conducted by the AA Officer or a qualified EEO investigator designated by the AA Officer.)

If, after the supervisor's preliminary inquiry and consultation with the AAO, the infraction is considered minor and resolved between the parties, the incident and actions taken will be documented in writing by the supervisor, and forwarded to the AA Officer.

Harassment

In cases of potential harassment, including sexual harassment, supervisors have a legal responsibility to take action if they know or should have known of a harassing situation. When a supervisor learns of, observes, has reason to believe, or is informed of a potential harassment situation, the supervisor shall consult with the AA Officer as outlined above. The supervisor, upon learning of a possible harassment incident, *especially sexual harassment*, is required to take action to address the concern regardless of the victim's stated desire to pursue or not to pursue the matter.

References

- Policy 2.25 - Equal Employment Opportunity (EEO)
 - Policy 2.26 - Prevention of Sexual Harassment in the Workplace
 - Policy 2.05 - Discipline Policy
-

CONFIDENTIAL



EQUAL EMPLOYMENT OPPORTUNITY (EEO) EMPLOYMENT DISCRIMINATION/ HARASSMENT COMPLAINT FORM

1	Name of Complainant (person filing complaint)	Employee No.
	Location (Department)	Telephone No.
	Complainant's Supervisor	Telephone No.
2	Name of Respondent (person named in the complaint)	
	Location (Department)	Telephone No.
	Respondent's Supervisor	Telephone No.
3	BASIS OF DISCRIMINATION (Check appropriate box(es) and specify protected group status):	
	<input type="checkbox"/> Age	<input type="checkbox"/> Genetic Information
	<input type="checkbox"/> Ancestry	<input type="checkbox"/> Marital/Domestic Partnership Status
	<input type="checkbox"/> Color	<input type="checkbox"/> Medical Condition (Cancer)
	<input type="checkbox"/> Disability (Mental or Physical)	<input type="checkbox"/> National Origin
	<input type="checkbox"/> FMLA	<input type="checkbox"/> Pregnancy
	<input type="checkbox"/> Gender, Gender Identity or Expression	<input type="checkbox"/> Race
	<input type="checkbox"/> Religious Creed	<input type="checkbox"/> Retaliation
	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Veteran Status
	<input type="checkbox"/> Other	<input type="checkbox"/> Non EEO
4	ISSUES (Check appropriate box(es)):	
	<input type="checkbox"/> Denial of Reasonable Accommodation	<input type="checkbox"/> Denial of Transfer
	<input type="checkbox"/> Harassment	<input type="checkbox"/> Reprisal/Retaliation
	<input type="checkbox"/> Disciplinary Action	<input type="checkbox"/> Failure to Hire/Promote
	<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Other
5	SPECIFY ways in which respondent is alleged to have discriminated (use additional page, if necessary):	
	DATE most recent discrimination took place:	
6	ACTION requested by complainant:	
	To initiate a complaint of discrimination within the District, this form should be filed with the Affirmative Action Officer within 30 working days of the most recent discriminatory incident. Mail in a sealed envelope to M/S 601. Retaliation against an employee for filing a complaint is a violation of District policy.	
	Signature of Complainant	Date Filed

SECTION 10

**AFFIRMATIVE ACTION PLAN
FOR PERSONS WITH DISABILITIES**

Section 10 - Affirmative Action Plan for Persons with Disabilities

Introduction

EBMUD believes that each individual is entitled to equal opportunity in employment. The following plan details the steps being taken by the District to ensure equal opportunity for disabled individuals.

Federal and State statutes and implementing guidelines and regulations, including the American with Disabilities Act as amended, the California Fair Employment Practices Act, and the Municipal Utility District Act provide the basis for the District's Affirmative Action Plan for the Disabled. Both the state and federal laws require employers to provide a workplace that is free from discrimination against individuals with disabilities, and to provide reasonable accommodation to qualified disabled individuals unless to do so would constitute an undue hardship to the employer.

Policy

The District's EEO and ADA/AA policies prohibit discrimination on the basis of physical or mental disability. The District will assure that qualified disabled individuals receive equal opportunity in employment and advancement consistent with job performance requirements.

Responsibility

The responsibilities of District employees to uphold and support the principles set forth in the EEO policy are delineated in Section IV of the Affirmative Action Plan.

Policy Dissemination

Positive steps will continue to be taken to ensure that all District personnel and other interested persons and community groups will be informed of the District's EEO and ADA/AA Policies with regards to the employment of disabled individuals.

Internal and external dissemination of the policies regarding disabled persons is consistent with the District's procedure described in Section VII of the Affirmative Action Plan.

Affirmative Actions

EBMUD will make reasonable accommodations to the physical and mental limitations of an employee or applicant to the extent that such accommodation will not impose undue hardship on District operations.

Each disabled applicant or employee is dealt with on an individual basis. Reasonable accommodations are made whenever possible. The District makes every reasonable effort to provide suitable employment for those employees who become disabled while employed by the District.

Outreach and recruitment with community groups serving the disabled, such as the Department of Rehabilitation, will continue, and other resources will be identified.

A careful job analysis has been conducted to support District selection procedures. Each job analysis is conducted by an analyst thoroughly familiar with the District's EEO and ADAAA policies and commitments. The job analysis provides a regular review of job duties and the physical and mental requirements of each job classification. The job analysis ensures that minimum requirements for all District jobs are job related and consistent with safe and effective job performance. In addition, the job analysis identifies the essential functions of a job, which are used when evaluating requests for reasonable accommodations.

Selection procedures are regularly evaluated to ensure that they are job related and free from barriers that would limit disabled persons from access to jobs for which they are qualified.

Qualifications Appraisal Board members will continue to be briefed on equal employment opportunity and merit principles as the basis for selection decisions. Included in this briefing is a discussion of EBMUD's commitment to nondiscrimination of disabled individuals.

Management and supervisory employees will continue to be trained in interview procedures, selection guidelines, EEO and ADAAA policies and procedures, and AAP provisions.

SECTION 11

AFFIRMATIVE ACTION PLAN FOR DISABLED VETERANS, AND OTHER PROTECTED VETERANS

Section 11 - Affirmative Action Plan for Special Disabled Veterans and Other Protected Veterans

Introduction

The Veteran's Employment Opportunities Act of 1998, as amended, is the basis for the District's Affirmative Action Program for special disabled veterans and other veterans who while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985. The Act requires affirmative action to employ and advance in employment qualified disabled veterans and other covered veterans.

The term "special disabled veteran" means a veteran who is entitled to compensation under laws administered by the Department of Veterans Affairs for a person who was discharged or released from active duty because of a service-connected disability. The term "veteran" in this context means a person who served on active duty during a war, or in a campaign or expedition for which a campaign badge has been authorized. In addition, the person must have been discharged or released with other than a dishonorable discharge. The term "serious employment handicap" means a significant impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes and interests.

The term "qualified disabled veteran" and "qualified covered veteran" mean veterans, as defined above, who are capable of performing a particular job.

Policy

The District's EEO Policy specifically includes all covered veterans as defined under the applicable laws. The District shall take affirmative action to ensure that qualified disabled veterans and qualified veterans receive equal opportunity in employment and advancement.

Responsibility

The responsibilities of District employees to uphold and support the principles set forth in the EEO policy are delineated in Section IV of the Affirmative Action Plan.

Policy Dissemination

Positive steps will continue to be taken to ensure that all District personnel and other interested persons and community groups are informed of the District's EEO Policy with regards to the employment of disabled veterans and other protected veterans.

Affirmative Actions

EBMUD will make reasonable accommodations to the physical and mental limitations of disabled veterans to the extent that such accommodation will not impose undue hardship on District operations.

Outreach and recruitment with community groups serving veterans and the disabled, such as the Employment Development Department, will continue, and other sources will be identified.

A careful job analysis has been conducted to support every selection procedure. Each job analysis is conducted by an analyst thoroughly familiar with the District's AA/EEO policies and commitments. The job analysis provides a regular review of job duties and the physical and mental requirements of each job classification. The job analysis ensures that minimum requirements for all District jobs are job related and consistent with safe and effective job performance. In addition, the job analysis identifies the essential functions of a job which are used when evaluating requests for reasonable accommodations.

Selection procedures are regularly evaluated to ensure that they are job related and free from barriers that would limit special disabled veterans, veterans from the Vietnam era, and other protected veterans, from access to jobs for which they are qualified.

Qualification Appraisal Board members will continue to be briefed on equal employment opportunity and merit principles as the basis for employment decisions. Included in this briefing is a discussion of EBMUD's commitment to equal consideration for the disabled and veterans.

Management and supervisory employees will continue to be trained in interview procedures, selection guidelines, EEO policies and procedures, and AAP provisions.

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APPENDIX

Glossary of Commonly Used Affirmative Action and EEO Terms

AA/AAP: Commonly used “shorthand” references for Affirmative Action/Affirmative Action Plan

Adverse Impact: A substantially different rate of selection in hiring, promoting, transferring, training, or in other employment decisions which works to the disadvantage of members of a race, ethnic or gender group. If such a rate is less than 80% of the selection rate of the race, ethnic or gender group with the highest rate of selection, a review is recommended to determine if adverse impact has occurred.

Affirmative Action: Results-oriented actions taken to address the workforce underutilization of females, African Americans, Hispanics and Asians. When an employer has reason to believe that its selection procedures have an exclusionary effect, it should initiate affirmative steps to remedy the situation.

Affirmative Action vs. EEO: Affirmative Action is proactive. EEO is the commitment by the employer not to discriminate in personnel practices based on gender identity or expression, race, color, religious creed, national origin, ancestry, age, physical or mental disability (including AIDS and HIV), medical condition (cancer), genetic information, marital or domestic partnership status, sexual orientation, veterans, pregnancy, family or medical leave status, or any other status protected by state and federal laws.

Affirmative Action Plan: The written results-oriented program in which an employer sets forth the specific actions it will take to address under representation of women and minorities in its work force.

African-American: A person with origins in any of the African racial groups who is also not of Hispanic origin.

American Indian or Alaskan Native (Native Americans): A person with origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

Annual Goal: A reasonably attainable yearly target, expressed as a percentage, for placing minorities or women in a job group for which underutilization exists if every good effort is applied to make all aspects of the entire affirmative action program work. This target is based on the underutilized group’s availability.

Asian or Pacific Islander: A person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

Availability: The number of women and minorities in the relevant labor market (i.e., state or county), including those already employed by the organization, who possess the requisite skills for a particular group of jobs (usually expressed as a percentage).

Disability: A physical or mental impairment that limits one or more major life activities; record of such impairment, or perception by others of such impairment.

Glossary (continued)

Discrimination: Illegal treatment, either intentional or unintentional, based on the protected class of the applicant, employee or contractor.

Disparate Treatment: A form of discrimination that occurs when an individual is treated differently and adversely affected because of his/her protected class status.

Employment Process: Under Title VII, the employment process includes recruitment, applicant flow, job placement, compensation, promotion, transfer, termination, shift assignments, geographical and departmental assignments, and all other activities.

Equal Employment Opportunity (EEO): Administering all terms and conditions of employment without regard to gender identity or expression, race, color, religious creed, national origin, ancestry, age, physical or mental disability (including AIDS and HIV), medical condition (cancer), genetic information, marital or domestic partnership status, sexual orientation, veterans, pregnancy, family or medical leave status, or any other status protected by state and federal laws.

Equal Employment Opportunity Commission (EEOC): The federal agency created as a part of the Civil Rights Act of 1964, which is responsible for enforcement of Title VII of that law, as well as the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act.

Goals: A placement goal is established by an employer in response to identified underutilization of minorities or women in certain job categories. Placement goals are also to measure progress toward achieving equal employment opportunity. The employer agrees to make good faith efforts to achieve the goals. As part of an employer's Affirmative Action Program, goals must be expressed in both numbers and percentages.

Good Faith Efforts: A term used by federal compliance agencies to describe proactive activities in the employer's Affirmative Action Plan that assists progress towards meeting the AA goals.

Harassment: Any verbal, visual or physical conduct, which creates an intimidating, hostile, or offensive work environment for an individual due to his/her gender identity or expression, race, color, religious creed, national origin, ancestry, age, physical or mental disability (including AIDS and HIV), medical condition (cancer), genetic information, marital or domestic partnership status, sexual orientation, veterans, pregnancy, family or medical leave status, or any other status protected by state and federal laws.

Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South America, or other Spanish cultures or origins. (Persons of Portuguese culture or origin are not included.)

Job Group: A grouping of job classifications in particular occupational areas, such as General Clerical.

Minorities: All persons classified as African-American (not of Hispanic origin), Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.

Office of Federal Contract Compliance Programs (OFCCP): A section within the Employment Standards Administration Division of the U.S. Department of Labor responsible for monitoring the compliance of federal contractors with the affirmative action executive orders and regulations.

Glossary (continued)

Parity: The employment of women and minorities in percentages approximating the rates at which members of those groups are available for employment in the labor force.

Protected Class: Title VII of the Civil Rights Act and the Ca. Fair Employment and Housing Act include the following classes that are protected from employment discrimination: Gender including gender identity or expression, race, color, religious creed, national origin, ancestry, age, physical or mental disability (including AIDS and HIV), medical condition (cancer), genetic information, marital or domestic partnership status, sexual orientation, and veterans.

