



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA

REGULAR CLOSED SESSION

Tuesday, April 14, 2020

11:00 a.m.

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-04 (issued March 31, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

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

Public Participation

**To participate via telephone: Dial 855-369-0450;
Enter participant pin 49-281-364 # when prompted**

To listen to the live audio stream of the public portion of the meeting, *but not provide public comment*, visit <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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. *If you participate via telephone and wish to speak on an item that is **not on the agenda**, you will be asked to:*

- State your name, affiliation if applicable, and topic
- The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
- Each speaker is allotted 3 minutes to speak; the Board President has the discretion to amend this time based on the number of speakers

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *Woodbridge Irrigation District v. East Bay Municipal Utility District*
Sacramento County Superior Court, Case No. 34-2018-00232142-CU-CO-GDS
 - b. *Timothy Alford, et al. v. East Bay Municipal Utility District, et al.*
Contra Costa County Superior Court, Case No. MSC16-01348
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
 - a. Town of Moraga
Claim No. 2017-L-290
 - b. William Strauss and Suzanne Strauss
Claim No. 2018-L-076
3. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with Clifford C. Chan, Director of Operations and Maintenance; and Laura A. Acosta,
Manager of Human Resources.

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

REGULAR BUSINESS MEETING

1:15 p.m.

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-04 (issued March 31, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

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

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ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

PRESENTATION:

- National Association of Clean Water Agencies' Award for Regional Wet Weather Collaboration to Significantly Reduce Infiltration and Inflow

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. *If you participate via telephone and wish to speak on an item that is **not on the agenda**, you will be asked to:*

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

CONSENT CALENDAR: (Single motion and vote approving 10 recommendations, including 2 resolutions.)

1. Approve the Regular Meeting Minutes of March 24, 2020.
2. File correspondence with the Board.
3. Authorize an agreement beginning on or after April 14, 2020 with AdMail Express, Inc. to fulfill customer orders from the District's online store, provide warehousing services, and fulfill on-demand special large volume District mailings for three years with two options to renew for additional one-year periods, for a total amount not to exceed \$225,000.
4. Authorize an agreement beginning on or after April 14, 2020 with Blocka Construction, Inc., in an amount not to exceed \$426,740 for the removal and replacement of the Makeup Air Units at Upper San Leandro and Sobrante Water Treatment Plants.
5. Authorize actions related to Fully Maintained and Operated (FM&O) concrete repair services.
 - 5a. Authorize agreements with AJW Construction, Bruce Enterprises, Cornerstone Paving Co., Pacific General Engineering, Ransome Company and Sonnikson and Stordahl Construction in an amount not to exceed \$1,980,000 for FM&O concrete repair services beginning on or after April 14, 2020 for one year.
 - 5b. Authorize additional agreements for FM&O concrete repair services with vendors that meet District standards and offer pricing at or below the range in the agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility and ensure availability of concrete repair services to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.

CONSENT CALENDAR: (Continued)

6. Authorize actions related to the District's Diversity and Inclusion Program.
 - 6.1. Adopt the Fiscal Year 2020 Diversity and Inclusion Program.
 - 6.2. Authorize an agreement beginning on or after April 14, 2020 with The Winters Group, Inc., in an amount not to exceed \$275,000 for the development of a Diversity and Inclusion Master Plan.
7. Authorize an amendment to the agreement awarded under Board Motion No. 107-19 with S.R. Bray, LLC, dba Power Plus to increase the amount by \$697,599 to a total amount not to exceed \$1,106,331 for rental of portable generators including delivery services through December 31, 2020.
8. Authorize an extension of the agreements awarded under Board Motion Nos. 065-15 and 127-17 with Bentley Systems, Inc. to increase the agreement amount by \$1,013,250 to a total not to exceed \$2,022,000 for providing Microstation and ProjectWise Construction Management software licenses and maintenance through August 1, 2023.
9. Reauthorize the Accounting Systems Supervisor, Manager of Security and Emergency Preparedness, and Controller to execute for and on behalf of the District, all documents required for the purpose of obtaining federal and/or state financial assistance, through the California State Office of Emergency Services including Form 130 – Designation of Applicant's Agent Resolution. Form 130 is effective for three years starting April 14, 2020 and designates the Accounting Systems Supervisor as the primary District contact. (Resolution)
10. Adopt a resolution fixing the ward boundaries from which the East Bay Municipal Utility District Directors are elected for the November 3, 2020 General Election. (Resolution)

DETERMINATION AND DISCUSSION:

11. Legislative Update:
 - Receive Legislative Report No. 02-20 and consider positions on the following bills: SB 928 (Committee on Governance and Finance) Validations, SB 929 (Committee on Governance and Finance) Validations, and SB 930 (Committee on Governance and Finance) Validations; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD
12. Consider the introduction and first reading of an ordinance to amend the EBMUD Employees' Retirement System Ordinance (Retirement Ordinance) to update Section 5(d) of the Retirement Ordinance to allow a General Manager, who is not a member at the time of appointment, to become a member of the Retirement System. (Introduction and First Reading – Ordinance No. 371-20)
13. General Manager's Report:
 - Coronavirus Update
 - Water Supply Update
 - Monthly Report – March 2020

REPORTS AND DIRECTOR COMMENTS:

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

ADJOURNMENT:

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

Disability Notice

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

Document Availability

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

BOARD CALENDAR

| Date | Meeting | Time/Location | Topics |
|-------------------|---|--|--|
| Tuesday, April 14 | Planning Committee Linney {Chair}, McIntosh, Mellon | 8:45 a.m. | <ul style="list-style-type: none"> • 2019 Mokelumne Fall-run Chinook Salmon and Stealhead Returns • Water Quality Program Annual Update – 2019 • Regulatory Compliance Semi-Annual Report – September 2019 through March 2020 • Diversity and Inclusion Master Plan Agreement • Fiscal Year 2020 Diversity and Inclusion Program • Legislative Update • Electrical Engineer Recruitment Efforts and Honeywell Staffing Update |
| | Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson | 9:30 a.m. | |
| | Board of Directors | 11:00 a.m. 1:15 p.m. | |
| Tuesday, April 28 | Sustainability/Energy Committee Linney {Chair}, Katz, Mellon | TBD | <ul style="list-style-type: none"> • Closed Session • Regular Meeting |
| | Finance/Administration Committee Patterson {Chair}, Coleman, Katz | 10:00 a.m. | |
| | Board of Directors | 11:00 a.m. 1:15 p.m. | |
| Tuesday, May 12 | Planning Committee Linney {Chair}, McIntosh, Mellon | 9:15 a.m. Training Resource Center | <ul style="list-style-type: none"> • Closed Session • Regular Meeting |
| | Legislative/Human Resources Committee Coleman {Chair}, McIntosh, Patterson | 10:15 a.m. Training Resource Center | |
| | Board of Directors | 11:00 a.m. 1:15 p.m. | |

MINUTE

Tuesday, March 24, 2020

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

Regular Closed Session Meeting

President Marguerite Young called to order the Regular Closed Session Meeting of the Board of Directors at 11:03 a.m. in the Administration Building Board Room. She announced that in light of the COVID-19 pandemic, the meeting will be conducted pursuant to California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate telephonically while Social Distancing Requirements are in effect.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Attorney Lourdes Matthew (Item 1), Director of Operations and Maintenance Clifford C. Chan (Item 1), and Manager of Human Resources Laura A. Acosta (Item 1).

PUBLIC COMMENT

The following persons addressed the Board: 1) Gus Cicala, Treasurer, AFSCME Local 2019 (telephonically), commented on the District's response to the COVID-19 pandemic and urged the Board to direct staff to finalize a telecommuting program for staff and to authorize paid administrative leave for staff unable to perform their duties telecommuting; 2) Wendy Ibarra, Officer, AFSCME Local 2019 (telephonically), commented on telecommuting for Dispatch Center staff; 3) Dwight George, EBMUD Maintenance Shift Supervisor, commented on current working conditions, personal protective equipment, and sanitation supplies for field forces; 4) Gistand Williams Jr., EBMUD General Pipe Supervisor, commented on the District's response to the COVID-19 pandemic and current working conditions and sanitation supplies for field forces; 5) Eric Larsen, President, AFSCME Local 444 commented on the District's response to the COVID-19 pandemic and urged the Board to authorize paid administrative leave during the current shelter in place order and hazard premium pay for employees required to work; and 6) Joey D. Smith, President, AFSCME Local 2019, commented on the District's response to the COVID-19 pandemic and urged the Board to authorize paid administrative leave during the current shelter in place order.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

At 1:32 p.m. President Young informed Secretary Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 2:30 p.m.

President Young called to order the Regular Business Meeting of the Board of Directors at 2:31 p.m. in the Administration Building Board Room. She announced that in light of the COVID-19 pandemic, the meeting will be conducted pursuant to CA Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act and allows Board members and the public to participate telephonically while Social Distancing Requirements are in effect.

ROLL CALL

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

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

BOARD OF DIRECTORS

President Young led the Pledge of Allegiance.