Quota: Mandated hiring quotas (usually by head count). These have no place in affirmative action compliance. They are seen as rigid and inflexible and do not foster the intent of affirmative action.

Recruitment Area: The geographical area from which an agency draws applicants for employment. The area usually varies, depending on the particular job classifications.

Sexual Harassment: Unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.

Timetables: An employer's target dates for meeting goals established to increase representation of minorities and women in job groups where they are underutilized.

Underutilization: When the percentage of minorities or women in the District's workforce is less than would reasonably be expected given their availability percentage in the relevant labor market, there is an underutilization of minorities or women that must be addressed by establishing a placement goal.

Upward Mobility: Removal of artificial barriers to individuals advancing into mid-level and senior corporate management, i.e. the "glass ceiling". This is generally accomplished through efforts to eliminate discriminatory barriers and through training programs.

Veterans: "Military and veteran status" is a protected class under the California Fair Employment & Housing Act. This protected class is defined as a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard. The FEHA was amended to include this new protected class October 10, 2013.

White, Not of Hispanic Origin: A person with origins in any of the original peoples of Europe, North Africa, or the Middle East who is not of Hispanic origin.

Work Force: The total of all permanent authorized positions within an agency.

Work Force Analysis: A statistical study of the numbers and percentages of employees in the organization by race, sex, and ethnic origin in each position classification or job group.

Job Group Listings

The Job Group Listings have been updated to include new and retitled classifications.

Directors/Managers

Assistant General Counsel
Chief Trial Attorney
Controller
Customer Services Manager
Director of Administration
Director of Engineering & Construction
Director of Finance
Director of Operations & Maintenance
Director, Wastewater
Director, Water & Natural Resources
Engineering Manager
Environmental Affairs Officer
Information Systems Division Manager
Manager of Budget
Manager of Business Continuity
Manager of Customer & Community Services
Manager of Customer Services
Manager of Distribution Maintenance & Const.
Manager of Employee & Organizational &
Development
Manager of Employee Relations
Manager of Employee Services
Manager of Environmental Compliance
Manager of Facilities Maint. & Construction
Manager of Fishery & Wildlife
Manager of Fleet & Construction Support
Manager of Human Resources
Manager of Information Systems
Manager of Laboratory Services
Manager of Meter Reading and Maintenance
Manager of Natural Resources
Manager of Operations/Maintenance Planning
Manager of Pipeline Construction
Manager of Purchasing
Manager of Real Estate Services
Manager of Recruitment & Classification
Manager of Regulatory Compliance
Manager of Regulatory Planning and Analysis
Manager of Security and Emergency
Preparedness
Manager of Source Control

Directors/Managers (continued)

Manager of Wastewater Engineering
Manager of Wastewater Environmental Services
Manager of Wastewater Treatment
Manager of Water Conservation
Manager of Water Meters
Manager of Water Quality
Manager of Water Supply
Manager of Water Supply Improvements
Manager of Water System
Manager of Water Treatment
Manager of Watershed & Recreation
Manager of Workplace Health and Safety
Operations and Maint. Department Manager
Risk Manager
Secretary of the District
Special Assistant I-V
Treasury Manager

Programmers

Information Services Supervisor
Information Systems Administrator I-II
Information Systems Support Analyst I-II
Information Technology Intern I-II
Network Analyst I-III
Principal Information Systems Analyst
Programmer Analyst I-II
Senior Programmer Analyst
Senior Systems Programmer
Supervising Systems Programmer
Systems Programmer I-II

Analysts

Affirmative Action Officer
Classification and Pay Administrator
Community Affairs Representative I-II
Contract Equity Administrator
HRIS Analyst I-II
Human Resources Analyst I-II
Management Analyst I-III
Principal Management Analyst

Job Group Listings

Analysts (continued)

Public Information Representative I-III
Senior Community Affairs Representative
Senior HRIS Analyst
Senior Human Resources Analyst
Senior Public Information Representative
Technical Trainer
Workers' Comp. Manager & Risk Specialist

Other Professionals

Accountant I-III
Accounting & Financial Systems Analyst
Accounting Systems Supervisor
Assistant Capital Projects Coordinator
Assistant Planner
Assistant Water Resources Specialist
Associate Architect
Associate Planner
Associate Water Resources Specialist
Attorney I-III
Building Tenant Services Supervisor
Buyer I-II
Cost Estimator
Industrial Water Conservation Representative
Internal Auditor
Internal Auditor Supervisor
Junior Water Resources Specialist
Law Clerk
Purchasing Contract Supervisor
Real Estate Representative I-II
Security & Emergency Preparedness Specialist
Senior Acctng. & Financial Systems Analyst
Senior Real Estate Representative
Supervising Accountant
Supervisor of Water Conservation
Water Conservation Administrator/Supervisor
Water Conservation Representative
Water System Planning Analyst

Science Professionals

Chemist I-II
Environmental Health/Safety Specialist I-II
Fisheries/Wildlife Biologist I-II
Laboratory Supervisor

Science Professionals (continued)

Microbiologist I-II
Quality Assurance Officer
Research Chemist
Research Microbiologist
Senior Chemist
Senior Environmental Health/Safety Specialist
Senior Microbiologist
Supervising Fisheries/Wildlife Biologist

Administrative Assistants

Accounting Technician
Administrative Assistant
Administrative Secretary I-II
Administrative Secretary I-II, Confidential
Administrative Services Supervisor
Assistant To The General Manager
Executive Assistant I-II
Human Resources Technician
Legal Secretary I-II
Litigation Secretary
Office Assistant, General Manager's Office
Paralegal
Public Affairs Specialist
Risk Management Assistant
Senior Legal Secretary

General Clerical

Account Clerk I-III
Administrative Clerk
Administrative Clerk, Confidential
Dispatch/Contact Center Rep.
Messenger-Mail Clerk
Senior Administrative Clerk.
Senior Administrative Confidential
Senior Messenger-Mail Clerk
Senior Word Processing Specialist
Telephone/Radio Operator
Word Processing Specialist II

Customer Services

Customer Services Representative I-III
Customer Services Supervisor
Dispatch/Contact Center Representative

Job Group Listings

Customer Services (continued)

Field Services Representative I-II
Meter Reader I-II
Meter Reading Foreman
New Business Representative I-II
Senior Customer Services Representative
Senior Field Services Representative
Senior New Business Representative
Water Conservation Technician

Technicians

Computer Operations Supervisor
Computer Operations Technician
Corrosion Control Technician
Electronic Technician
Fisheries/Wildlife Aide
Fisheries/Wildlife Technician
Information Systems Specialist I-III
Materials Inspector
Materials Testing Supervisor
Materials Testing Technician I-II
Printing Technician I-II
Senior Facility Technician
Senior Printing Technician
Supervising Information Syst. Supp. Spec.

Plant Operators

Hydroelectric Power Plant Mechanic
Hydroelectric Power Plant Operator I-II
Power Plant Mechanic/Operator
Senior Water Distribution Operator
Senior Water Treatment Operator
Treatment Plant Specialist
Wastewater Plant Operator I-II
Wastewater Plant Operator Trainee
Water Distribution Operator
Water Treatment Operator
Water Trtmnt/Dist. Operator Trainee

Plant Operators Lead/Supervisors

Assistant Superintendent Aqueduct/Pardee
Assistant Supt., Water Trtmnt &
Distribution

Plant Operators Lead/Supervisors (Cont.)

Assistant Wastewater Shift Supervisor
Hydroelectric Power Plant Supervisor
Pardee Water/Wastewater Supervisor
Power Treatment Plant Maintenance Supt.
Power Plant Supervisor
Superintendent of Aqueduct Section
Superintendent of Pardee Section
Superintendent of Water Trtmnt. & Distribution
Wastewater Operations Coordinator
Wastewater Shift Supervisor
Wastewater Treatment Superintendent
Water Distribution Supervisor
Water Treatment Supervisor

Laboratory and Quality Control Technicians

Laboratory Technician I-III
Senior Wastewater Control Inspector
Supervising Microbiologist
Supervising Wastewater Control Inspector
Supervising Wastewater Control Representative
Wastewater Control Inspector I-II
Wastewater Control Operator
Wastewater Control Representative
Water Sampler
Water Systems Inspector I-II

Rangers

Ranger Supervisor
Ranger/Naturalist I-II
Senior Ranger/Naturalist

Engineers

Assistant Civil Engineer
Assistant Electrical Engineer
Assistant Mechanical Engineer
Associate Civil Engineer
Associate Control Systems Engineer
Associate Corrosion Control Specialist
Associate Electrical Engineer
Associate Mechanical Engineer
Junior Engineer

Job Group Listings

Supervising Engineers

Senior Civil Engineer
Senior Control Systems Engineer
Senior Corrosion Control Engineer
Senior Electrical Engineer
Senior Engineering Planner
Senior Mechanical Engineer
Supervising Administrative Engineer

Engineering Technicians

Assistant Surveying Supervisor
Chief of Party
Construction Inspector
Drafter I-III
Drafting Supervisor
Engineering Aide
Graphic Design Supervisor
Graphic Designer I-II
Hydrographer I-III
Pipeline Designer I-II
Senior Construction Inspector
Senior Drafter
Senior Graphic Designer
Senior Pipeline Designer
Supervising Construction Inspector
Supervising Hydrographer
Supervising Plant Inspector
Survey Technician I-II
Surveying Supervisor

Pipeline Maintenance

Concrete Finisher I-II
Paving Raker A-B
Pipeline Welder I-III
Water Distribution Plumber I-IV
Utility Laborer

Heavy Equipment/Truck Operators

Crane Operator
Dispatcher
Heavy Equipment Operator
Heavy Forklift Operator
Heavy Transport Operator

Pipeline Maintenance Lead/Supervisors

Truck Driver II
Truck Driver II Trainee
Assistant C& M Superintendent
Construction & Maintenance Scheduler
Construction & Maintenance Superintendent
General Pipe Supervisor
Maintenance Shift Supervisor
Paving Crew Foreman
Pipeline Welding Supervisor
Senior Supervisor of Maint. Shift Ops.
Water Distribution Crew Foreman

Electrical/Structural Maintenance

Carpenter
Carpenter Supervisor
Carpentry Worker I-III
Electrical Supervisor
Electrical Technician
Electrical Worker I-III
Facility Specialist I-II
Facility Supervisor
Facility Technician
Instrument Maintenance Supervisor
Instrument Supervisor
Instrument Technician
Instrument Worker I-III
Maintenance Superintendent
Painter
Painter Foreman
Painting Worker I-III
Plant Electrical Maintenance Supervisor
Plant Structures Maintenance Supervisor
Security Shift Supervisor

Mechanical Maintenance

Automotive Maintenance Worker I-III
Automotive Mechanic A&B
Equipment Superintendent
Equipment Supervisor
General Equipment Mechanic
Heavy Equipment Maintenance Worker I-III
Heavy Equipment Mechanic

Job Group Listings

Mechanical Maintenance (continued)

Machining Maintenance Worker I-III
Maintenance Machinist
Maintenance Specialist I-III
Maintenance Superintendent
Maintenance Supervisor
Mechanical Maintenance Worker I-III
Mechanical Supervisor
Meter Mechanic I-II
Meter Reader/Mechanic
Meter Reader/Mechanic Foreman
Meter Reader & Maintenance Supervisor
Meter Mechanic/Backflow Tester
Meter Repair and Testing Supervisor
Plant Maintenance Mechanic
Plant Maintenance Superintendent
Plant Maintenance Supervisor
Plant Maintenance Worker I-III
Plant Mechanical Maintenance Supervisor
Senior Mechanic
Senior Meter Mechanic/Backflow Tester

Service Maintenance

Automotive Services Attendant I-II
Gardener I-II
Gardener Foreman
Housekeeper
Janitor
Janitor Foreman
Janitor Supervisor
Materials Specialist
Materials Storage Foreman
Materials Storage Supervisor
Recreation Area Attendant
Storekeeper I-II
Stores Supervisor

No Group Assigned

General Counsel
General Manager

Alphabetical Listing of Classifications with Corresponding Job Groups

Alphabetical Listing of Classifications with Corresponding Job Groups

Classification	Job Group
Account Clerk I-III	General Clerical
Accountant I-III	Other Professionals
Accounting and Financial Systems Analyst	Other Professionals
Accounting Systems Supervisor	Other Professionals
Accounting Technician	Administrative Assistants
Administrative Assistant	Administrative Assistants
Administrative Clerk	General Clerical
Administrative Clerk, Confidential	General Clerical
Administrative Secretary I-II	Administrative Assistants
Administrative Secretary I-II, Confidential	Administrative Assistants
Administrative Services Supervisor I-II	Administrative Assistants
Affirmative Action Officer	Analysts
Assistant C&M Superintendent	Pipeline Maintenance Lead/Supervisors
Assistant Capital Projects Coordinator	Other Professionals
Assistant Civil Engineer	Engineers
Assistant Corrosion Control Specialist	Engineers
Assistant Electrical Engineer	Engineers
Assistant General Counsel	Directors/Managers
Assistant Mechanical Engineer	Engineers
Assistant Planner	Other Professionals
Assistant Superintendent Aqueduct/Pardee	Plant Operators Lead/Supervisors
Assistant Supt. Water Treatment/Distribution	Plant Operators Lead/Supervisors
Assistant Surveying Supervisor	Engineering Technicians
Assistant To The General Manager	Administrative Assistants
Assistant Wastewater Shift Supervisor	Plant Operators Lead/Supervisors
Assistant Water Resources Specialist	Other Professionals
Associate Architect	Other Professionals
Associate Civil Engineer	Engineers
Associate Control Systems Engineer	Engineers
Associate Corrosion Control Specialist	Engineers
Associate Electrical Engineer	Engineers
Associate Mechanical Engineer	Engineers
Associate Planner	Other Professionals
Associate Water Resources Specialist	Other Professionals
Attorney I-III	Other Professionals
Automotive Maintenance Worker I-III	Mechanical Maintenance
Automotive Mechanic A&B	Mechanical Maintenance
Automotive Services Attendant I-II	Service Maintenance
Building Tenant Services Supervisor	Other Professionals
Buyer I-II	Other Professionals
Carpenter	Electrical/Structural Maintenance

Alphabetical Listing of Classifications with Corresponding Job Groups

Classification

Carpenter Supervisor

Carpentry Worker I-III.....

Chemist I-II.....

Chief of Party.....

Chief Trial Attorney.....

Classification & Pay Administrator

Community Affairs Representative I-II.....

Computer Operations Supervisor.....

Computer Operations Technician

Concrete Finisher I-II.....

Construction & Maintenance Scheduler

Construction & Maintenance Superintendent.....

Construction Inspector.....

Contract Equity Administrator.....

Controller

Corrosion Control Technician.....

Cost Estimator.....

Crane Operator.....

Customer Services Manager

Customer Services Representative I-III

Customer Services Supervisor

Director of Administration.....

Director of Engineering & Construction.....

Director of Finance

Director of Operations & Maintenance.....

Director, Wastewater

Director, Water & Natural Resources.....

Dispatch Center Supervisor

Dispatch/Contact Center Representative.....

Dispatcher

Drafter I-III

Drafting Supervisor.....

Electrical Supervisor

Electrical Technician

Electrical Worker I-III

Electronic Technician

Engineering Aide

Engineering Manager.....

Environmental Affairs Officer.....

Environmental Health/Safety Specialist I-II.....

Equipment Superintendent.....

Equipment Supervisor.....

Executive Assistant I-II.....

Facility Specialist I-II

Job Group

Electrical/Structural Maintenance

Electrical/Structural Maintenance

Science Professionals

Engineering Technicians

Directors/Managers

Analysts

Analysts

Technicians

Technicians

Pipeline Maintenance

Pipeline Maintenance Lead/Supervisors

Pipeline Maintenance Lead/Supervisors

Engineering Technicians

Analysts

Directors/Managers

Technicians

Other Professionals

Heavy Equipment/Truck Operators

Directors/Managers

Customer Services

Customer Services

Directors/Managers

Directors/Managers

Directors/Managers

Directors/Managers

Directors/Managers

Directors/Managers

Directors/Managers

Customer Services

General Clerical

Heavy Equipment/Truck Operators

Engineering Technicians

Engineering Technicians

Electrical/Structural Maintenance

Electrical/Structural Maintenance

Electrical/Structural Maintenance

Technicians

Engineering Technicians

Directors/Managers

Directors/Managers

Science Professionals

Mechanical Maintenance

Mechanical Maintenance

Administrative Assistants

Electrical/Structural Maintenance

Alphabetical Listing of Classifications with Corresponding Job Groups

Classification

Facility Supervisor.....
 Facility Technician.....
 Field Services Representative I-II.....
 Fisheries/Wildlife Aide.....
 Fisheries/Wildlife Biologist I-II.....
 Fisheries/Wildlife Technician.....
 Gardener I-II.....
 Gardener Foreman.....
 General Counsel.....
 General Equipment Mechanic.....
 General Manager.....
 General Pipe Supervisor.....
 Graphic Design Supervisor.....
 Graphic Designer I-II.....
 Heavy Equipment Maintenance Worker I-III.....
 Heavy Equipment Mechanic.....
 Heavy Equipment Operator.....
 Heavy Forklift Operator.....
 Heavy Transport Operator.....
 Housekeeper.....
 HRIS Analyst I-II.....
 Human Resources Analyst I-II.....
 Human Resources Technician.....
 Hydroelectric Power Plant Mechanic.....
 Hydroelectric Power Plant Operator I-II.....
 Hydroelectric Power Plant Supervisor.....
 Hydrographer I-III.....
 Industrial Water Conservation Representative.....
 Information Services Supervisor.....
 Information Systems Administrator I-II.....
 Information Systems Division Manager.....
 Information Systems Specialist I-III.....
 Information Systems Support Analyst I-II.....
 Information Technology Intern I-II.....
 Instrument Maintenance Supervisor.....
 Instrument Supervisor.....
 Instrument Technician.....
 Instrument Worker I-III.....
 Internal Auditor.....
 Internal Auditor Supervisor.....
 Janitor.....
 Janitor Foreman.....
 Janitor Supervisor.....
 Junior Engineer.....

Job Group

Electrical/Structural Maintenance
 Electrical/Structural Maintenance
 Customer Services
 Technicians
 Science Professionals
 Technicians
 Service Maintenance
 Service Maintenance
 Not Assigned
 Mechanical Maintenance
 Not Assigned
 Pipeline Maintenance Lead/Supervisors
 Engineering Technicians
 Engineering Technicians
 Mechanical Maintenance
 Mechanical Maintenance
 Heavy Equipment/Truck Operators
 Heavy Equipment/Truck Operators
 Heavy Equipment/Truck Operators
 Service Maintenance
 Analysts
 Analysts
 Administrative Assistants
 Plant Operators
 Plant Operators
 Plant Operators Lead/Supervisors
 Engineering Technicians
 Other Professionals
 Programmers
 Programmers
 Directors/Managers
 Technicians
 Programmers
 Programmers
 Electrical/Structural Maintenance
 Electrical/Structural Maintenance
 Electrical/Structural Maintenance
 Electrical/Structural Maintenance
 Other Professionals
 Other Professionals
 Service Maintenance
 Service Maintenance
 Service Maintenance
 Engineers

Alphabetical Listing of Classifications with Corresponding Job Groups
Classification

Classification	Job Group
Junior Water Resources Specialist.....	Other Professionals
Laboratory Supervisor	Science Professionals
Laboratory Technician I-III	Laboratory & Quality Control Technicians
Law Clerk.....	Other Professionals
Legal Secretary I-II	Administrative Assistants
Litigation Secretary.....	Administrative Assistants
Machining Maintenance Worker I-III.....	Mechanical Maintenance
Maintenance Machinist.....	Mechanical Maintenance
Maintenance Shift Supervisor.....	Pipeline Maintenance Lead/Supervisors
Maintenance Specialist I-III.....	Mechanical Maintenance
Maintenance Superintendent.....	Mechanical Maintenance
Maintenance Supervisor.....	Mechanical Maintenance
Management Analyst I-III.....	Analysts
Manager of Budget	Directors/Managers
Manager of Business Continuity.....	Directors/Managers
Manager of Customer & Community Services.....	Directors/Managers
Manager of Customer Services.....	Directors/Managers
Manager of Distribution Maint. & Const.....	Directors/Managers
Manager of Employee and Organizational Development.....	Directors/Managers
Manager of Employee Relations.....	Directors/Managers
Manager of Employee Services	Directors/Managers
Manager of Environmental Compliance.....	Directors/Managers
Manager of Facilities Maint & Construction	Directors/Managers
Manager of Fishery & Wildlife.....	Directors/Managers
Manager of Fleet & Construction Support.....	Directors/Managers
Manager of Human Resources.....	Directors/Managers
Manager of Information Systems.....	Directors/Managers
Manager of Laboratory Services.....	Directors/Managers
Manager of Meter Reading and Maintenance.....	Directors/Managers
Manager of Natural Resources.....	Directors/Managers
Manager of Operations/Maintenance Planning	Directors/Managers
Manager of Pipeline Construction	Directors/Managers
Manager of Purchasing	Directors/Managers
Manager of Real Estate Services	Directors/Managers
Manager of Recruitment & Classification	Directors/Managers
Manager of Regulatory Compliance.....	Directors/Managers
Manager of Regulatory Planning and Analysis	Directors/Managers
Manager of Security & Emergency Preparedness.	Directors/Managers
Manager of Source Control.....	Directors/Managers
Manager of Wastewater Engineering.....	Directors/Managers
Manager of Wastewater Environmental Services.	Directors/Managers
Manager of Wastewater Treatment.....	Directors/Managers
Manager of Water Conservation.....	Directors/Managers

Alphabetical Listing of Classifications with Corresponding Job Groups
Classification

Classification	Job Group
Manager of Water Meters	Directors/Managers
Manager of Water Quality	Directors/Managers
Manager of Water Supply	Directors/Managers
Manager of Water Supply Improvements	Directors/Managers
Manager of Water System	Directors/Managers
Manager of Water Treatment	Directors/Managers
Manager of Watershed & Recreation	Directors/Managers
Manager of Workplace Health and Safety	Directors/Managers
Materials Inspector	Technicians
Materials Specialist	Service Maintenance
Materials Storage Foreman	Service Maintenance
Materials Storage Supervisor	Service Maintenance
Materials Testing Supervisor	Technicians
Materials Testing Technician I-II	Technicians
Mechanical Maintenance Worker I-III	Mechanical Maintenance
Mechanical Supervisor	Mechanical Maintenance
Messenger-Mail Clerk	General Clerical
Meter Mechanic I-II	Mechanical Maintenance
Meter Reader/Mechanic	Mechanical Maintenance
Meter Reader/Mechanic Foreman	Mechanical Maintenance
Meter Reader and Maintenance Supervisor	Mechanical Maintenance
Meter Mechanic/Backflow Tester	Mechanical Maintenance
Meter Reader I-II	Customer Services
Meter Reading Foreman	Customer Services
Meter Repair and Testing Supervisor	Mechanical Maintenance
Microbiologist I-II	Science Professionals
Network Analyst I-III	Programmers
New Business Representative I-II	Customer Services
Office Assistant, General Manager's Office	Administrative Assistants
Operations and Maint. Department Manager	Directors/Managers
Painter	Electrical/Structural Maintenance
Painter Foreman	Electrical/Structural Maintenance
Painting Worker I-III	Electrical/Structural Maintenance
Paralegal	Administrative Assistants
Pardee Water/Wastewater Supervisor	Plant Operators Lead/Supervisors
Paving Crew Foreman	Pipeline Maintenance Lead/Supervisors
Paving Raker A-B	Pipeline Maintenance
Pipeline Designer I-II	Engineering Technicians
Pipeline Welder I-III	Pipeline Maintenance
Pipeline Welding Supervisor	Pipeline Maintenance Lead/Supervisors
Plant Electrical Maintenance Supervisor	Electrical/Structural Maintenance
Plant Maintenance Mechanic	Mechanical Maintenance
Plant Maintenance Superintendent	Mechanical Maintenance
Plant Maintenance Supervisor	Mechanical Maintenance

Alphabetical Listing of Classifications with Corresponding Job Groups

Classification

Plant Maintenance Worker I-III.....
 Plant Mechanical Maintenance Supervisor.....
 Plant Structures Maintenance Supervisor.....
 Power and Treatment Plant Maintenance Supvsr.....
 Power Plant Mechanic/Operator.....
 Power Plant Supervisor.....
 Principal Information Systems Analyst.....
 Principal Management Analyst.....
 Printing Technician I-II.....
 Programmer Analyst I-II.....
 Public Affairs Specialist.....
 Public Information Representative I-III.....
 Purchasing Contract Supervisor.....
 Quality Assurance Officer.....
 Ranger Supervisor.....
 Ranger/Naturalist I-II.....
 Real Estate Representative I-II.....
 Recreation Area Attendant.....
 Research Chemist.....
 Research Microbiologist.....
 Risk Management Assistant.....
 Risk Manager.....
 Secretary of the District.....
 Security and Emergency Preparedness Specialist.....
 Security Shift Supervisor.....
 Senior Accounting and Financial Systems Analyst.....
 Senior Administrative Clerk.....
 Senior Administrative Clerk Conf.....
 Senior Chemist.....
 Senior Civil Engineer.....
 Senior Community Affairs Representative.....
 Senior Construction Inspector.....
 Senior Control Systems Engineer.....
 Senior Corrosion Control Engineer.....
 Senior Customer Services Representative.....
 Senior Drafter.....
 Senior Electrical Engineer.....
 Senior Engineering Planner.....
 Senior Environmental Health/Safety Specialist.....
 Senior Facility Technician.....
 Senior Field Services Representative.....
 Senior Graphic Designer.....
 Senior HRIS Analyst.....
 Senior Human Resources Analyst.....