PRESENTATION

General Manager Alexander R. Coate announced the District received the National Association of Clean Water Agencies' Public Service Award for the Employee/Retiree Coastal Cleanup Day Event. The event was held on September 21, 2019 at the Martin Luther King Jr. Shoreline Regional Park in Oakland in collaboration with the East Bay Regional Park District and nationwide cleanup events. The award recognizes the District for demonstrating exemplary commitment and service to the community and the environment. The following staff were recognized for their organization of, and participation in, the 2019 Coastal Cleanup Day event: Maura Bonnarens, Treatment Division Manager; Laurice Brown, Wastewater Control Representative; Alicia Chakrabarti, Environmental Services Division Manager; Kristen Font, Wastewater Control Representative; Phoebe Grow, Supervising Wastewater Control Representative; James Hake, Assistant Engineer; Matilda Leong, Senior Administrative Clerk; Sherricka Love, Janitor; Aaron McClain, Senior Administrative Clerk; Sandra Mulhauser, Associate Civil Engineer; Danny Pham, Senior Software Engineer; Stella Tan, Associate Civil Engineer; Jenny Tran, Associate Civil Engineer; Bonnie Yee, Administrative Assistant; and Darryl Yee, Associate Electrical Engineer. The Board applauded and thanked staff for their work.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Linney, to approve the recommended actions for Items 1-7 on the Consent Calendar, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, McIntosh, Mellon, Patterson, and Young); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 051-20** – Approved the Regular Meeting Minutes of March 10, 2020.
 2. The following correspondence was filed with the Board: **1)** Presentation entitled, “Water Supply Update,” dated March 24, 2020; **2)** Presentation entitled, “Railroad Property Acquisition, Public Hearing,” dated March 24, 2020; **3)** Presentation entitled, “Coronavirus Update,” dated March 24, 2020; and **4)** Speakers’ Bureau and Outreach Record CY20, dated March 23, 2020.
 3. **Motion No. 052-20** – Awarded a contract to CXT Incorporated in an amount not to exceed \$251,028 for the removal of eight existing wood-frame restrooms and the installation of three new pre-fabricated concrete restrooms at Lafayette Reservoir Recreation Area.
 - 4.1-4.2. **Motion No. 053-20** – Awarded contracts to the nine lowest responsive/responsible bidders – Bradley Tanks, Inc.; Buildingpicks, Inc. dba Rockery; Cemex; CM Excavating, Inc.; Darrah Trucking & Excavating, Inc.; Green Dream International LLC; Sky Rock, Inc.; S.N. Sands Corp. dba S&S Trucking; and Toby’s Trucking in an aggregate annual amount, after the addition of taxes, not to exceed \$9,189,093 for supplying backfill material to locations throughout the District for three years, beginning on or after March 24, 2020, with two options to renew for additional one-year periods for a total cost of \$45,945,465 under Request for Quotation No. 2006; and authorized additional contracts with qualified bidders that meet District standards and offer pricing at or below the range described in the current proposed contracts to increase flexibility and ensure vendor availability. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.
 5. **Motion No. 054-20** – Approved the February 2020 Monthly Investment Transactions Report.
 6. **Resolution No. 35167-20** – Authorize Purchase from John Naylor of 25.65 Acres Located at 11 Bearinda Lane, Orinda.
 7. **Resolution No. 35168-20** – Adopting Revised Policy 2.03, Performance Management; Revised Policy 4.14, Reimbursement of Director Expenses; Revised Policy 7.03, Emergency Preparedness/Business Continuity; Revised Policy 8.03, New Wastewater Service Connections During Restricted Periods; and Revised Policy 9.05 – Non-Potable Water.

PUBLIC HEARING

8.1. **Conduct a public hearing to receive comments on a Resolution of Necessity to acquire fee property rights for the property adjacent to 2430 Willow Street in Oakland, site of the new Central Area Service Center.**

President Young opened the public hearing at 2:42 p.m.

Manager of Customer and Community Services Andrew L. Lee presented an overview of the District's efforts to acquire fee property rights through the eminent domain process for a 0.157-acre vacant and unused railroad parcel adjacent to 2430 Willow Street in Oakland. The District selected the Willow Street property because of the potential to acquire the railroad parcel. The railroad parcel is adjacent to Mandela Parkway, not contiguous to an existing railway, and does not appear to have a viable railroad function. If left undeveloped, it would create a security gap between the Willow Street property and neighboring structures. He explained incorporating the adjacent railroad parcel as part of the Central Area Service Center development is essential to ensure the usability of existing infrastructure, ensure there is adequate space within the property to accommodate the ingress/egress of large trucks, ensure employees' safety, and improve overall vehicle flow. Staff negotiated an agreement with Union Pacific Railroad Company and drafted a purchase agreement for the railroad parcel in March 2019, but the railroad company opted not to follow through with the agreement. In December 2019, the District provided final written offers to Burlington Northern Santa Fe Railway and Union Pacific Railroad Company (Railroads), based on fair market value as determined by a third party appraisal. To date, the Railroads have not accepted the offers. The District sent the Railroads notice of the public hearing and Board meeting by Federal Express on March 5, 2020. Under Agenda Item 8.2, the Board will be asked to consider adopting a Resolution of Necessity for eminent domain proceedings to acquire the fee property rights from Burlington Northern Santa Fe Railway and Union Pacific Railroad Company and authorizing the General Counsel to file eminent domain actions in Alameda County Superior Court. Planning Committee Chair Doug Linney announced this item was presented to the Committee on March 10, 2020 and the Committee supported the staff recommendations.

President Young asked for comments from representatives of the Railroads or other interested persons from the public. There were no comments.

President Young asked for a motion to close the public hearing. Director Patterson motioned to close the public hearing at 2:51 p.m.

- Motion by Director Patterson, seconded by Director Linney, to close the public hearing at 2:51 p.m., carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Motion No. 055-20 – Conducted a public hearing to receive comments on a Resolution of Necessity to acquire fee property rights for the property adjacent to 2430 Willow Street in Oakland, site of the new Central Area Service Center.

- 8.2. **Resolution No. 35169-20** – Resolution of Necessity for the Acquisition by Eminent Domain of a Fee Interest in the Burlington Northern Santa Fe Railway Property Adjacent to 2430 Willow Street in Oakland, California, and Authorizing Condemnation Proceedings.

DETERMINATION AND DISCUSSION

- 9a-9b. **Approve implementation of the fourth year general salary increase of 3.0% in accordance with the 2017-2021 Memoranda of Understanding between the District and AFSCME Locals 2019 and 444, IUOE Local 39 and IFPTE Local 21; and authorize a 3.0% general salary increase for Senior Management Team Members, Managers, Confidential employees and other Non-Represented employees in accordance with Resolution No. 35074-18. For purposes of Section 54953(c)(3) of the Brown Act, Senior Management Team Members referenced herein include: General Manager, General Counsel, Secretary of the District, Director of Engineering and Construction, Director of Finance, Director of Operations and Maintenance, Director of Wastewater, Director of Water and Natural Resources, Manager of Customer and Community Services, Manager of Human Resources, Special Assistant IV (Legislative Affairs), and Special Assistant IV (Public Affairs).**

President Young announced that pursuant to Section 54953(c)(3) of the Government Code, the Board of Directors is providing an oral report prior to taking action on the salary, salary schedule and compensation paid in the form of fringe benefits to the members of the Senior Management Team listed below, including the General Manager and the General Counsel. In accordance with the employment agreements with the General Manager and the General Counsel, the Board may authorize the same general salary increases and benefits to the General Manager and the General Counsel as that granted to District employees at the department director level. As such, it is recommended that the General Manager and the General Counsel each receive a 3.0% increase in their annual salary, commensurate with the 3.0% increase being granted to all District employees in this action, effective April 13, 2020. The 3.0% increase consists of a cost-of-living increase of 2.5% based on the Consumer Price Index and an additional 0.5% enhancement. Additionally, it is recommended that the following members of the Senior Management Team also be granted a 3.0% increase in their current annual salary, commensurate with the increase being granted to all District employees in this action, effective April 13, 2020: Secretary of the District; Manager of Customer and Community Services; Director of Engineering and Construction; Director of Finance; Manager of Human Resources; Director of Operations and Maintenance; Director of Wastewater; Director of Water and Natural Resources; Special Assistant IV (Legislative Affairs); and Special Assistant IV (Public Affairs). The current salaries are contained in the Salary Schedule authorized by the Board and on file with the Secretary of the District.

- Motion by Director Patterson, seconded by Director McIntosh, to approve the recommend actions for Items 9a-9b, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35170-20 – Revise District Salary Ranges, Salaries and Wage Rates.

10.1-10.2. Ratify the General Manager's March 17, 2020 declaration of a District emergency in accordance with Policy 7.03 – Emergency Preparedness/Business Continuity as a result of the federal, state, and county response to the Coronavirus disease 2019 (COVID-19); and confirm the authority of the General Manager to respond to the emergency.

Director of Operations and Maintenance Clifford C. Chan presented an overview of the District's actions in response to the COVID-19 pandemic (Agenda Item 11). He reviewed the status of confirmed COVID-19 cases in the Bay Area and the state; discussed the District's Communicable Disease Emergency Response Plan and the Emergency Operations Teams' activities; highlighted the status of publicly accessible District facilities and recreation areas; and impacts to the District's internal and external operations. He reported the District suspended water service shut-offs due to non-payment effective March 12 and began restoring water service for 500 services that have been shut-off since January 2020 due to non-payment. He discussed critical business functions; the most recent county and state shelter in place guidelines; and mitigation measures in place and being implemented for staff and District operations. Staff is working to develop plans to address employees experiencing child care challenges and reaching out to cities to coordinate a response to support the homeless community. Manager of Human Resources Laura A. Acosta reviewed current leave options available to employees and H.R. 6201 – the Family First Act. Manager of Legislative Affairs Marlaigne K. Dumaine reviewed actions taken by California Governor Newsom and at the federal level.

President Young commented on the seriousness of the current situation and its effects on all aspects of life and recalled how District staff responded to previous local disasters including the Loma Prieta earthquake and the Oakland Hills fire.

Director Mellon left the room at 3:31 p.m. and returned at 3:33 p.m.

Addressing the Board were the following persons regarding Agenda Item 11: 1) Brandon Batteate, EBMUD Plumber IV (telephonically), commented on proposed solutions for a rotation program for Operations and Maintenance Department staff until the pandemic is over; 2) George Cleveland, Chief Steward, AFSCME Local 2019 (telephonically), commented on the District's response to the COVID-19 pandemic, essential versus non-essential employees and telecommuting for staff; 3) Justin Young, 1st Vice President, AFSCME Local 2019 (telephonically), commented on the District's response to the COVID-19 pandemic, telecommuting for staff, and paid administrative leave for staff unable to perform their duties telecommuting; 4) Gus Cicala, Treasurer, AFSCME Local 2019 (telephonically), commented on telecommuting for staff, the current sick leave policy, and paid administrative leave for staff unable to perform their duties telecommuting; 5) Denise Cicala, EBMUD Associate Civil Engineer (telephonically), commented on classifying essential staff and authorizing non-essential staff to receive paid administrative leave; 6) Eric Larsen, President, AFSCME Local 444, commented on the health of some Local 444 members and the District's response to the COVID-19 pandemic; 7) Joey D. Smith, President, AFSCME Local 2019 commented on a March 23, 2020 joint letter from District unions to General Manager Alexander R. Coate and asked the District to reconsider the unions' proposals outlined in the letter; 8) Tony Martin, 2nd Vice President, AFSCME Local 444, commented on the District's response to the COVID-19 pandemic; 9) Eddie Cheung,

EBMUD Storekeeper urged the Board to take action to ensure a safe working environment for all during the COVID-19 pandemic; 10) Florentino Munoz, EBMUD Paving Raker commented on employee safety while the shelter in place order is in effect; 11) Paul Irvine, EBMUD Plumber III commented on challenges obtaining personal protective equipment and practicing social distancing while on job sites; 12) Gilbert Lored, EBMUD Plumber III commented on flexible staffing while the shelter in place order is in effect; 13) Rochelle Verspui, EBMUD Wastewater Plant Operator II commented on authorizing paid administrative leave, challenges practicing social distancing, and the status of other water and wastewater agency staff impacted by the COVID-19; 14) Justin Hill, EBMUD Plumber III commented on concerns and challenges practicing social distancing while working; 15) Marvin Aceituno, General Equipment Mechanic, commented on challenges practicing social distancing in his work area with co-workers and vendors; 16) Evan Klein-Corman, Shop Steward, AFSCME Local 444 commented on concerns from union members and urged the Board to take action to ensure a safe working environment for all during the COVID-19 pandemic; 17) Bryan Wolverton, EBMUD Plumber III commented on challenges practicing social distancing with co-workers and the public while working; 18) Tyrell Jackson, EBMUD Plumber III commented on challenges practicing proper social distancing with co-workers and the public while working; 19) Joseph Pangelinan, Chief Steward, AFSCME Local 444 commented on the District's response to the COVID-19 pandemic and urged the Board to take action to ensure a safe working environment for all during the pandemic; and 20) Marc Carradine, President, AFSCME Local 444 commented on the District's response to the COVID-19 pandemic and District communications to employees. He urged the Board to take action to ensure the District is able to continue meeting the essential needs of the public.

There was considerable Board discussion regarding the comments received. The Board thanked staff and assured them their comments were heard. General Manager Coate expressed appreciation for staff and their comments and reiterated the mitigation measures being implemented for staff and District operations. In addition, Mr. Chan provided more detail regarding the staff rotation plan discussed in his presentation. Board members requested the following:

- Regular updates to the Board and conduct emergency Board meetings if warranted
 - Provide opportunity for staff working in the field to make safety proposals
 - Improved communication with staff regarding District plans and actions
 - Consider appointing an ombudsman to assist with communication efforts
 - Consider including union representatives on Emergency Operations Team calls
 - Ensure disinfectant and hand sanitizer is available for all staff
 - Determine if the county health department can review the District's emergency plans
 - Availability of separate vehicles for employees to travel to job sites (Director Mellon)
 - Aerosol transmission disease standards (Director Katz)
- President Young left the room at 4:47 p.m. and returned at 4:49 p.m.

Director Coleman questioned the information in the staff report for Item 10.1 and 10.2, which states Policy 7.03 – Emergency Preparedness/Business Continuity authorizes suspension of the competitive bid process and allows the General Manager to execute contracts in amounts not to exceed \$350,000 per contract. Director Coleman pointed out that under Consent Calendar Item 7, the Board approved revisions to Policy 7.03 to

increase the General Manager's spending authority from \$350,000 to \$500,000 per contract. General Manager Coate explained the report contains the \$350,000 per contract threshold because that was the authorized amount when the staff report was written. He said the written record will reflect that Policy 7.03 was revised to increase the General Manager's spending authority from \$350,000 to \$500,000 per contract.

President Young asked for a motion to approve the actions outlined in Agenda Items 10.1 and 10.2.

- Motion by Director Patterson, seconded by Director Mellon, to approve the recommended actions for Items 10.1 and 10.2, carried (7-0) by the following roll call vote: AYES (Coleman, Katz, Linney, Mellon, Patterson, Young and McIntosh); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35171-20 – Ratifying General Manager's Declaration of the Existence of an East Bay Municipal Utility District Emergency and Confirming the Authority of the General Manager to Respond to the Emergency.

- President Young left the room at 5:07 p.m. and returned at 5:11 p.m.
- Director Mellon left the room at 5:08 p.m. and returned at 5:10 p.m.

11. **General Manager's Report.**

Director of Operations and Maintenance Clifford C. Chan provided the update on the District's response to the Coronavirus under Agenda Items 10.1 and 10.2.

Manager of Maintenance and Construction/Water Operations David A. Briggs presented the Water Supply Update which included information on the District's and California's current water supply. He reported on gross water production, the snow depth and snow water content at Caples Lake. He noted that through March 22, 2020, precipitation in the East Bay was 42% of average and 65% of average in the Mokelumne. As of March 22, the District's total system storage was 593,460 acre feet, which is 96% of average and 77% of capacity. He discussed projected total system storage through the end of Water Year 2020 and said the District continues to prepare for all possible water supply scenarios.

General Manager Coate announced the Board received a written report in their meeting materials regarding District plans to begin directly notifying customers affected by an unplanned water outage using email and text messages in April. Future plans include pushing traffic impacts to applications like WAZE; allowing customers to quickly update their contact information; and providing notifications to non-bill paying customers (e.g., those in multi-family residences). He asked the Board to contact staff if needed regarding the Speakers' Bureau and Outreach Record noted that due to the COVID-19 pandemic, many of the events listed have been canceled or placed on hold.

REPORTS AND DIRECTOR COMMENTS

12. Committee Reports.

- Filed with the Board were the March 10, 2020 Planning Committee Meeting Minutes.
- Finance/Administration Committee Chair William B. Patterson reported the Committee met earlier (via teleconference) and received updates on the following: Semi-Annual Internal Audit Report; Revisions to District Policies; the February 2020 Monthly Investment Transaction Report; and the COVID-19 Impact on the Variable Rate Debt Market.

11. Other Items for Future Consideration.

None.

12. Director Comments.

- Director Coleman reported giving a speech at a East Bay Real Estate meeting on March 12 in Danville and plans to participate in the FRWA Board meeting via teleconference on April 9.
- Directors Katz, Linney, McIntosh, Mellon, Patterson and President Young had no report.

ADJOURNMENT

President Young adjourned the meeting at 5:17 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: April 14, 2020

Marguerite Young, President of the Board



AGENDA NO.
MEETING DATE

3.
April 14, 2020

TITLE ON-LINE STORE FULFILLMENT AND WAREHOUSING SERVICES

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION



Authorize an agreement beginning on or after April 14, 2020 with AdMail Express, Inc. (AdMail) to fulfill customer orders from the District's online store, provide warehousing services, and fulfill on-demand special large volume District mailings for three years with two options to renew for additional one-year periods, for a total amount not to exceed \$225,000.

SUMMARY

Since 2004, the District has provided customers the ability to conduct online transactions through a centralized website to improve overall customer experience. The District online store allows customers to conveniently order water conservation educational materials, and to purchase items such as District books: *Its Name Was MUD* and *Plants and Landscapes for Summer Dry Climates of the San Francisco Bay Region*. Warehousing and distribution services for the online store are currently supported by a third-party fulfillment center.