Job Group

Mechanical Maintenance
 Mechanical Maintenance
 Electrical/Structural Maintenance
 Plant Operators Lead/Supervisors
 Plant Operators
 Plant Operators Lead/Supervisors
 Programmers
 Analysts
 Technicians
 Programmers
 Administrative Assistants
 Analysts
 Other Professionals
 Science Professionals
 Rangers
 Rangers
 Other Professionals
 Service Maintenance
 Science Professionals
 Science Professionals
 Administrative Assistants
 Directors/Managers
 Directors/Managers
 Other Professionals
 Electrical/Structural Maintenance
 Other Professionals
 General Clerical
 General Clerical
 Science Professionals
 Supervising Engineers
 Analysts
 Engineering Technicians
 Supervising Engineers
 Supervising Engineers
 Supervising Engineers
 Customer Services
 Engineering Technicians
 Supervising Engineers
 Supervising Engineers
 Supervising Engineers
 Science Professionals
 Technicians
 Customer Services
 Engineering Technicians
 Analysts
 Analysts

Alphabetical Listing of Classifications with Corresponding Job Groups

Classification	Job Group
Senior Legal Secretary	Administrative Assistants
Senior Mechanic	Mechanical Maintenance
Senior Mechanical Engineer	Supervising Engineers
Senior Messenger-Mail Clerk	General Clerical
Senior Meter Mechanic/Backflow Tester	Mechanical Maintenance
Senior Microbiologist	Science Professionals
Senior New Business Representative.....	Customer Services
Senior Pipeline Designer.....	Engineering Technicians
Senior Printing Technician	Technicians
Senior Programmer Analyst.....	Programmers
Senior Public Information Representative	Analysts
Senior Ranger/Naturalist.....	Rangers
Senior Real Estate Representative	Other Professionals
Senior Supervisor of Maintenance Shift Ops.....	Pipeline Maintenance Lead/Supervisors
Senior Systems Programmer.....	Programmers
Senior Wastewater Control Inspector	Laboratory & Quality Control Technicians
Senior Water Distribution Operator.....	Plant Operators
Senior Water Treatment Operator.....	Plant Operators
Senior Word Processing Specialist	General Clerical
Special Assistant I-V.....	Directors/Managers
Storekeeper I-II	Service Maintenance
Stores Supervisor	Service Maintenance
Superintendent of Aqueduct Section	Plant Operators Lead/Supervisors
Superintendent of Pardee Section	Plant Operators Lead/Supervisors
Superintendent of Water Treatment/Distribution	Plant Operators Lead/Supervisors
Supervising Accountant	Other Professionals
Supervising Administrative Engineer	Supervising Engineers
Supervising Construction Inspector.....	Engineering Technicians
Supervising Fisheries/Wildlife Biologist.....	Science Professionals
Supervising Hydrographer	Engineering Technicians
Supervising Info. Systems Support Specialist	Technicians
Supervising Microbiologist.....	Laboratory & Quality Control Technicians
Supervising Plant Inspector	Engineering Technicians
Supervising Systems Programmer	Programmers
Supervising Wastewater Control Inspector	Laboratory & Quality Control Technicians
Supervising Wastewater Control Representative..	Laboratory & Quality Control Technicians
Supervisor of Water Conservation.....	Other Professionals
Survey Technician I-II	Engineering Technicians
Surveying Supervisor.....	Engineering Technicians
Systems Programmer I-II.....	Programmers
Technical Trainer	Analysts
Telephone/Radio Operator.....	General Clerical
Treasury Manager	Directors/Managers
Treatment Plant Specialist	Plant Operators

Alphabetical Listing of Classifications with Corresponding Job Groups

Classification

Truck Driver II.....
 Truck Driver II Trainee.....
 Utility Laborer
 Wastewater Control Inspector I-II
 Wastewater Control Operator
 Wastewater Control Representative.....
 Wastewater Operations Coordinator.....
 Wastewater Plant Operator I-II.....
 Wastewater Plant Operator Trainee
 Wastewater Shift Supervisor.....
 Wastewater Treatment Superintendent.....
 Water Conservation Administrator/Supervisor.....
 Water Conservation Representative.....
 Water Conservation Technician.....
 Water Distribution Crew Foreman.....
 Water Distribution Operator
 Water Distribution Plumber I-IV
 Water Distribution Supervisor
 Water Sampler
 Water System Planning Analyst
 Water Systems Inspector I-II
 Water Treatment Operator
 Water Treatment Supervisor
 Water Treatment/Distribution Operator Trainee ..
 Word Processing Specialist II.....
 Workers' Comp. Manager and Risk Specialist.....

Job Group

Heavy Equipment/Truck Operators
 Heavy Equipment/Truck Operators
 Pipeline Maintenance
 Laboratory & Quality Control Technicians
 Laboratory & Quality Control Technicians
 Laboratory & Quality Control Technicians
 Plant Operators Lead/Supervisors
 Plant Operators
 Plant Operators
 Plant Operators Lead/Supervisors
 Plant Operators Lead/Supervisors
 Other Professionals
 Other Professionals
 Customer Services
 Pipeline Maintenance Lead/Supervisors
 Plant Operators
 Pipeline Maintenance
 Plant Operators Lead/Supervisors
 Laboratory & Quality Control Technicians
 Other Professionals
 Laboratory & Quality Control Technicians
 Plant Operators
 Plant Operators Lead/Supervisors
 Plant Operators
 General Clerical
 Analysts

Goal Setting Methodology & Workforce Analysis Data

Goals Setting Methodology

Underutilization and Availability

The overall objective of an affirmative action plan is to determine if underutilization of minorities and women exists, and to establish goals to remedy that underutilization. To determine if underutilization exists we compare current representation in the workforce (current utilization) to the representation of minorities and women both inside and outside of the District (availability). Availability is an estimate of the representation of minorities and women available for employment in a given job group. When current utilization is less than availability, underutilization exists and a goal is established.

Availability

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at the District for a given job group in the relevant labor market during the life of the AAP. Availability indicates the approximate level at which each race/ethnic and sex group could reasonably be expected to be represented in a job group if East Bay Municipal District's employment decisions are being made without regard to gender, race, or ethnic origin. Availability estimates, therefore, are a way of translating equal employment opportunity into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for problem groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis), identify problem areas or areas of opportunities, and establish goals to correct the problems.

Steps in Comparison of Incumbency to Availability

Identify Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the 2010 Census of Population.
 - a. Local labor area: Please contact the AA Office to see the *Availability Analysis* for a listing of the local labor areas.
 - b. Reasonable labor area: Please contact the AA Office to see the *Availability Analysis* for a listing of the reasonable labor areas.

2. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.

Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights. Weights were never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each sex and race/ethnic group, as well as for minorities in the aggregate.

AA Placement Goal

The AA Placement Goal represents the target-hiring rate for underutilized minorities and women in each job group. Since the composition of job groups change based on the addition or deletion of job classifications, placement goals will be adjusted each year to reflect the availability of all classifications in a job group.

Workforce Analysis data

EBMUD's workforce analysis includes a profile of the District's workforce by department as required by the Office of Federal Contract Compliance Programs. Detailed workforce analysis data is retained by the Affirmative Action Office.

ITEM #7

LEGISLATIVE UPDATE

WILL BE GIVEN AS AN
ORAL REPORT



AGENDA NO. _____

8

MEETING DATE _____

February 11, 2014

**TITLE PROJECT LABOR AGREEMENT FOR CONSTRUCTION OF CHABOT DAM
SEISMIC UPGRADE**

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Authorize the development of a Project Labor Agreement (PLA) for the construction of the Chabot Dam Seismic Upgrade project.

SUMMARY

This item was on the agenda for the January 28, 2014 Board meeting and the Board continued the item to February 11, 2014.

A PLA is a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project. Studies of PLAs have mixed results, with some studies concluding that PLAs can have a favorable impact on helping to control costs and others finding that the agreements can increase costs and may negatively impact non-union contractors and workers.

This issue was most recently discussed with the Legislative/Human Resources Committee on December 10, 2013 and during prior Committee meetings on June 12, 2012 and December 11, 2012. Staff proposes to conduct a pilot PLA on the Chabot Dam Seismic Upgrade project to gain experience in the cost and benefits of using PLAs. The project has an estimated construction cost of \$15 million and is currently in the Environmental Impact Report planning phase. There is sufficient time to develop a PLA concurrent with the project planning and design phases before the anticipated advertising for construction bids in fall 2015. Following Board authorization to develop the PLA, the next steps would be:

1. Select a consultant and prepare PLA negotiating principles for Board consideration.
2. Negotiate and prepare the PLA document for Board consideration.

Funds Available: FY14-15; CIP #000861; Page 12		Budget Code: WSC/570/7999/5231/2006797
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

DISCUSSION

In the Bay Area, some agencies that use PLAs do so on a case by case basis and others establish a single PLA for multiple projects (effectively establishing a policy). For example, Contra Costa Water District applies PLAs to their work on a case by case basis. Agencies that have established a single PLA covering multiple projects include Contra Costa County Public Works, Alameda County Public Works and the Port of Oakland (with threshold construction dollar values of \$1 million) and San Francisco Public Utility Commission's Water Supply Improvement Program (threshold value of \$5 million). Based on an investigation of the experience of other agencies, staff has projected costs and schedule impacts associated with PLAs.

Staff estimates that a PLA will require three to four months for consultant procurement and three to nine months to negotiate and put in place. This work will be done concurrent with project planning and design and completed before the project is put out to bid so potential bidders are aware of the PLA's conditions.

Staff estimates that initial negotiation and development of a PLA will cost \$30,000 to \$80,000 in consultant fees and require 1.0 full-time employee (FTE) at the Senior Engineer level. The complexity, cost, and duration of negotiations are influenced by many factors, including the number of county building and trade councils involved, number of labor unions involved, number of PLA elements incorporated (e.g., union hiring/work rules, local hiring/social justice, health and safety or substance abuse), and the level of conflicting goals and opinions among the parties to the PLA. Costs for ongoing administration of a PLA could vary significantly depending on the PLA terms and the level of monitoring established in the agreement. Staff estimates the mid-range of annual cost to be \$70,000 in consultant fees plus about 1.0 FTE at the Senior Engineer level.

To learn more about negotiating, developing and administering a PLA, staff suggests piloting a PLA on the Chabot Dam Seismic Upgrade project. This approach has the benefit of providing flexibility for the District to explore PLA terms and conditions concurrent with the project planning and design, thereby minimizing the overall cost and schedule impact.

The costs and schedule impact of PLA development and administration could be theoretically offset by reducing the risk of labor stoppages during the project construction, although such stoppages have not been an issue on District jobs. Additionally, the project includes a requirement for a formal third-party Labor Compliance Program (LCP) as a condition of grant funding by the Department of Water Resources. Some of the administrative costs associated with a PLA pilot would already be incurred due to the required investment in an LCP, making this pilot a cost-effective method for PLA evaluation.

FISCAL IMPACT

Funds are available in the FY14-15 Capital Improvement Program for the Chabot Dam Seismic Upgrade under the Dam Seismic Upgrades Program.

ALTERNATIVES

Do not authorize the pilot PLA. This alternative is not recommended because the costs and impacts to the District to implement a PLA for projects are relatively unknown and do not allow the District the flexibility to explore PLAs.



AGENDA NO. 9

MEETING DATE February 11, 2014

TITLE 2014 PRELIMINARY DRY YEAR RESPONSE PLAN

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Authorize staff to request that all customers voluntarily reduce their water use by ten percent starting February 11, 2014 and continue until further notice to help keep water in storage during an unprecedented dry year.



SUMMARY

Regular updates to the Board of Directors have described how the lack of precipitation is affecting the District's water supplies. The supply levels were good in December and now are fair. Storage will fall to poor levels with continued dry conditions. EBMUD's Urban Water Management Plan 2010 (UWMP 2010) details the steps and thresholds for managing dry-year conditions. Historically, when the District has implemented a water shortage response plan that action has been taken in April because at that time the bulk of the rainy season is over and estimates of inflow into reservoirs can be more accurately projected. However, in consideration of historically dry conditions, staff proposes to implement a 2014 Preliminary Dry Year Response Plan (attached) effective immediately seeking a ten percent voluntary reduction by all customers. This preliminary plan will be updated as needed in the coming months. A final plan is anticipated for Board consideration in April, when the rainy season is drawing to a close.

DISCUSSION

As of January 30, 2014, if average precipitation ensues from this date forward carryover storage would be below 500,000 acre feet (carryover storage projections range from 300,000 to 630,000 acre feet). Forecasts make it increasingly unlikely that precipitation levels will exceed average. Pursuant to guidelines adopted by the Board as part of the UWMP 2010, the District implements a Drought Management Program if the projected total system storage falls below 500,000 acre feet. Based on the risk of extreme shortages and the likelihood of significant shortages, staff recommends that the Board implement a Preliminary Dry Year Response Plan that includes a ten percent voluntary Districtwide customer water use reduction.

Implementing water saving measures would enable the District to preserve supplies in case dry conditions persist. The voluntary ten percent reduction will be reassessed in the coming weeks and

Funds Available: FY14		Budget Code:	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR		APPROVED
Water and Natural Resources	 Richard G. Sykes		 Alexander R. Coate

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changes may be recommended if water storage projections or demand experience warrants a change.

No later than April 22, 2014, staff will present the annual Water Supply Availability and Deficiency Report (WSADR) which will: 1) evaluate the availability of District water supplies including supplemental supplies from the Central Valley Project and water transfers, 2) project the total system storage at the end of September based on expected spring runoff, and 3) serve as the basis for the Board's determination of whether water supplies are adequate to meet customer demands for the coming year.

EBMUD has invested nearly a billion dollars in long-term water supply improvements to deliver supplemental supplies to the service area. If the District determines it needs supplemental supplies in 2014, the sources are likely to be the Central Valley Project contract with the Bureau of Reclamation and water transfers pursuant to an agreement with Placer County Water Agency (PCWA). Staff will be formally transmitting its request for up to 65,000 acre-feet of Central Valley Project water to the Bureau of Reclamation on March 1, 2014 as required under its contract. The Board will be asked to consider a one-year transfer agreement with PCWA on February 25 that will provide up to 20,000 acre-feet of water this spring and summer. The volumes and timing of supplemental supply water deliveries cannot be determined until later this spring.