DISCUSSION

Warehousing and distribution services are needed to ensure online orders are fulfilled in a timely manner. The third-party fulfillment center will receive orders from the District's online store, inventory items to fill the orders, package the merchandise, and ship orders directly to customers. The warehousing service also includes storage of certain water conservation devices. In addition, the contract includes the option for large volume, specialized printing and mailing services which the District may exercise in response to a drought. This service supports the District's Customer and Community Services and Long-Term Water Supply Strategic Plan goals.

| | | |
|------------------------------|--|--|
| Funds Available: FY20/21 | | Budget Code: WSO/314/4717/5241 |
| DEPARTMENT SUBMITTING | DEPARTMENT MANAGER or DIRECTOR | APPROVED |
| Customer and Community Svcs. |  Andrew L. Lee |  General Manager |

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

SERVICE PROVIDER SELECTION

A request for proposals was posted on the District's website and sent to nine customer fulfillment service providers, including three minority-owned organizations. Three firms submitted proposals and two were shortlisted as one proposal was incomplete. AdMail, a local business, was selected based on competitive costs, knowledge of the District's needs, experience in the warehouse and fulfillment business, and proximity to the District's service area.

SUSTAINABILITY

Economic

Funding for this work is available in the FY20/21 operating budget.

Social

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

Locals 2019 and 21 were notified of this agreement on January 22, 2020, and did not raise specific issues with this agreement.

ALTERNATIVES

Award the agreement to another firm. This alternative is not recommended because the other vendors were not as cost-effective or experienced.

Perform the work with District forces. This alternative is not recommended because these fulfillment services are specialized and outside current District operations, including specialized printing and mailing services the District may exercise in response to a drought. The District warehouse lacks appropriate space, necessary specialized equipment, and staff experienced in commercial fulfillment of customer orders.

Attachments

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



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

| | | | | | | | | | | | | |
|---|-------------------------|-------------------------|---------------|--|----------------------------------|---------------------------------------|--------------------------|-----------------------------------|----------------------------|-------------------------|----------------|--|
| TITLE General Services Agreement On-Line Store Fulfillment and Warehousing - Three-Year Contract with 2 One Year Renewal Options | | | | | | DATE: March 23, 2020 | | | | | | |
| CONTRACTOR: AdMail Express Inc. Hayward, CA 94544 | | | | Local / Small Business | | PERCENTAGE OF CONTRACT DOLLARS | | | | | | |
| BID/PROPOSER'S PRICE: \$45,000 /yr.* | | FIRM'S OWNERSHIP | | White Men | | 25% | | Participation | | 100.0% | | |
| | | Ethnicity | Gender | White Women | | 6% | | 0.0% | | | | |
| | | White | Men | Ethnic Minorities | | 25% | | 0.0% | | | | |
| CONTRACT EQUITY PARTICIPATION | | | | | | | | | | | | |
| COMPANY NAME | ESTIMATED AMOUNT | ETHNICITY | GENDER | | CONTRACTING PARTICIPATION | | | | | | | |
| | | | M | W | White-Men | White-Women | Ethnic Minorities | Unclassified | Publicly Held Corp. | Gov't/Non Profit | Foreign | |
| PRIME: AdMail Express Inc. | \$45,000 | White | X | | 100.0% | | | | | | | |
| SUBS: None | | | | | | | | | | | | |
| TOTAL | | \$45,000 | | | | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | |
| CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form) | | | | | | | | | | | | |
| | | White Men | | White Women | | Ethnic Minorities | | Total Employees | | | | |
| No. of Employees: | | 2 | | 2 | | 9 | | 13 | | | | |
| Percent of Total Employees: | | 15.4% | | 15.4% | | 69.2% | | | | | | |
| MSA Labor Market %: | | 24.5% | | 21.6% | | 53.9% | | | | | | |
| MSA Labor Market Location: | | Alameda County | | | | | | | | | | |
| COMMENTS | | | | | | | | | | | | |
| Contract Equity Participation - 100% White Men participation. | | | | | | | | | | | | |
| *Total not to exceed: \$225,000.00 | | | | | | | | | | | | |
| Workforce Profile & Statement of Nondiscrimination Submitted | | | | Good Faith Outreach Efforts Requirement Satisfied | | | | Award Approval Recommended | | | | |
| NA | | | | NA | | | | | | | | |



AGENDA NO.
MEETING DATE

4.
April 14, 2020

**TITLE UPPER SAN LEANDRO AND SOBRANTE WATER TREATMENT PLANT MAKEUP
 AIR UNITS REPLACEMENT**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement beginning on or after April 14, 2020 with Blocka Construction, Inc. in an amount not to exceed \$426,740 for the removal and replacement of the Makeup Air Units (MAUs) at Upper San Leandro (USL) and Sobrante Water Treatment Plants (WTPs).

In awarding this agreement, the Board of Directors finds this work cannot be satisfactorily performed under civil service.

SUMMARY

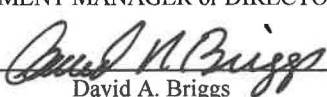

This project will replace MAUs at the USL and Sobrante WTPs. Each site has one MAU that heats the chemical rooms to regulate interior temperature to prevent caustic chemicals from crystalizing. Both MAUs are beyond their useful lives and are no longer supported by the manufacturer.

DISCUSSION

The MAUs at the USL and Sobrante WTPs must reliably operate to regulate temperature in the chemical rooms. Below certain temperatures, certain chemicals crystalize and block supply conduits. If this was to occur, water treatment plant production capacity would be immediately impacted. The existing MAUs are not reliable and require continuous maintenance. Difficulties with frequent repairs are compounded by the lack of available parts. This project will replace the MAUs with new models. This agreement supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

SERVICE PROVIDER SELECTION

A Request for Proposal was posted on the District's website and sent to two companies. The District received one proposal. Blocka Construction, Inc. is recommended because it meets all District requirements and proposed reasonable fees for the equipment and installation.

| | | |
|---|--|--|
| Funds Available: FY20, CIP# 1002676, Page 63 | | Budget Code: WSC/736/2013607/7999/5312 |
| DEPARTMENT SUBMITTING Water Operations | DEPARTMENT MANAGER or DIRECTOR  David A. Briggs | APPROVED  General Manager |

SUSTAINABILITY

Economic

Funding for this work is available in the FY20 budget for the Minor Facility Improvements Project.

Social

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

Local 444 was notified of this agreement on January 2, 2020 and did not raise any specific issues related to this agreement.

Environmental

The new MAUs are significantly more efficient than the existing units and are expected to use less natural gas.

ALTERNATIVES

Complete the work with District forces. This alternative is not recommended because the work is time-sensitive and must be completed before next winter when seasonal temperatures are lower. District forces are fully engaged with other high priority projects during this time.

Re-Issue the Request for Proposal. This alternative is not recommended because the District engaged in a fair and competitive proposal process that yielded reasonable pricing.

Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

| TITLE | | | | | | DATE: | | | | | |
|--|---------------------|------------------|--------|--|---------------------------|--------------------|----------------------|-------------------------------|------------------------|---------------------|---------|
| General Services Agreement Upper San Leandro and Sobrante Water Treatment Plant Makeup Air Units Replacement | | | | | | March 10, 2020 | | | | | |
| CONTRACTOR: | | | | PERCENTAGE OF CONTRACT DOLLARS | | | | | | | |
| Blocka Construction, Inc. Fremont, CA 94538 | | | | Sole Proposer / Local / Small Business | | Availability Group | | Contracting Objectives | | Participation | |
| BID/PROPOSER'S PRICE: | | FIRM'S OWNERSHIP | | White Men | | 25% | | 0.0% | | | |
| | | Ethnicity | Gender | White Women | | 6% | | 100.0% | | | |
| | | White | Women | Ethnic Minorities | | 25% | | 0.0% | | | |
| \$426,740 | | | | | | | | | | | |
| 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: Blocka Construction, Inc. | | \$426,740 | White | | X | | 100.0% | | | | |
| SUBS: None | | | | | | | | | | | |
| TOTAL | | \$426,740 | | | | 0.0% | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form) | | | | | | | | | | | |
| | | White Men | | White Women | | Ethnic Minorities | | Total Employees | | | |
| No. of Employees: | | 39 | | 8 | | 37 | | 84 | | | |
| Percent of Total Employees: | | 46.4% | | 9.5% | | 44.0% | | | | | |
| MSA Labor Market %: | | 28.0% | | 23.6% | | 48.4% | | | | | |
| MSA Labor Market Location: | | California | | | | | | | | | |
| COMMENTS | | | | | | | | | | | |
| Contract Equity Participation - 100% White Women participation. | | | | | | | | | | | |
| Workforce Profile & Statement of Nondiscrimination Submitted | | | | Good Faith Outreach Efforts Requirement Satisfied | | | | Award Approval Recommended | | | |
| NA | | | | NA | | | | | | | |



AGENDA NO.
MEETING DATE

5a.-b.
April 14, 2020

TITLE CONCRETE REPAIR SERVICES

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE



RECOMMENDED ACTION

- A. Authorize agreements with AJW Construction, Bruce Enterprises, Cornerstone Paving Co., Pacific General Engineering, Ransome Company and Sonnikson and Stordahl Construction in an amount not to exceed \$1,980,000 for Fully Maintained and Operated (FM&O) concrete repair services beginning on or after April 14, 2020 for one year.
- B. Authorize additional agreements for FM&O concrete repair services with vendors that meet District standards and offer pricing at or below the range in the agreements above. These additional agreements may be issued, on an as-needed basis, to increase flexibility and ensure availability of concrete repair services to the District. The Board of Directors will be notified of additional qualified vendors by means of the General Manager's monthly report.