FISCAL IMPACT

The costs of implementing a Preliminary Dry Year Response Plan and establishing a ten percent voluntary rationing program effective February 11, 2014 can be accommodated in the District's current operating budget for FY14. Estimates of dry-year costs will be prepared as part of future dry-year Board briefings and will be submitted with the final 2014 Dry Year Response Plan.

NEXT STEPS

Staff has developed a number of outreach and communication actions included in the 2014 Preliminary Dry Year Response Plan to alert customers to the voluntary Districtwide ten percent customer reduction request. Depending on circumstances, later this year staff may recommend adoption of a Drought Management Program and Dry Year Response Plan in accordance with the guidelines established in the Water Shortage Contingency Plan that was adopted by the Board as part of the UWMP 2010.

RGS:dec

Attachment

2014 PRELIMINARY DRY YEAR RESPONSE PLAN
February 11, 2014

PURPOSE

This plan outlines actions District staff will take over the next two months in response to the current dry year conditions. A final response plan is anticipated in April when projected water supply conditions are more certain.

BACKGROUND

On January 17, 2014, Governor Brown declared a Drought State of Emergency for California directing state officials to take all necessary actions to prepare for drought conditions and urged all Californians to take personal action to reduce their water usage by 20 percent. In the Bay Area, water agencies have enacted varying voluntary measures based on their storage status and supply sources. Currently, nearby agencies are asking their customers to reduce water use by the following levels:

Marin Municipal Water District	25%
Alameda County Water District	20%
Zone 7 Water Agency	20%
Santa Clara Valley Water District	10%
San Francisco Public Utilities Commission	10%
Contra Costa Water District	Use water wisely message

EBMUD has invested nearly a billion dollars in long term water supply improvements that has resulted in established contracts and available facilities to deliver supplemental supplies and water transfers, completed pilot studies and other progress on groundwater banking and desalination, and continued progress in building recycled water system expansions and supporting customer conservation. These investments offer more flexibility to protect against drought and our stored water levels are better than much of the rest of the state. However, the statewide outlook for 2014 hydrology continues to be very poor and staff projects that runoff for this year will not be sufficient to meet the District's minimum carryover storage requirement of 500,000 acre-feet into the next water year, beginning October 1st.

RESPONSE PLAN ACTIVITIES

This Preliminary Response Plan consists of:

- Initiation of a ten percent voluntary customer demand reduction goal
- Preparation for use of supplemental water supplies
- Ongoing monitoring of water supply and demand

These actions are consistent with the Urban Water Management Plan 2010.

Voluntary Water Use Reduction. All customers will be asked to voluntarily reduce water use ten percent starting February 11th and continuing until further notice. The water use reductions achieved through this voluntary program will advance or supplement the water savings anticipated through the District's long-term water conservation master plan. The outreach goals are to:

- Announce the ten percent reduction target and thank customers who routinely conserve for their continuing efforts.
- Explain that extra effort by customers in this unprecedented dry year will keep as much water in storage as possible, providing more options if the unprecedented dry conditions continue.
- Give specific information to each customer class about what they can do, and offer key audiences technical assistance to help them achieve voluntary conservation objectives.

The initial outreach to announce the District's call for voluntary cutbacks will include a press release, a letter from President Katz to cities, counties, civic groups and other key stakeholders and an e-mail to employees from the General Manager. Updated speaking points and water supply fact sheets will be provided to the Board members to assist directors in answering questions that may be received. Specific activities planned to support customer efforts to achieve the ten percent reduction are shown in the table below.

PRELIMINARY DRY YEAR OUTREACH ACTIVITIES

- Implement the leak alert hotline and create an online leak reporting option
- Run a top-of-bill voluntary cutback request for an eight-week billing cycle
- Update phone message to direct callers to the leak alert hotline
- Expand WaterSmart Business Certification Program outreach
- Update door hangers that provide conservation advice and distribute to field staff
- Offer free over-the-counter water saving devices
- Update web information describing EBMUD conservation services, rebates and tips, emphasizing information to help residential and small businesses customers choose easy ways to save water
- Encourage adoption of commercial and residential landscape water budgets
- Expand the single family residence home water report pilot project
- Encourage use of classroom materials supporting water conservation
- Inform customers about conservation services, rebates and tips through sponsored workshops, direct mail, updated handouts and District presentations
- Inform employees of EBMUD's customer goals and of operational changes to save water through email, staff meetings, *Splashes* updates and other resources
- Participate in EPA's national *Fix-a-Leak Week* outreach campaign (starts March 17)
- Coordinate with the statewide *Save our Water* outreach campaign on messaging

Supplemental Water Supplies. The District is taking actions to secure supplemental supplies if needed. These supplies would be delivered via the Freeport Regional Water Facility to replenish District total system storage in the event voluntary conservation measures are insufficient and/or the next year is also dry. The sources of this water include the District's existing Central Valley Project (CVP) Contract with the U.S. Bureau of Reclamation (Bureau), and transfers pursuant to our agreement with the Placer County Water Agency (PCWA). Staff will be providing a preliminary water request to the Bureau in March. These preliminary requests do not obligate us to take that full volume or commit us to payment. These preliminary requests are required to reserve a specific volume of water. Actual deliveries are finalized approximately two months in advance of delivery concurrent with payment. Staff has worked with PCWA staff to develop a one-year water transfer of up to 20,000 acre-feet. This agreement is scheduled for Board consideration on February 25th. A portion of the first 5,000 acre-feet of water under this contract could be used to perform a planned test of the Freeport fish screens. Additional water would only be used if needed as determined following adoption of the Water Supply Availability and Deficiency Report (WASDR) in April.

Development of the Final 2014 Dry Year Response Plan. This preliminary plan outlines staff actions at this time based on current conditions. Staff will provide regular water supply updates to the Board and continue to monitor and assess the situation. A detailed report will be provided in April at which time more information will be available to define the situation. The current recommended voluntary ten percent Districtwide customer demand reduction will be reassessed this spring as part of the WSADR.


Depending on circumstances, staff may recommend adoption of a Drought Management Program later this year in accordance with the guidelines established in the Water Shortage Contingency Plan that was adopted by the Board as part of the Urban Water Management Plan 2010. If a Drought Management Program is required, the recommendation would include a final Dry Year Response Plan to address potential rationing reductions by customer class and financial impacts associated with the reduced revenue, increased staffing, and acquisition of supplemental supply.

ARC:SAH:db

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 6, 2014

MEMO TO: Board of Directors

FROM: Delores A. Turner, Manager of Human Resources 

SUBJECT: Appoint Ad Hoc Committee to Negotiate Amendments to Employment Agreements with the General Manager and the General Counsel

On February 11, 2014, the Board will be meeting in closed session to conduct a performance evaluation of the General Manager and the General Counsel. During the Board's regular meeting on February 11, it is recommended that consistent with past practice, the Board appoint three members of the Board to serve on an ad hoc committee as the Board's representatives in negotiating any amendments to the employment agreements with the General Manager and the General Counsel. The Board can provide instructions to the ad hoc committee at the Board's next closed session meeting on February 25, 2014, in accordance with Government Code section 54957.6.

DT:rsc

cc: Alexander R. Coate
Jylana Collins

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 6, 2014

MEMO TO: Board of Directors

FROM: Alexander R. Coate, General Manager *ARC*

SUBJECT: Monthly Report – January 2014

HIGHLIGHTS

On January 28 the Yuba County Water Agency (YCWA) Board approved an addendum to the Yuba River Accord project EIR as the CEQA document for the proposed change to add the Freeport intake as a potential point of diversion to YCWA's water rights permit. The State Water Resources Control Board (SWRCB) is expected to consider approval of the change petition soon; the SWRCB reviewed an administrative draft of the environmental documents for the Yuba Accord project and had no comments.

WATER SUPPLY AND WATER RIGHTS PROGRAMS AND ACTIVITIES

Camanche Permit change petitions protest period ends. On December 30, 2013, the SWRCB publicly noticed the District's change petitions on the place and purpose of use and the addition of a clarifying term to the permit. The District filed these petitions with the SWRCB in 2012. The protest period has ended and seven comments, including four comment letters from water agencies along San Joaquin County and South and Central Delta, were received. The comments primarily focused on the assumptions regarding baseline, the breadth of the alternatives and adequacy of the project description. One comment letter was unrelated to environmental impacts. Staff is working on responses to the comments to include in the final EIR in 2014.

Staff conducted the 2014 USFWS Midwinter Bald Eagle Survey on Pardee, Camanche, and East Bay reservoirs January 9-10. Eight adult bald eagles, seven juvenile bald eagles, and thirteen other raptors were recorded at Pardee Reservoir; twenty-four bald eagles along with seventeen other raptors were recorded at Camanche Reservoir; two bald eagles and one golden eagle were observed on San Pablo reservoir; and two golden eagles were observed at USL.

In January, staff hosted eight ranger and volunteer docent-guided public tours on Camanche and Pardee reservoirs offering visitors a chance to spot American Bald Eagles, Golden Eagles, and other raptors in their winter home. Approximately 140 participants attended the tours that spied over 100 raptors in their natural environs. The tours help educate local residents and visitors about the District, our programs and our important role in their communities.

Regional desalination project status update discussed by agency general managers January 31, 2014. General managers from the five partner agencies (CCWD, EBMUD, SCVWD, SFPUC and Zone 7 Water Agency) met to discuss recent work efforts and consider the next steps in the planning and development process. They agreed that the focus in the near term would be on planning for water system interconnections and improvements that would increase water supply reliability for all the agencies and facilitate transfers and exchanges while also being useful should a desalination project be needed in the future.

Upcountry floating facilities relocated due to declining reservoir elevations. Four rental docks, two boat houses, and a floating marina store were relocated on Pardee and Camanche reservoirs. Additionally, the low-water launch ramp at Camanche South Shore has been put into service allowing boaters access to the water when the main marina is out of service.

Staff attended Water Forum dry-year meetings in Sacramento January 3 and January 9. In response to the very dry conditions in the American River watershed, the Water Forum held meetings to share information and coordinate response by water agencies. EBMUD staff attended and reported on EBMUD water supply conditions and potential response to a drought this year.

All recycled water plants have been brought into service as part of the water shortage mitigation measures. Poor water quality from the West County Wastewater District is impacting the North Richmond Water Reclamation Plant and the Richmond Advanced Recycled Expansion water project operations necessitating blending with potable water to meet Chevron's water quality requirements.

Precipitation. The East Bay precipitation for January was 0.07 inches (1% of average, driest January on record) and the season total was 2.64 inches (17% of average, driest season to-date). The Mokelumne precipitation for January was 1.92 inches (22% of average, 8th driest January on record) and the season total was 6.47 inches (25% of average, 2nd driest season to-date).

Releases from Camanche Reservoir. The average rate of Camanche release for January was 256 cfs (234 cfs generation, 0 cfs sluice, and 22 cfs through the hatchery), and the average flow below Woodbridge Dam was 178 cfs, both in accordance with the Joint Settlement Agreement "Below Normal" criteria.

Mokelumne reservoirs storage is 86% of average. As of January 31, 2014, Pardee was at 548.7 feet or 91% of average, and Camanche was at 204.0 feet or 82% of average. Combined Pardee and Camanche reservoir storage was 372,000 acre-feet compared to 488,000 acre-feet last year.

Releases from East Bay Reservoirs. There were no East Bay reservoir releases in January.

East Bay reservoirs storage is 83% of average. As of January 31, 2014, USL was at 446.2 feet or 99% of average, San Pablo was at 288.2 feet or 68% of average, and Briones was at 554.7 feet or 81% of average. Total terminal reservoir storage was 106,000 acre-feet compared to 128,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for January 2014 was 213 MGD. Walnut Creek No. 3 and Briones Raw Water Pumping Plants (RWPPs) were in service to support filling Briones Reservoir. Walnut Creek No. 1 and 2 and Moraga RWPPs remained out of service for the month.

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

	January 2014	January 2013	January 2012	Average of FY 2005-2007
East of Hills	40 MGD	27 MGD	35 MGD	27 MGD
West of Hills	126 MGD	105 MGD	114 MGD	127 MGD
Total	166 MGD	132 MGD	149 MGD	154 MGD
Max Day Production	180 MGD (1/25/2014)	144 MGD (1/17/2013)	166 MGD (1/13/2012)	

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

CUSTOMER EVENTS AND PUBLIC OUTREACH

On January 29, District staff, in conjunction with UC Extension, hosted a webinar regarding dry year conditions. The webinar “Mitigating Drought and Managing Risk,” supports the staff objective to maintain open lines of communication and provide information sharing opportunities regarding rangeland management under drought conditions. Many of the District’s grazing leaseholders attended the workshop.

On January 11, District staff conducted a heritage garden volunteer work day at the Wildermuth House. Nine volunteers joined in to prune, cage, and manage legacy landscaping.

Staff was honored at the January 10 San Francisco Bay Section of the California Water Environment Association annual awards dinner. Staff was recognized for their contributions to the professional development of members and presented with the 2013 Al Ditman Professional Award and the 2013 Outstanding Young Professional of the Year Award.