In awarding these agreements, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

SUMMARY

The District uses concrete repair services to restore concrete streets, sidewalks, and curbs and gutters following repair and replacement of the distribution pipeline and related facilities. District staff performs most of the concrete repair work throughout the District. Emergencies, unplanned work, seasonal variations in demand, staff vacancies, and a 30-day turnaround (often driven by permit conditions mandated by the cities and counties) for a minimum of 90 percent of all orders require the District to use FM&O concrete repair services to augment District staff.

| | | |
|--|---|--|
| Funds Available: FY20/21 | | Budget Code: WWC, WWO, WSC & WSO/5296/5311 |
| DEPARTMENT SUBMITTING <u>Maintenance and Construction</u> | DEPARTMENT MANAGER or DIRECTOR  Michael R. Ambrose | APPROVED  General Manager |

DISCUSSION

The District has been using FM&O concrete repair services to supplement District forces since the early 1990s. The use of these services has increased in recent years primarily due to increased meter box repairs.

As discussed at the November 26, 2019 Long-Term Infrastructure Investment Workshop, four Limited-Term (LT) Concrete Finisher positions and associated equipment are included in the FY20/21 budget to reduce FM&O concrete repair services. The recruitment and equipment procurement is currently in progress. Filling these positions will reduce some of the FM&O costs. This work supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

SERVICE PROVIDER SELECTION

The listed vendors represent all of the vendors in the District's database that meet the minimum requirements. Specific jobs will be completed on a job-by-job basis based on location and vendor availability.

SUSTAINABILITY

Economic

Funding for this work is available in the FY20/21 budget.

Social

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

Local 444 was notified of these agreements in writing on November 27, 2019. The District met with Local 444 on January 9, 2020. Local 444 removed its opposition to these agreements based on the District's commitment to reduce FM&O contract spending by hiring four LT Concrete Finisher positions for at least two-year periods and purchasing associated equipment.

Environmental

The use of FM&O concrete repair services helps maintain efficient street, sidewalk, and meter box repairs and replacement projects, and reduces impacts to local environments around District jobsites by supporting timely responses for concrete repair needs.

ALTERNATIVES

Do not contract for concrete repair services. This alternative is not recommended as this service is critical to District operations.

Add staff and equipment to reduce the need for concrete repair services. This alternative is not recommended. The District included four LT Concrete Finisher positions in the FY 20/21 budget. However, rentals are still needed to supplement in-house capabilities.

Attachments


P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

| TITLE General Services Agreement Concrete Repair Services - One-Year Contract | | | | DATE: April 2, 2020 | | | | | | | |
|---|------------------|-------------------------|--------------------------------|--|---------------------------|--------------|--------------------------|---|------------------------|------------------|---------|
| CONTRACTOR: Various Firms (See Below) | | | | PERCENTAGE OF CONTRACT DOLLARS | | | | | | | |
| BID/PROPOSER'S PRICE: | | FIRM'S OWNERSHIP | | White Men | 25% | 66.7% | | | | | |
| | | Ethnicity | Gender | White Women | 6% | 0.0% | | | | | |
| \$1,980,000 /yr.* | | See Below | - | Ethnic Minorities | 25% | 33.3% | | | | | |
| CONTRACT EQUITY PARTICIPATION | | | | | | | | | | | |
| COMPANY NAME | ESTIMATED AMOUNT | ETHNICITY | GENDER | | CONTRACTING PARTICIPATION | | | | | | |
| | | | M | W | White-Men | White-Women | Ethnic Minorities | Unclassified | Publicly Held Corp. | Gov't/Non Profit | Foreign |
| PRIMES: | | | | | | | | | | | |
| AJW Construction | \$330,000 | Hispanic | X | | | | 16.67% | | | | |
| Bruce Enterprises | \$330,000 | White | X | | 16.67% | | | | | | |
| Cornerstone Paving Co. | \$330,000 | Hispanic | X | | | | 16.67% | | | | |
| Pacific General Engineering | \$330,000 | White | X | | 16.67% | | | | | | |
| Sonnikson and Stordahl Construction | \$330,000 | White | X | | 16.67% | | | | | | |
| Ransome Company | \$330,000 | White | X | | 16.7% | | | | | | |
| TOTAL | | \$1,980,000 | | | 66.7% | 0.0% | 33.3% | 0.0% | 0.0% | 0.0% | 0.0% |
| CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form) | | | | | | | | | | | |
| | | | White Men | | White Women | | Ethnic Minorities | | Total Employees | | |
| No. of Employees: | | | SEE ATTACHED FORM P-061 | | | | | | | | |
| Percent of Total Employees: | | | | | | | | | | | |
| MSA Labor Market %: | | | | | | | | | | | |
| MSA Labor Market Location: | | | | | | | | | | | |
| COMMENTS | | | | | | | | | | | |
| Contract Equity Participation - 66.7% White Men participation and 33.3% Ethnic Minority participation. | | | | | | | | | | | |
| *Total not to exceed: \$1,980,000 | | | | | | | | | | | |
| 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: | | Ethnic Minority Percentages From U.S. Census Data | | | | | | | |
|---|--------------------------|---|---------------------|------|--------------------------------------|-------|---------|--------------|-------|
| Concrete Repair Services - One-Year Contract | | | B | H | A/PI | AI/AN | TOTAL | | |
| | | 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 | | |
| General Services Agreement | | DATE: | 4/2/2020 | | | | | | |
| 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 | EMM: H - L/SBE | Company Wide | 0 | 31 | 1 | 0 | 32 | 91.4% | 39.9% |
| AJW Construction Alfonso Quintor 966 81st Avenue Oakland, CA 94621 510-568-2300 ext.2 | | Manager/Prof | 0 | 1 | 1 | 0 | 2 | 100.0% | |
| | | Technical/Sales | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Clerical/Skilled | 0 | 2 | 0 | 0 | 2 | 66.7% | |
| | | Semi/Unskilled | 0 | 28 | 0 | 0 | 28 | 0.0% | |
| | | Bay Area | 0 | 31 | 1 | 0 | 32 | 0.0% | 39.9% |
| | | AA Plan on File: | NA | | Date of last contract with District: | | NA | | |
| | | Co. Wide MSA: | 9 Bay Area Counties | | # Employees-Co. Wide: | | 35 | Bay Area: 35 | |
| RP | WM: SBE | Company Wide | 0 | 2 | 0 | 0 | 2 | 40.0% | 23.4% |
| Bruce Enterprises Donna Simnick 1475 Petaluma Blvd. South Petaluma, CA 94952 707-781-9686 | | Manager/Prof | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Technical/Sales | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Clerical/Skilled | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Semi/Unskilled | 0 | 2 | 0 | 0 | 2 | 66.7% | |
| | | Bay Area | 0 | 0 | 0 | 0 | 0 | 0.0% | 39.9% |
| | | Co. Wide MSA: | Sonoma County | | # Employees-Co. Wide: | | 5 | Bay Area: 0 | |
| RP | EMM: H - SBE | Company Wide | 0 | 5 | 0 | 0 | 5 | 100.0% | 23.4% |
| Cornerstone Paving Co. Gary Golobe 1460 Abramson Road Santa Rosa, CA 95401 707-484-1116 | | Manager/Prof | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Technical/Sales | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Clerical/Skilled | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Semi/Unskilled | 0 | 5 | 0 | 0 | 5 | 100.0% | |
| | | Bay Area | 0 | 5 | 0 | 0 | 5 | 100.0% | 39.9% |
| | | Co. Wide MSA: | Santa Rosa | | # Employees-Co. Wide: | | 5 | Bay Area: 5 | |
| RP | WM: L/SBE | Company Wide | 1 | 5 | 0 | 0 | 6 | 75.0% | 38.5% |
| Pacific General Engineering James Akridge 2934 Pacheco Blvd. Martinez, CA 94553 925-260-3307 | | Manager/Prof | 0 | 1 | 0 | 0 | 1 | 50.0% | |
| | | Technical/Sales | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Clerical/Skilled | 1 | 1 | 0 | 0 | 2 | 66.7% | |
| | | Semi/Unskilled | 0 | 3 | 0 | 0 | 3 | 100.0% | |
| | | Bay Area | 1 | 5 | 0 | 0 | 6 | 75.0% | 39.9% |
| | | Co. Wide MSA: | Contra Costa | | # Employees-Co. Wide: | | 8 | Bay Area: 8 | |
| RP | WM: LBE | Company Wide | 2 | 32 | 4 | 2 | 40 | 48.2% | 39.9% |
| Sonnikson and Stordahl Construction Paul Sonnikson 4858 Sunrise Drive Martinez, CA 94553 925-229-4028 | | Manager/Prof | 0 | 10 | 0 | 0 | 10 | 35.7% | |
| | | Technical/Sales | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Clerical/Skilled | 0 | 17 | 4 | 2 | 23 | 52.3% | |
| | | Semi/Unskilled | 2 | 5 | 0 | 0 | 7 | 63.6% | |
| | | Bay Area | 2 | 32 | 4 | 2 | 40 | 48.2% | 39.9% |
| | | Co. Wide MSA: | 9 Bay Area Counties | | # Employees-Co. Wide: | | 83 | Bay Area: 83 | |
| RP | WM: L/SBE | Company Wide | 1 | 33 | 0 | 0 | 34 | 69.4% | 39.9% |
| Ransome Company Shawn Ferdig 1933 Williams Street San Leandro, CA 94577 510-686-9900 | | Manager/Prof | 0 | 3 | 0 | 0 | 3 | 42.9% | |
| | | Technical/Sales | 1 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Clerical/Skilled | 0 | 30 | 0 | 0 | 30 | 73.2% | |
| | | Semi/Unskilled | 0 | 0 | 0 | 0 | 0 | 0.0% | |
| | | Bay Area | 1 | 33 | 0 | 2 | 36 | 73.5% | 39.9% |
| | | Co. Wide MSA: | 9 Bay Area Counties | | # Employees-Co. Wide: | | 49 | Bay Area: 49 | |

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

6.1.
April 14, 2020

TITLE **ADOPT THE FISCAL YEAR 2020 DIVERSITY AND INCLUSION PROGRAM**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

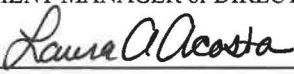

Adopt the Fiscal Year 2020 (FY20) Diversity and Inclusion (D&I) Program.

SUMMARY

EBMUD is an equal employment opportunity employer. As a federal contractor, the District is required by federal regulations to update and adopt written affirmative action programs (AAPs) on an annual basis for minorities, women, protected veterans (Veterans) and individuals with disabilities (IWDs). Federal regulations specifically require the District to establish placement goals by job group for minorities and/or women based on the results of a utilization analysis comparing District incumbency to availability; establish action-oriented programs to address problem areas hindering the employment of minorities or women at availability rates; and analyze its progress and the effectiveness of its outreach efforts in reaching the national benchmark for the hiring of Veterans and utilization goal for IWDs. The Board's adoption of the FY20 D&I Program complies with these regulations. The FY20 D&I Program was presented to the Legislative/Human Resources Committee on April 14, 2020.

DISCUSSION

The District is proud to be a leader in taking proactive steps in support of a diverse workforce and upholding equal employment opportunities. The District's programs comply with Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act and Section 503 of the Rehabilitation Act. On an annual basis, pursuant to these regulations, the District establishes placement goals by job group for minorities and/or women based on the results of a utilization analysis comparing District incumbency to availability in the District's recruitment area, analyzes its workforce by job group against the national utilization goal of 7.0 percent for IWDs, and analyzes its Veteran hiring against the District's customized hiring benchmark of 2.9 percent. As in previous years, the District makes good faith efforts toward reaching its minority and/or female placement goals and evaluates the effectiveness of its outreach activities to meet the Veteran hiring benchmark and IWD utilization goal. Based on goals progress and evaluation, the District advises on program effectiveness and recommends action-oriented programs and outreach to improve performance.

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

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

For the FY19 AAP year, of the 22 District job groups, efforts were focused on seven job groups with eight placement goals where the incumbency was below availability in the recruitment area for all seven job groups for minorities and one job group for women. The District exceeded its FY19 minority placement goals for the Heavy Equipment/Truck Operators and Service Maintenance job groups. The District nearly met its minority placement goal for the Mechanical Maintenance job group, missing it by only one hire. The District also made progress on its minority placement goal rate between FY18 and FY19 for the Supervising Engineering, Pipeline Maintenance and Electrical/Structural Maintenance job groups. Total job placements (hires and promotions) in FY19 were 377, with the District placing 124 women and 227 minorities.

The District also made progress on its utilization goal for IWDs in the FY20 AAP. The District increased the percentage of IWDs in the applicant pools from 3.4 percent to 3.7 percent, increased the IWD hiring rate from 3.6 percent to 5.7 percent, and increased the IWD workforce utilization rate from 4.4 percent to 4.9 percent. Although the District did not make progress on its Veteran hiring benchmark, the District increased the percentage of Veterans in the applicant pools from 3.0 percent to 3.2 percent.

For the FY20 AAP, minority placement goals remain for the Rangers, Supervising Engineering, Pipeline Maintenance, Heavy Equipment/Truck Operators, Electrical/Structural Maintenance, Mechanical Maintenance and Service Maintenance job groups. The District still has minority placement goals in the Heavy Equipment/Truck Operators and Service Maintenance job groups for this year, despite exceeding the placement goals in FY19, because the shortfall between incumbency and availability is nearly 15 percent for both job groups and therefore it will take more than one year to close the gap. The female placement goal for the Electrical/Structural Maintenance job group also remains for the FY20 AAP.

The FY20 D&I Program is focused on addressing the areas described above and targeted towards these job groups/classifications. Proposed actions include: continuation of target outreach, recruitment and best practice training for classifications with placement goals, for hard-to-fill positions, and for departments/divisions with diversity challenges; continuation of the high school, trades and Toolworks' internship programs; development of ranger and engineering internship programs; implementation of recommendations from the Women in Trades Environmental Scan Report; and development of the D&I Master Plan. This program supports the District's Workforce Planning and Development Strategic Plan goal to attract and hire quality candidates that reflect the diversity of our community.

SUSTAINABILITY

Economic

The costs for implementing the FY20 D&I Program, except for the D&I Master Plan, are included in the District's FY20 and FY21 budgets. Funding for this unplanned expense (the D&I Master Plan) will be absorbed within the FY20 and FY21 budgets.

Social

The D&I Program supports diversity, equity and inclusion for the District's current and future generation of employees, communities, and customers.

ALTERNATIVE

Do not adopt the FY20 D&I Program. This alternative is not recommended because not adopting the program would be inconsistent with federal regulations.

Attachment: FY 2020 Diversity and Inclusion Program

I:\Sec\2020 Board Related Items\041420 Board Agenda Items\HRD\Adopt the Fiscal Year 2020 Diversity and Inclusion Program.doc

**FY 2020
Diversity and Inclusion Program**

Embrace Diversity



East Bay Municipal Utility District



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INTRODUCTION

EBMUD is a publicly-owned utility formed under the Municipal Utility District Act (MUD Act). The MUD Act, as codified by the Public Utilities Code of the State of California, authorizes the formation and governance of the District.

The District has adopted a civil service system in accordance with the requirements of the MUD Act, Cal. Pub. Util. Code §12051. Under section 12101 of the MUD Act, all employment appointments made at the District “shall be made from lists of eligibles prepared by the general manager.” This list of eligibles essentially becomes the pool from which the District can hire for a particular classification during the life of the list. The MUD Act requires the general manager to adopt rules and regulations to carry out the provisions of the civil service system, which the District has done. Cal. Pub. Util. Code §12052. The Civil Service Rules, or portions thereof, have been incorporated into the memoranda of understanding (MOUs) of the unions contracted with the District.

The District has a federal contract that renders it subject to the affirmative action requirements of Executive Order 11246 (EO 11246), Section 503 of the Rehabilitation Act of 1973 as amended, (Section 503) and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), Section 4212. Because the District has \$50,000 or more in annual contracts, specifically the Long Term Renewal Water Supply Contract with the Federal Bureau of Reclamation and employs 50 or more employees, we are required to prepare annual written affirmative action programs (AAPs) for minorities and women, for protected veterans (Protect Veterans), and for individuals with disabilities (IWDs) for our organization. Failure to comply with these laws and their implementing regulations, which are enforced by the Office of Federal Contract Compliance Programs (OFCCP), can result in debarment of the District from future contracts and subcontracts. Although the District does not believe any violation of Title VII of the Civil Rights Act exists, it has developed this Program in accordance with and in reliance upon the Equal Employment Opportunity Commission's (EEOC) Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608. The District's AAP as defined under EO 11246 does not violate California's Proposition 209.

**EXECUTIVE ORDER 11246 AFFIRMATIVE ACTION PROGRAM FOR MINORITIES
AND WOMEN**

EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT OR EBMUD)

375 11th Street
Oakland, CA 94607

July 1, 2018 – June 30, 2019

Dun's #: 05-190-4423 Water

EIN (tax) #: 94-6000590

EEO-4 #: 06505230

NAICS: 2213 Water, Sewage and Other Systems

MSA: 41860 San Francisco-Oakland-Fremont, CA

Affirmative Action (AA)/

Equal Employment

Opportunity (EEO) Contact:

Dorian West Blair
Diversity and Inclusion Officer
East Bay Municipal Utility District
PO Box 24055
Oakland, CA 94623-9979
Attn: Diversity and Inclusion Office/MS 601
(510) 287-0710

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A. *Designation of Responsibility*

41 C.F.R. § 60-2.17(a)

As part of its efforts to ensure equal employment opportunity (EEO) to all individuals, the District has designated specific responsibilities to various staff to ensure that the Executive Order 11246 Affirmative Action Program for Minorities and Women (hereinafter referred to as EO 11246 AAP or AAP) focuses on all components of the employment system. To that end, the Board of Directors, General Manager, the Manager of Human Resources, the Diversity and Inclusion Officer, those employed as supervisors and managers, and employees have undertaken the responsibilities described below.