On January 23 staff presented information about EBMUD’s strategy of partnering with colleges and providing internships to develop local and diverse skilled trades job candidates at a BAYWORK workshop. Fifty representatives from ten water/wastewater agencies and two colleges attended this event. The District’s workforce strategy and successful hire of community college graduates is of interest due to the shortage of qualified skilled trades job candidates.

On January 30 District staff presented career and internship information to fifty Los Medanos College students enrolled in the Electrical/Electronic Technician (EETEC) training program. Graduates of the program will be eligible to be considered for the District’s instrument internships this summer. Several other Bay area employers are also recruiting these EETEC graduates for internships and trainee employment. The District has scheduled an instrument trainee exam before the end of the summer instrument internships.

Orinda community outreach on pumping plant projects. On January 23 staff and the District's architectural and landscape consultants presented the Happy Valley Pumping Plant project at a second Citizens Liaison Committee (CLC) meeting with neighbors of the proposed pumping plant site located off of Happy Valley Road in Orinda; 8 people attended the meeting. The presentation reviewed the preferred architectural and landscape plan based on comments received from the first CLC meeting; no additional CLC meetings are planned as all concerns were addressed.

A community meeting to present the Chabot Dam Seismic Upgrade Project Draft Environmental Impact Report was held January 16 at the San Leandro Public Library. Approximately 25 people attended, including representatives of the District, the City of San Leandro, and Friends of San Leandro Creek. Community concerns focused on construction issues including impacts to traffic, noise, and wildlife, as well as site security, construction parking and the replacement of Chabot Park equipment after construction. The attendees were shown how to navigate the online document and informed that the close of the comment period would be February 4, 2014.

Contract Equity outreach events:

- January 13, American Indian Chamber of Commerce – *Corporate Advisory Committee* conference call
- January 22, California Black Chamber of Commerce – *Annual Legislative & Policy Event* (Sacramento, CA)
- January 24 - 26, American Contract Compliance Association – *National Board Planning Retreat* (San Jose, CA)

On January 31, staff gave a presentation at the Alameda County Public Works Agency “Building Opportunity for Business” meeting. The presentation included how to do business with the District, the current construction contract opportunities and details on the Contract Equity Program. Approximately 100 local small business owners attended.

Water Conservation outreach events:

- **On January 8, staff gave a presentation at Diablo Valley College in Pleasant Hill on the District's six outdoor rebate programs.** Contra Costa Water District and Bay Friendly Landscaping & Gardening Coalition also presented. Twelve staff members from several of the college's departments attended.
- **On January 15 and 16, staff attended a board meeting and a Governance and Finance Committee meeting of the California Urban Water Conservation Council (CUWCC) in Sacramento.** The agenda discussed the ongoing work on the best management practice database, reviewed the CUWCC Board committee and governance structure, and conducted interviews for a new executive director. The District is a member organization of the CUWCC and serves on the board of directors.

- **On January 16, staff provided a water supply update to a group of professionals from local governments, processing plants, golf courses and commercial industries.** The presentation covered the water shortage status, how to save water, and strategies for specifying new equipment. Thirty people attend the event.
- **On January 23, staff gave presentations to approximately 50 Lincoln Elementary school children.** Students were introduced to the cycle of water and given tips on what they can do to save water at home. Each student was given a Water Smart home survey kit as part of a school project to save water.
- **On January 24, staff participated in a panel presentation at the 2014 California Irrigation Institute Conference, “Building a Water and Energy Efficient California” in Sacramento.** The title of the presentation was “One Water Agency’s Experience with Smart Meters.” Approximately 300 irrigation and water industry professionals attended.
- **On January 26 staff participated in the 2014 Lamorinda Home Expo.** Staff provided information on both indoor and outdoor residential water conservation practices, incentives, technologies, and the impending drought. Approximately 2,000 people attended the event.

CAPITAL IMPROVEMENT AND FACILITIES MAINTENANCE

Pipeline installations. On January 6, staff completed two high priority infrastructure renewal (IR) projects in Oakland - 2,740 feet of six-inch water pipe on 96th Avenue and 1,315 feet of six-inch water pipe on Cherry Street and began installing an IR job - 1,600 feet of twelve-inch water pipe on Hartz Avenue in Danville. On January 7 staff began installing another IR project - 1,510 feet of six-inch pipe on South 44th Street and South 41st Street (Wall Avenue) in Richmond.

Asbestos cement (AC) pipe study nearing completion. A final workshop presenting results of the latest data analysis on AC pipe to all stakeholders, including District and Water Research Foundation staff was held on January 24. The results of the AC pipe study will help develop a statistical model for implementing the District’s future AC replacement program.

In January, staff achieved a major milestone in the Pardee Hydrogenerator Unit No. 2 turbine overhaul project. All of the mechanical refurbishment work was completed on the individual turbine components. Crews installed the turbine runner, wicket gates, headcover, turbine bearing strongback, and the lower and upper bridge assemblies. After this work was completed, staff performed a tight wire alignment of the turbine, lower, and upper guide bearings. This process ensured that the generator guide bearings were concentric to the turbine guide bearing. Unit No. 2 reassembly work will continue through February, with final recommissioning scheduled for February 18, 2014. This will complete an overall project that, in addition to the Unit No. 2 turbine overhaul, included rewinding the stators on Unit No. 1 and Unit No. 2, as well as a full stator core iron restack on Unit No. 2.

The Sobrante Water Treatment Plant electrical upgrades are on schedule to be completed by March 14. The contractor completed the underground electrical duct banks, tested new medium voltage cable, installed, tested and energized the new outdoor power building, and demolished the old motor control centers (MCC) and set three new MCCs. The contractor plans to pull conductors and terminate, test, and energize the three new MCCs in February.

The Dingee Pipeline and Claremont Center Aqueducts (Oakland) replacement pipeline installation continues. Approximately 2,500 feet of pipeline has been installed. The Dingee pipeline work on Golden Gate Avenue under Highway 24 was completed on January 10. The pipeline work on Golden Gate Avenue and Broadway Terrace continues but is proceeding slower than expected due to the presence of rock in the trench area.

The Powell Street and Hollis Street pipeline (Emeryville) replacements project is underway. The contractor has completed the pipeline installation for segment 2 on Horton, Haruff, Peladeau and Powell Streets. A total of 1,000 feet of 16-inch and 90 feet of 8-inch pipe have been installed.

The Estates Reservoir replacement project (Oakland) is nearing completion. The contractor has completed all underground work (piping and conduit installation). Curbs and gutters were installed. Tree removal and pruning of trees and bushes from the forested area outside the eastern fence line has been completed; analysis of options for the path and five trees is under way. The landscaper is installing irrigation piping for the new trees inside the property. Paving of the site roads is scheduled for mid-February.

The Round Hill No. 2 Pumping Plant (Alamo) was accepted as complete on January 31. This project included the construction of a new 1.0 MGD pumping plant and a new pipeline to serve the current and projected water demands in the Round Hill pressure zone.

The Federal Energy Regulatory Commission (FERC) has approved the Camanche Embankments Safety Review report submitted by the District in 2010. The comprehensive safety report addressed issues raised in previous Potential Failure Mode Analysis mandated by FERC. The review included piping potential, seepage and uplift pressures, stability analyses, and seismic deformation estimates and concluded that the main dam and dikes will remain stable when subjected to maximum credible earthquakes on the controlling faults. The State of California Division of Safety of Dams is currently reviewing the report.

Sobrante and USL Water Treatment Plants flocculator rehabilitation project (El Sobrante) requires an increase in the change order contingency. A contractor is currently replacing the flocculators. During the course of the work the existing motors for those flocculators have been found to need replacement to provide appropriate reliability for the plant this summer, particularly if drought conditions occur. The additional work, estimated at \$200,000, involves demolition of the old motors, drives, and equipment pads, construction of new concrete pedestals, and the installation of District-furnished drive units. The work will bring the total change order amount to \$248,000, or 51.2 percent of the original contract amount of \$484,664.

WATER AND WASTEWATER SYSTEM OPERATIONS

The North Richmond Water Reclamation Plant (NRWRP) returned to service this month. Due to high ammonia levels in the secondary effluent from the West County plant, the NRWRP was shut down on January 3 and backup potable water has been provided to Chevron for use in its cooling towers. EBMUD staff worked with West County plant staff on some improvements at West County's plant that helped lower ammonia to acceptable levels.

The agreement with West County Wastewater District (WCWD) for secondary effluent supply will be amended to include a pilot project intended to improve water quality. WCWD provides secondary effluent to EBMUD's North Richmond plant and Richmond Advanced Recycled Expansion plant, which produce recycled water for distribution to the Chevron Richmond Refinery. There have been water quality issues in the secondary effluent from WCWD including high levels of ammonia which have resulted in plant shutdowns at North Richmond. EBMUD is looking into designing and installing a chemical feed system to increase alkalinity as part of a pilot project to improve the secondary effluent water quality from the WCWD. This pilot project would require an amendment to the agreement with the WCWD, and staff is working on the agreement amendment.

Irrigation retrofit work completed for recycled water service to Preservation Park in Oakland. The second of two cross-connection tests was successfully conducted on January 18 with no cross-connections discovered. All other retrofit construction activities were completed including fire service backflow preventer testing. A few minor punch list items remain before the irrigation switchover to recycled water, which is expected by early February 2014.

EBMUD submitted a proposal with Bay Counties, a Peninsula solid waste hauler, to process up to 120 tons per day of organic materials from the City of Sunnyvale into biogas and renewable energy. Staff will be contacting the City of Sunnyvale to express interest in processing the material irrespective of which hauler is selected.

Construction has started for Recology's pilot facility at the MWWTP to pre-process food waste organics. In December 2013, the Board approved the pilot facility which will have the capacity to process up to 100 tons per day of food waste organics. The facility is expected to be operational by April.

All MWWTP discharges were in compliance with permit limits for December. This is the 173rd consecutive month that the Main Wastewater Treatment Plant experienced no exceedances.

There was one odor complaint during this reporting period. The follow-up investigation concluded that the likely source of the odor was an out of service reactor tank. The reactor tank was flushed to mitigate the odor.

January main breaks. The attached table lists the main breaks that were repaired by staff in January, sorted by city and street. The associated map shows the locations of the breaks geographically.

ORGANIZATION EFFECTIVENESS AND EFFICIENCY

On January 28, an Alternative Work Location functional exercise for the Emergency Operation Team employee care section was conducted at the Orinda Watershed Headquarters.

The District laboratory passed the California Department of Public Health, Environmental Laboratory Accreditation Program audit. The audit, conducted January 14-15, concluded with only minor findings and no deficiencies. The formal audit report is expected in February.

Tuition Reimbursement

	January 2014	FY14 Total
# of Employees	20	116
# of Classes	25	140
Total Reimbursed	\$13,391	\$82,943

Employment Information

	January 2014	FY14 Total
Retirements*	5	44
Other Separations	5	39
Hires	27	126

*Includes vested employees who left District employment and retired at a later date.

FINANCIAL NEWS

The District received a \$495,000 check from Caltrans to settle a damage claim on the Main Wastewater Treatment Plant outfall resulting from Caltrans construction work in 2008.

There were no contracts over \$70,000 and less than \$100,000 approved by the General Manager in January 2014.

The Net Mokelumne power revenue for January was \$49,234 vs \$40,085 planned. Inflows into Pardee for January were 26% of plan and generation was 97% of plan. The generation plan included only Camanche generation. The average electricity price was higher than expected at \$49/MWh. Renewable power and related Renewable Energy Credits (RECs) were sold to the Sacramento Municipal Utility District under the Power Purchase Agreement. REC revenue for January was \$6,239. Total net Mokelumne power revenue through January is \$1,068,216 which is 31.8% of the FY14 plan, and 18.7% of the FY14 budgeted \$5.7 Million.

FY14 PLAN	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
Nov-13	\$121,222	\$161,572	29,700	26,868
Dec-13	\$331,446	\$52,548	27,300	13,658
Jan-14	\$40,085	\$49,234	18,900	4,889
FY14 YTD Total	\$1,346,842	\$1,068,216	187,500	154,558

Bold items are estimated

Plant book sales for January 2014. Fifteen plant books were sold in January which increased the total plant books sold to 34,329. January plant book revenues total \$434.25, increasing total revenues to \$733,098.46. Total revenues as a percentage of out-of-pocket book design and production cost equals 93%.

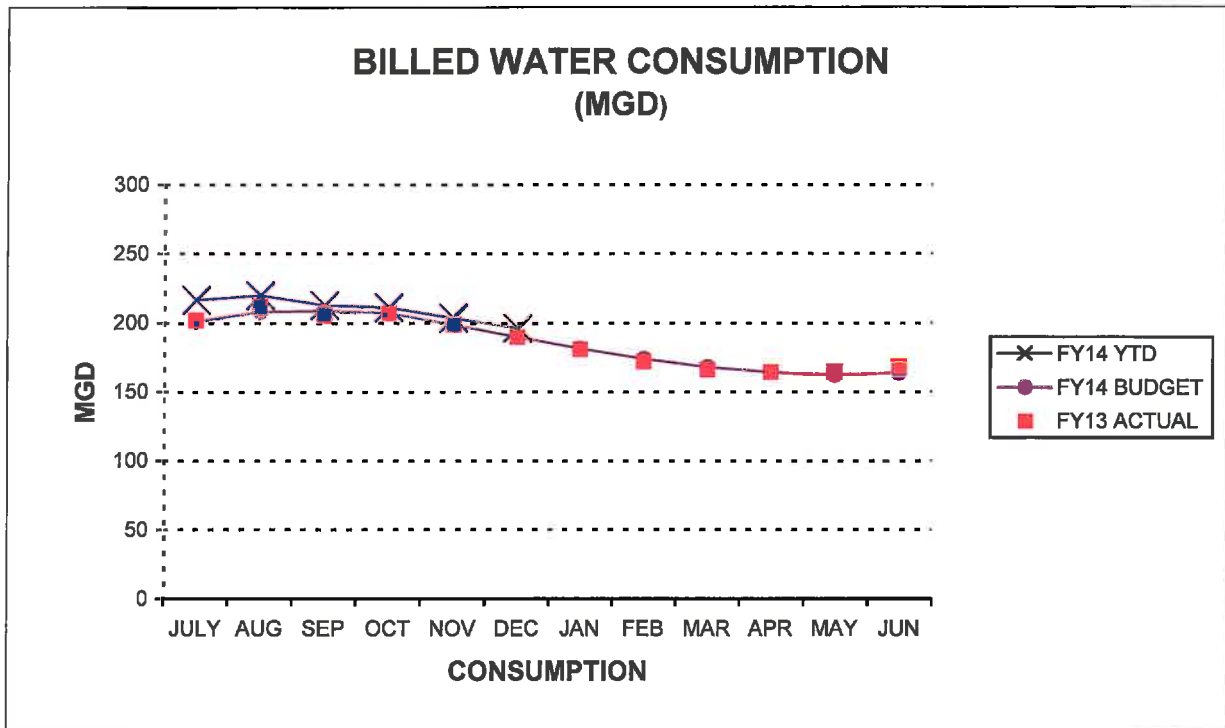
Monthly yield on all investments including reserve funds was 0.37%, a decrease of 0.04% from December 2013. There were no new investments in January 2014. The yield on 90-day Treasury bills on January 31, 2014 was 0.05%.

Average interest cost during the month of January for outstanding commercial paper issued for the Water System was 0.12%, a decrease of 0.01% from December 2013. The average interest cost for outstanding Wastewater System commercial paper in January was 0.09%, a decrease of 0.05% from December 2013.

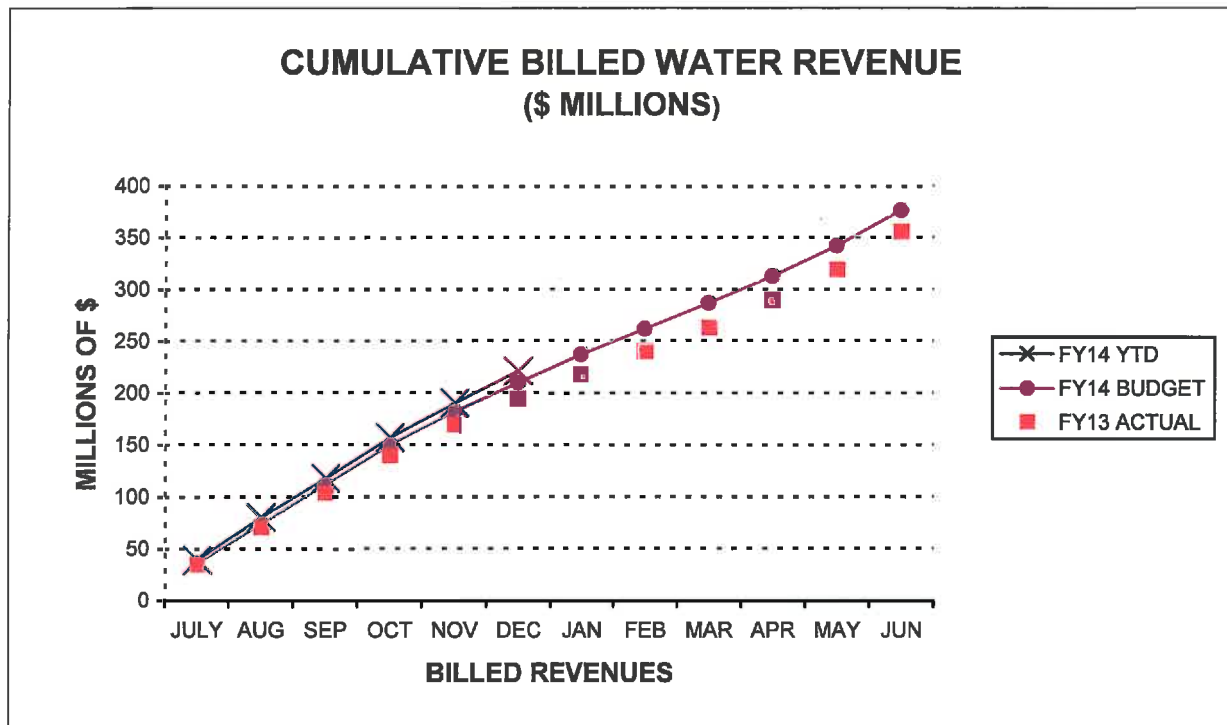
As a result of this year's dry weather, billed water consumption for FY14 through December 2013 was 196.0 MGD, which is 3.4% more than billed consumption of 189.5 MGD for the same period in FY13, a period of normal weather.

Billed Water Consumption As of December 31, 2013		
Usage Type	FY14 (MGD)	FY13 (MGD)
Residential	105.9	104.1
Commercial	62.7	60.9
Industrial	18.1	15.9
Public Authority	9.3	8.6
Total Billed Water Consumption	196.0	189.5

Water revenues billed fiscal year to date were \$221.1 million, which is 13.7% more than the FY13 actual revenue of \$194.4 million due to increased consumption and the 9.75% rate increase for services provided and billed starting July 1st.



Source: Customer Information System



Source: Customer Information System

JANUARY 2014 MAIN BREAKS

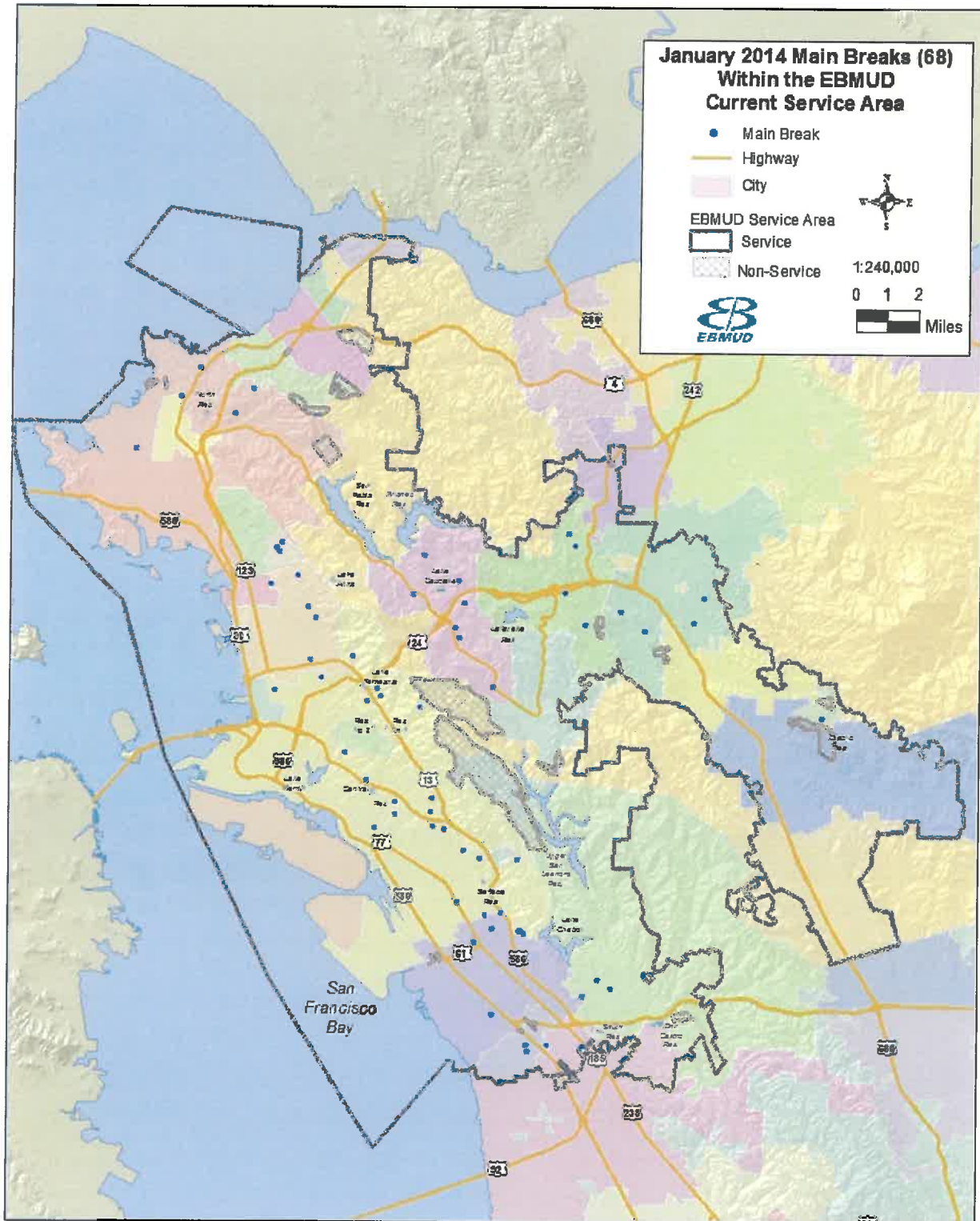
City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
ALBANY	1501		WASHINGTON	AVE	CAST IRON	6	1931	9,000	12/31/13	01/01/14
BERKELEY	1340		ARCH	ST	CAST IRON	6	1953	7,200	01/01/14	01/02/14
BERKELEY	1930		MARINA	BL	STEEL	12	1965	1,350	01/01/14	01/02/14
BERKELEY	2221		OREGON	ST	CAST IRON	6	1940	28,800	01/05/14	01/09/14
BERKELEY	703		SANTA BARBARA	RD	STEEL	6	1966	13,500	01/01/14	01/01/14
BERKELEY	2505		VIRGINIA	ST	CAST IRON	6	1961	5,760	12/29/13	01/02/14
CASTRO VALLEY	18489		CENTER	ST	CAST IRON	8	1955	20,160	01/01/14	01/02/14
CASTRO VALLEY	19178		SAN MIGUEL	AVE	CAST IRON	6	1949	900	01/25/14	01/25/14
CASTRO VALLEY	3703		SEVEN HILLS	RD	CAST IRON	6	1931	900	01/14/14	01/15/14
CASTRO VALLEY	19307		STANTON	AVE	CAST IRON	6	1931	3,600	01/02/14	01/02/14
DIABLO	1897		CALLE ARROYO		ASBESTOS CEMENT	6	1960	1,800	01/07/14	01/07/14
HAYWARD	710		GROVE	WAY	ASBESTOS CEMENT	8	1956	5,760	01/26/14	01/29/14
KENSINGTON	62		ARLINGTON	AVE	CAST IRON	6	1932	1,350	01/09/14	01/09/14
KENSINGTON	44		HIGHGATE	RD	STEEL	16	1927	5,760	01/10/14	01/10/14
KENSINGTON	60		HIGHGATE	RD	STEEL	16	1927	40,320	01/22/14	01/29/14
LAFAYETTE	3453		GOLDEN GATE	WAY	CAST IRON	6	1932	1,800	01/20/14	01/20/14
LAFAYETTE	3363		MCGRAW	LN	CAST IRON	6	1954	43,200	01/23/14	01/29/14
LAFAYETTE			RANCHO DEL HAMBRE		CAST IRON	6	1945	1,350	01/03/14	01/04/14
LAFAYETTE	749		ST MARYS	RD	CAST IRON	6	1936	5,400	01/14/14	01/15/14
OAKLAND	1572		34TH	AVE	CAST IRON	6	1954	25,920	12/28/13	01/03/14
OAKLAND	1438	E	36TH	ST	CAST IRON	4	1940	4,500	01/08/14	01/08/14
OAKLAND	395		63RD	ST	ASBESTOS CEMENT	6	1963	450	01/26/14	01/31/14
OAKLAND	2950		75TH	AVE	CAST IRON	4	1949	5,760	12/30/13	01/02/14
OAKLAND	1356		96TH	AVE	CAST IRON	4	1911	5,760	01/15/14	01/21/14
OAKLAND	2174		109TH	AVE	CAST IRON	6	1939	900	01/25/14	01/28/14
OAKLAND	4421		ALBERT	ST	CAST IRON	4	1938	5,760	12/18/13	01/08/14
OAKLAND	814		ALVARADO	RD	CAST IRON	6	1927	720	01/06/14	01/07/14