Board of Directors (Board)

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal opportunity objectives of EBMUD. (District Policy 6.04, Ethics Policy of the EBMUD Board) The Board adopts the EO 11246 AAP annually and EEO policies, Policies 2.25 and 2.26, are updated and presented for adoption by the Board on a prescribed schedule.

Policy 2.25, Equal Employment Opportunity, provides for EEO in all employment practices, including recruitment, hiring, placement, transfers, promotions, and training consistent with the principles of the District and in order to promote the full realization of EEO. It prohibits discrimination and workplace harassment based on race (including hair style/texture), color, religion, creed, sex, gender, gender identity (including transgender status), gender expression, marital or registered domestic partnership status, age for individuals age forty or older, national origin, ancestry, disability (mental or physical), medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military and veterans status, family or medical leave status, pregnancy (including childbirth, lactation or related medical condition) pregnancy disability leave status, domestic violence victim status, political affiliation, and other protected categories. In addition, the Policy prohibits retaliation against employees alleging discrimination and workplace harassment, or involved as witnesses in a discrimination or workplace harassment investigation. Employees who oppose and/or refuse to participate in illegal discrimination or workplace harassment are also protected against retaliation. Finally, it requires development and maintenance of an AAP consistent with applicable laws, including any recruitment and placement methods that will enhance District efforts to achieve a workforce composition reflective of the qualified relevant labor.

Policy 2.26, Prevention of Workplace Harassment, provides for a workplace for all employees that is free from any form of workplace harassment, including sexual harassment. It affirmatively states that workplace harassment, including sexual harassment, will not be condoned or tolerated. In addition, it prohibits retaliation against employees alleging workplace harassment or involved as witnesses in a workplace harassment investigation. Employees who oppose and/or refuse to participate in workplace harassment are also protected against retaliation.

General Manager (GM)

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service System of the District. Accordingly, the District's GM has the overall responsibility to implement the District EEO policy and AAP. The GM has delegated the Civil Service System responsibilities, including the direct responsibility to implement and administer the EEO policy and AAP to the Manager of Human Resources. The Manager of Human Resources has the full support of and access to senior management officials.

Manager of Human Resources (Manager of HR)

The Manager of HR is responsible for overall supervision of the AA and EEO programs. The Manager of HR has delegated the EEO Program and AAPs to the Diversity and Inclusion Officer. The Manager of HR ensures, through the Diversity and Inclusion Officer and department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of the AAP and EEO Policy is one of the elements considered in evaluating the Manager of HR's effective work performance.

Diversity and Inclusion Officer (D&I Officer)

The D&I Officer provides leadership and direction in the development, implementation, and evaluation of an effective AAP and EEO program. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the AAP and EEO programs is a basis for evaluating the D&I Officer's effective work performance. The D&I Officer's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policy, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare the annual AAPs and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO and AA, and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure the effectiveness of EEO Programs and AAPs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Serve as a liaison between the District and enforcement agencies.
- Serve as a liaison between the District and minority organizations, women's organizations and community action groups concerned with the employment opportunities of minorities and women.
- Keep managers informed of the latest developments in the equal opportunity area.
- Lead the District's Diversity Committee.

Managers and Supervisors

Supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following AAP and EEO program responsibilities:

- Monitor his or her work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policy.
- Enforce District EEO policy as well as adhere to it.
- Familiarize himself or herself with the District's policies on discrimination and workplace 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.
- Be familiar with the District's Procedure on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals (Procedure 227) and be ready to assist employees (including those who do not report directly to them) who raise EEO-related complaints.
- Regard all complaints of EEO discrimination or workplace harassment seriously. Managers/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.
- Participate in and support staff's involvement with AAP and EEO and diversity programs and recruitment activities.
- Work with the D&I Officer to enhance the effectiveness of the AAP and EEO program and make good faith efforts by considering alternative methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

All District Employees

Employees at all levels are responsible for supporting the District's AAP and EEO 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.

All District employees are required to adhere to the District EEO policy and encouraged to make positive contributions to creating an inclusive work environment.

B. Identification of Problem Areas

41 C.F.R. § 60-2.17(b)

Terminology

The phrases “comparison of incumbency to availability,” and “problem area” appearing in this subpart are terms of art the District is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although the District will use the terms in good faith in connection with its EO 11246 AAP, such use does not necessarily signify the District agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, or objectives. In addition, the establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical term used by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage employment of minorities and women in a workforce.

1. Progress on Fiscal Year 2019 (FY19) AAP Placement Goals

In FY19, the District had 8 placement goals where the incumbency of minorities and/or females within the group was below the availability in the recruitment area to a statistical significance; seven of the goals were for minority placements and one was for female placement. The tables below show the progress on those goals by comparing the placement rate goal to the actual placement rate. Placements consist of hires and promotions into the target job group between July 1, 2018 and June 30, 2019.

FY19 AAP Minority Placement Goals Progress Summary

| JOB GROUP | FY19 MINORITY PLACEMENT RATE GOAL (%)* | TOTAL FY19 PLACEMENTS | FY19 MINORITY PLACEMENTS | FY19 ACTUAL MINORITY PLACEMENT RATE (%) |
|-----------------------------------|---|----------------------------------|---|--|
| Rangers | 54.5% | 1 | 0 | 0% |
| Supervising Engineering | 57.3% | 5 | 2 | 40% |
| Pipeline Maintenance | 60.9% | 20 | 10 | 50% |
| Heavy Equipment/Truck Operators | 55.2% | 21 | 12 | 57.1% |
| Electrical/Structural Maintenance | 52.6% | 6 | 2 | 33.3% |
| Mechanical Maintenance | 52.7% | 18 | 9 | 50% |
| Service Maintenance | 70.9% | 22 | 17 | 77.3% |

*Placement goals are established within each of the job groups at no less than the availability data for the job group.

The District exceeded its minority placement goals for both the Heavy Equipment/Truck Operators and Service Maintenance job groups, which is highlighted in bright green in the table above. The District nearly met its minority placement goal for the Mechanical Maintenance job group, which is highlighted in pale green in the table above. One more minority hire would have put the District at a minority placement rate of 55.6%.

In addition, while it didn't meet its minority placement goals for the job groups set forth below, the District increased its placement rates for minorities in these job groups between FY18 and FY19.

FY19 AAP Minority Placement Rate Increases

| JOB GROUP | FY18 ACTUAL MINORITY PLACEMENT RATE (%) | FY19 ACTUAL MINORITY PLACEMENT RATE (%) |
|-----------------------------------|--|--|
| Supervising Engineering | 0% | 40% |
| Pipeline Maintenance | 38.9% | 50% |
| Electrical/Structural Maintenance | 22.2% | 33.3% |

Progress on the minority placement rate for the Supervising Engineering job group was the most striking. In FY18 there were no minority placements for this job group. In FY19, there were 2 minority placements out of 5 total placements for a 40% placement rate. For both the Pipeline Maintenance and Electrical/Structural Maintenance job groups, the minority placement rate percentage increased by double digits between fiscal years – from 38.9% in FY18 to 50% in FY19 for Pipeline Maintenance and from 22.2% in FY18 to 33.3% in FY19 for Electrical/Structural Maintenance for a total placement rate increase of 11.1% for both job groups.

The District did not make any progress on its minority placement goal for the Ranger job group or its female placement goal for the Electrical/Structural Maintenance job group (as explained in more detail below). The District was unable to achieve or make progress on its minority placement goal for the Ranger job group for a variety of reasons. First, there was insufficient representation of minorities in the applicant pool. The applicant pool was 22.2% minority, while the minority placement goal (the availability percentage) was 54.5%. Second, the Training and Experience (T&E) review selected out more minorities dropping the minority representation to 14%¹. Even if the minority representation remained steady throughout the selection process, with only one selection during the fiscal year, it was statistically unlikely that a minority applicant would have been selected.

¹ The District recognizes that this may indicate a pass point barrier, as set forth on page 8, and will be exploring ways to address this in the future.

FY19 AAP Female Placement Goals Progress Summary

| JOB GROUP | FY19 FEMALE PLACEMENT RATE GOAL (%) | TOTAL FY19 PLACEMENTS | FY19 FEMALE PLACEMENTS | FY19 ACTUAL FEMALE PLACEMENT RATE (%) |
|--------------------------------------|--|----------------------------------|-----------------------------------|--|
| Electrical/Structural Maintenance | 9.1% | 6 | 0 | 0% |

The District was also unable to meet or make process on its female placement goal for the Electrical/Structural Maintenance job group (see table above) primarily because the applicant pools had an insufficient representation of female applicants. There were no female applicants for 6 of the 7 recruitments that resulted in hires for FY19. The one recruitment that had female applicants, Electrical Technician, only had 1 female applicant out of 198 applicants, for a female representation percentage of .05%.