JANUARY 2014 MAIN BREAKS

City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
OAKLAND	900		AQUARIUS	WAY	CAST IRON	6	1965	360	01/07/14	01/07/14
OAKLAND	365		FLORENCE	AVE	CAST IRON	4	1938	1,350	01/14/14	01/14/14
OAKLAND	3560		LYON	AVE	CAST IRON	6	1924	45,000	01/28/14	01/28/14
OAKLAND	3035		MAPLE	AVE	CAST IRON	6	1924	900	01/07/14	01/07/14
OAKLAND	4291		MAYBELLE	AVE	STEEL	8	2004	5,760	12/13/13	01/09/14
OAKLAND			OAK HILL	RD	CAST IRON	12	1956	10,080	01/04/14	01/06/14
OAKLAND	6909		RIDGEWOOD	DR	CAST IRON	6	1925	900	01/06/14	01/06/14
OAKLAND	546		ROSAL	AVE	CAST IRON	4	1920	450	01/03/14	01/04/14
OAKLAND	6040		SAN PABLO	AVE	CAST IRON	4	1892	17,280	01/12/14	01/18/14
OAKLAND			SEMINARY	AVE	CAST IRON	6	1917	630	01/09/14	01/09/14
OAKLAND	3532		SIMMONS	ST	COPPER	1	1967	7,200	01/03/14	01/03/14
OAKLAND	3532		SIMMONS	ST	COPPER	1	1967	450	01/06/14	01/07/14
OAKLAND	9843		STANLEY	AVE	CAST IRON	6	1925	9,000	01/12/14	01/12/14
OAKLAND	8019		SUNKIST	DR	CAST IRON	6	1941	5,760	01/15/14	01/22/14
OAKLAND	6595		SWAINLAND	RD	ASBESTOS CEMENT	6	1981	5,760	01/06/14	01/13/14
ORINDA	4		ICHABOD	LN	CAST IRON	6	1951	20,160	01/08/14	01/15/14
ORINDA	54		MUTH	DR	ASBESTOS CEMENT	6	1963	8,640	01/08/14	01/10/14
ORINDA	3		NORTH	LN	CAST IRON	8	1934	23,040	01/23/14	01/27/14
ORINDA	29		OVERHILL	RD	CAST IRON	6	1947	1,800	01/01/14	01/02/14
ORINDA	15		OWL HILL	RD	CAST IRON	6	1940	2,250	01/09/14	01/09/14
ORINDA	5		VALENCIA	RD	CAST IRON	6	1947	20,160	01/14/14	01/21/14
ORINDA	32		VIA FLOREADO		CAST IRON	6	1935	2,700	01/22/14	01/22/14
RICHMOND	921		JUANITA	CT	CAST IRON	2	1942	10,080	01/21/14	01/23/14
RICHMOND	71		MONTALVIN	DR	ASBESTOS CEMENT	8	1953	5,760	01/02/14	01/07/14
RICHMOND	24		RUBY	AVE	CAST IRON	2	1944	25,920	01/15/14	01/21/14
RICHMOND	671		SANTA MARIA	RD	CAST IRON	6	1946	5,760	01/04/14	01/09/14
SAN LEANDRO	1095		AVON+F22	AVE	ASBESTOS CEMENT	6	1950	25,900	01/07/14	01/09/14

JANUARY 2014 MAIN BREAKS

City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
SAN LEANDRO	645		BANCROFT	AVE	CAST IRON	6	1954	12,960	12/31/13	01/03/14
SAN LEANDRO	1064		BROADMOOR	BL	CAST IRON	6	1926	4,320	01/12/14	01/13/14
SAN LEANDRO	294		CALIFORNIA	AVE	CAST IRON	6	1941	17,280	01/04/14	01/10/14
SAN LEANDRO	1568		DANIELS	DR	CAST IRON	4	1950	11,520	01/27/14	01/27/14
SAN LEANDRO	1598		DANIELS	DR	CAST IRON	4	1948	5,760	01/14/14	01/14/14
SAN LEANDRO	1411		LAKE CHABOT	RD	CAST IRON	6	1948	9,000	12/31/13	01/01/14
SAN LORENZO	15954		VIA DEL SOL		CAST IRON	6	1944	21,600	01/07/14	01/13/14
SAN LORENZO	71		VIA MORELLA		CAST IRON	4	1950	14,400	01/20/14	01/21/14
SAN LORENZO	16130		VIA PARO		CAST IRON	6	1944	900	01/29/14	01/30/14
SAN PABLO	1880		STANTON	AVE	ASBESTOS CEMENT	6	1960	5,760	01/21/14	01/29/14
WALNUT CREEK	11		BALL	RD	ASBESTOS CEMENT	6	1973	14,400	01/09/14	01/14/14
WALNUT CREEK	10		ELLERY	CT	STEEL	12	1963	5,760	12/27/13	01/02/14
WALNUT CREEK	2441		OLYMPIC	BL	CAST IRON	6	1948	6,750	01/27/14	01/27/14
WALNUT CREEK	2100		YOUNGS	CT	ASBESTOS CEMENT	6	1961	5,760	01/03/14	01/06/14
							TOTAL	646,900		



EAST BAY MUNICIPAL UTILITY DISTRICT

11.

DATE: February 6, 2014
MEMO TO: Board of Directors
THROUGH: Alexander R. Coate, General Manager *ARC*
FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*
SUBJECT: Sustainability/Energy Committee Minutes – January 28, 2014

Chair Doug Linney called to order the Sustainability/Energy Committee meeting in the Training Resource Center at 9:04 a.m. Director Katy Foulkes was present at roll call and President Andy Katz arrived at 9:10 a.m. Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Wastewater Bennett K. Horenstein, Customer Services Manager Regina M. Cullado, Associate Civil Engineer John M. Hake, Manager of Water Conservation Richard W. Harris, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Wastewater Energy Update. Associate Civil Engineer John M. Hake reported that the biogas turbine at the Main Wastewater Treatment Plant (MWWTP) Power Generation Station (PGS) was repaired and returned to service on December 6, 2013. Since the repair, the turbine has been in continuous operation. Staff is projecting that the District will generate sufficient on-site energy to meet greater than 130% of plant power demand in FY14. Surplus renewable power is sold to the Port of Oakland. During the first year of the contract (November 2012 through October 2013), 12,465 megawatt-hours of surplus renewable energy were sold with total revenues of \$908,000.

Next, Mr. Hake provided an update on food waste opportunities, including Central Contra Costa Solid Waste Authority, City and County of San Francisco in partnership with Recology, and the City of Oakland. Staff is currently pursuing a new opportunity to receive up to 120 tons per day of organic material under a long-term agreement with the City of Sunnyvale to increase biogas and renewable energy production at the MWWTP. Staff continues to evaluate the timing, implementation, and any needed capital improvements associated with each of these food waste opportunities.

Mr. Hake reported that staff continues to identify and implement opportunities to reduce energy demand and increase biogas and energy production at the MWWTP. In addition, staff continues to engage in the development of “next generation” wastewater process technologies that may result in significant future reductions in secondary process energy usage. On the regulatory front, Mr. Hake reported that current interest areas include the development of regulatory requirements governing direct natural gas pipeline injection of “biomethane” (e.g., biogas produced from anaerobic digestion that meets utility provider specifications), a feed-in-tariff for surplus renewable energy sales to investor-owned utilities like PG&E, and distribution of proceeds from the state’s Cap and Trade Program for renewable energy development. Staff will continue to keep the Board apprised

of key renewable energy program developments. Director Linney commented that he looks forward to receiving more information from the City of Oakland.

Water Conservation: Home Water Report Program Update. Manager of Water Conservation Richard W. Harris presented a status update on the pilot study to provide custom Home Water Reports (HWRs) to approximately 10,000 single-family residential customers in partnership with the California Water Foundation and WaterSmart Software Inc. He reported that an independent evaluation of the pilot study was completed in December 2013 and results from the study were very positive, exceeding the 2 percent savings target. Participating customers reduced their water use by 5 percent in comparison to non-participants.

Mr. Harris said that based on the pilot study results and positive customer feedback, the District plans to expand the HWRs in FY14. As proposed, the pilot program expansion would be implemented over a three-year phased-in period. Contract negotiations with the selected vendor are in progress and consideration of the contract will be scheduled for a future Board meeting. Additionally, the District has been in preliminary discussions with PG&E to collaborate on a pilot distribution of combined water and energy consumption reports to 10,000 to 20,000 joint residential and small-medium commercial customers. Ongoing discussions with PG&E are anticipated to continue through the spring of 2014 on the scope, schedule and budget for a potential joint water-energy report pilot.

The proposed HWR program expansion would be funded within the Water Conservation Program annual budget and with the use of grant funding. The District will pursue other supplemental funding opportunities as they become available. The Committee commended staff on the program and encouraged its continued expansion.

Adjournment. Chair Linney adjourned the Sustainability/Energy Committee meeting at 9:45 a.m.

ARC/LML/slb

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: February 11, 2014

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *me*

FROM: Lynelle M. Lewis, Secretary of the District *Lynelle*

SUBJECT: Finance/Administration Committee Minutes – January 28, 2014

Chair John A. Coleman called to order the Finance/Administration Committee in the Training Resource Center at 9:50 a.m. Directors Doug Linney and William B. Patterson were present at roll call. Staff present included: General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Finance Eric L. Sandler, Director of Wastewater Bennett K. Horenstein, Manager of Water Conservation Richard W. Harris, Internal Audit Supervisor Barry N. Gardin, Manager of Wastewater Engineering Vincent P. DeLange, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

Public Comment. None.

Water Conservation Pay as You Save On-Bill Financing Pilot Study. Manager of Water Conservation Richard W. Harris presented an updated on the proposed Pay As You Save® (PAYS®) approach of on-bill financing of select water-efficiency improvements. Participants repay program costs over time through a surcharge on their water bills. The District plans to initiate a small scale on-bill financing pilot for approximately 25 customers this year. The first phase pilot implementation would target a pre-selected group of multi-family properties with higher than average per-unit water usage. Future opportunities for the pilot study include an irrigation component that would target residential and commercial properties in addition to food service equipment retrofits.

A preliminary investigation suggests the District has legal and statutory authority to implement a potential PAYS® on-bill financing program. However, implementation of the pilot requires development of a comprehensive program design and detailed operations plan. The pilot will be funded through reallocation of conservation rebate dollars, with supplemental funding from existing grants. The costs would be recovered over 3 to 7 years and upon repayment would be available for funding future projects. The Committee requested that staff provide an update to the Board on the development of the pilot project before the work plan is finalized.

Financial Quarterly Reports. Director of Finance Eric L. Sandler reported that the quarterly reports were filed in compliance with government statutes. The reports cover investment transactions along with quarterly payroll, disbursements and real estate summary reports covering the period October 1, 2013 through December 31, 2013. The Committee raised no questions.

Refunding of Wastewater System General Obligation Refunding Bonds, Series F. Director of Finance Eric L. Sandler reported that the District has outstanding \$18,555,000 of Special District No. 1,

Issue of 1970, Wastewater System General Obligation Refunding Bonds, Series F, which mature in April 2018. He noted that the District can refund the 2015 through 2018 maturities and lower annual debt service while maintaining the current maturity date. Debt service savings are estimated at \$1.27 million on a net present value basis based on current market conditions and incorporating an estimated cost of issuance of \$300,000 and estimated underwriters' discount of \$75,000. Savings achieved by the refunding will lower the *ad valorem* tax rate that the Board levies annually for Special District No. 1 by an estimated \$0.0004 per \$100 of assessed value, a 6 percent decrease from the current year. Staff will be seeking Board action to review a resolution providing for the issuance and sale of Special District No. 1, Issue of 1970, Wastewater System General Obligation Refunding Bonds, Series G.

Dodd-Frank Protocol Amendment of the Interest Rate Swap Policy and Review of the

Annual Swap Report. Director of Finance Eric L. Sandler reviewed the proposed amendments to the Interest Rate Swap Policy 4.23 to ensure compliance with the most recent Dodd-Frank (DF) Protocol, as well as to allow for compliance with subsequent protocols. If approved, the amendments will authorize the General Manager or the Director of Finance (or a duly authorized designee of the General Manager) to adhere to the March 2013 Protocol and any subsequent protocols and similar agreements. Mr. Sandler briefly highlighted the Annual Swap Report. The Committee recommended that staff provide annual updates on regulatory changes as part of the swap report. It was moved by Director Linney and seconded by Director Patterson to forward to the full Board the staff recommendations along with the modification to provide annual updates. The motion carried (3-0) with all Directors voting "yes."

Semi-Annual Internal Audit Report. Internal Audit Supervisor Barry N. Gardin presented a mid-year report on audits that have been undertaken or are in progress as part of the FY14 Internal Audit Plan including: water consumption invoicing and receipts, FY13 financial plan review (memo issued in January 2014), materials management surplus and disposal; travel and expense reimbursement, and Joint Powers Authority expenditures and cost allocations. He reported that no material findings, control weaknesses, risks, or other significant issues requiring Board action or attention have been noted during this period. It was moved by Director Patterson and seconded by Director Linney, to accept the report. The motion carried (3-0) with all Directors voting "yes."

Viridis Project Update. Manager of Wastewater Engineering Vincent P. DeLange presented a status update on site preparation activities to allow Viridis Fuels, Inc. to take possession of the 6.0 acre lease area at the Main Wastewater Treatment Plant. The District is demolishing several structures within the lease area on its West End property and coordinating work to supply electrical power to the site. Staff is responding to information requests and coordinating project development issues (i.e. rail access) with Viridis as it continues to make progress toward design and construction of a large-scale biodiesel production facility. Viridis Fuels, Inc. CEO Kathy Neal presented an overview of the project and said they are committed to bringing the project to fruition.

Adjournment. Chair Coleman adjourned the meeting at 11:04 a.m.