The District has developed targeted action-oriented programs to address potential barriers to diversity in the Ranger and Electrical/Structural Maintenance job groups as discussed more fully in the Action-Oriented Program's section below.

2. FY20 AAP Goals

In accordance with 41 C.F.R. § 60-2.17(b)(1), an analysis of minority and female utilization within each job group was accomplished by a thorough investigation of comparison of incumbency to availability set forth in Exhibit 5, Placement Goals Analysis.

The specific Placement Goals for the FY19 AAP are set forth below:

FY20 AAP Placement Goal Summary

| JOB GROUP | MINORITY | | FEMALE | |
|-----------------------------------|------------|-----------------|------------|-----------------|
| | INCUMBENCY | PLACEMENT GOAL* | INCUMBENCY | PLACEMENT GOAL* |
| Rangers | 14.3% | 54.5% | | |
| Supervising Engineers | 30.2% | 58.0% | | |
| Pipeline Maintenance | 44.7% | 61.1% | | |
| Heavy Equipment/Truck Operators | 40.2% | 54.3% | | |
| Electrical/Structural Maintenance | 27.6% | 52.5% | 2.9% | 8.8% |
| Mechanical Maintenance | 33.1% | 53.0% | | |
| Service Maintenance | 56.3% | 70.0% | | |

*Under the Exact Binomial Test, when comparing the incumbency to availability, if a job group displays a probability value of .05 or lower than the result is considered significant and the result is listed with the respective goal. Placement goals are established within each of the job groups at no less than the current availability data for the job group.

The District has the same 8 placement goals for FY20 that it did for FY19. Although the District met its minority placement goals for the Heavy Equipment/Truck Operators and Service Maintenance job groups for the FY19 AAP, the District still has placement goals in these job groups for the FY20 AAP. That is because the shortfall between incumbency and availability is approximately 15% and therefore it will take more than one year to close that gap. The District also met its placement goal for the Heavy Equipment/Truck Operators job group for the FY18 AAP. At that time, the shortfall between incumbency and availability was nearly 20%, so the District is making year over year progress in closing that gap.

3. Problem Area Studies

a. Personnel Activity (41 C.F.R. § 60-2.17(b)(2))

Applicant flows, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between males/females and whites/minorities was accomplished by a thorough examination of transaction data and/or by cohort analysis. There was no adverse impact identified for minorities or females in hiring or promotions. While there was statistical adverse impact identified for females for terminations in the Customer Services job group, a cohort analysis revealed that there was indeed no adverse impact. The statistical disparity was caused by retirements of long term employees and the separation of employees in positions with limited terms, e.g., 6 month temporary or 832 hour limit positions.

Based on a cohort analysis of its selection procedures (i.e., hires and promotions) from FY15 – FY18, the following barriers have been identified in various instances:

- Insufficient representation of minorities and/or females in applicant pools (i.e., below availability) (**Applicant Pool Diversity**)
- Insufficient or untimely information on the categories to be tested during a written or performance exam (**Insufficient Test Information**)
- Pass points for job-related T&E reviews or tests (written or performance) significantly screening out or eliminating minorities (**Pass Point Barrier**)
- Insufficient representation of minorities in an interview/hire band² (**Interview Band Diversity**)
- Insufficient representation of minorities in a hiring interview pool due to the five ranks rule (**5 Ranks Barrier**)
- Insufficient availability of minorities on a eligible list due to passage of time (**Passage of Time Barrier**)

The District has planned and/or implemented numerous action-oriented programs to address these barriers.

The *Summary of Personnel Transactions Report* for each job group is retained by the Diversity and Inclusion Office.

b. Workforce by Organizational Unit (41 C.F.R. § 60-2.17(b)(1))

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of *Exhibit 1, Organization Display*. While there appears to be lower female representation at the division management level or within a division in some cases, it is difficult to determine if this indeed is an issue since the female availability percentages vary widely by job group – from as little as 2% to as high as 84% - and departments/divisions consist of numerous job groups. Minority diversity challenges were identified in the following department/divisions: Inter-Governmental Affairs, Water Operations, Water Conservation, IT Security, Water Supply, Facilities Maintenance and Construction, Regulatory Compliance and Mokelumne Watershed & Recreation. In addition, there are minority diversity challenges at the division management level for the Finance, Engineering and Maintenance and Construction Departments. The majority of these minority diversity challenges are addressed through targeted outreach, recruitment and best practice training (including unconscious bias) for recruitments with placement goals. Where such efforts don't directly address these issues, such as for IT Security, Water Conservation or Regulatory Compliance and for the division management issues, the DIO will begin working more closely with these work units in the future to help guide them on outreach and advertising and best practices to avoid potential adverse impact and/or unconscious bias affecting recruitment in these departments.

² For example, WDPI candidates passing the performance exam and interview are placed on the eligible list and hired in rank order for each Plumber Academy. Candidates available to hire during an academy often have an insufficient representation of minority candidates due to minority candidates being hired in previous years, declining an offer or being unreachable.

C. *Action-Oriented Programs*

41 C.F.R. § 60-2.17(c)

1. Progress on the FY19 AAP Action-Oriented Program

Below is the progress on actions set forth in the FY19 AAP:

| FY19 AAP Proposed Action | Progress Since March 2019 |
|---|--|
| <ul style="list-style-type: none">▪ Women in Trades environmental scan of physical and/or environmental barriers to women in the trades at the District. | <ul style="list-style-type: none">▪ The environmental scan and report of findings and recommendations has been completed. Interviews, surveys and focus groups with District staff, supervisors and managers and community partners informed this report. The finding/recommendations will be shared with management and the D&I Master Plan Consultant. (see below for further discussion of the D&I Master Plan) |
| <ul style="list-style-type: none">▪ Diversity Committee to develop and finalize FY19 and FY20 work plans. Work plans to include:<ul style="list-style-type: none">• Begin development/posting of test prep content/resources on the District internet (strategy supporting action of providing details in recruitments regarding the testing procedure).• Develop an annual outreach strategy/calendar.• Support implementation of the outreach /recruitment protocol, including identifying outreach and advertising sources for classifications with placement goals.• Begin development and facilitation of workshops on the civil service recruitment process (completing applications and interviewing).• Begin development of FAQs/videos to post on the District internet and other sites, e.g., civil service recruitment process, completing an application with supplemental questions, interviewing for a District job | <ul style="list-style-type: none">▪ FY19/FY20 work plans finalized in June 2019. Specifically the Work Plan Subcommittee of the Diversity Committee identified three goals/subcommittees and work thereafter commenced on these subcommittees:<ul style="list-style-type: none">• Test Preparation Content and Resources: Propose content for the District's public jobs website describing written and performance tests requirements by District classification and propose content and resources to assist applicants in preparing for written and performance tests, including information on test taking strategies and subject matter (including study guides and sample tests).• Annual Outreach Event Calendar/ Strategy: Establish a FY calendar for outreach events aligned with FY recruitments and affirmative action (AA) placement goals and actions to address hard-to-fill positions. |

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| | <ul style="list-style-type: none"> • Civil Service Process Information and Resources: Propose content for the District's public jobs website describing the District's civil service process, step by step, and propose content and resources to assistant applicants in preparing an application for employment, responding to supplemental questions and participating in a panel interview. ▪ In February 2020, the decision was made to suspend the Diversity Subcommittees in light of the District's decision to develop a D&I Master Plan (see below for further discussion of the D&I Master Plan) and realization of the time and resources needed to accomplish this effort based on proposals submitted in response to the RFP. Subcommittee work will resume as appropriate based on the D&I Master Plan. ▪ Note that the FY19 proposed actions of development and facilitation of workshops and identifying outreach and advertising sources for classifications with placement goals is discussed below under separate bullets. |
| ▪ Staff to host a Plant Maintenance/Maintenance Mechanic college internship program (IMMM). | Four plant maintenance and machining student interns were hired January 2020 for a 15-week, 20 hour per week internship. |
| ▪ Staff to evaluate the Technical Trades Apprenticeship Program (TTAP) for potential expansion, i.e., to other trades (e.g., Electrical/Instrumentation) and/or to increase the number of apprentices. | ▪ Both TTAP apprentices resigned before completing the 1 ½ to 2 year program; approximately 6 months after starting. In addition, an attorney for the plumber and pipefitters union filed objections to the District's apprenticeship program with the California State Department of Apprenticeship Standards. Accordingly, the Program is currently suspended and is undergoing evaluation for improvements and changes. |

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| <ul style="list-style-type: none"> ▪ Staff to implement the Affinity Group Guidelines. | <p>The guidelines were finalized and implemented effective July 1, 2019.</p> |
| <ul style="list-style-type: none"> ▪ Staff to encourage community partners to outreach to clients to enroll in the Laney College Test Prep class. | <p>Staff marketed the Test Prep class to Laney College students (including Machining Program students); Cypress Mandela Training Program students, CEO (Center for Employment Opportunities - Oakland); BOSS (Building Opportunities for Self-Sufficiency); attendees at the 20th Annual Diversity Employment Day Career Fair (Oakland); as well as to the clients of program partner JVS (Jewish Vocational Services).</p> |
| <ul style="list-style-type: none"> ▪ Grant applications: <ul style="list-style-type: none"> • Staff will apply for the America's Water Infrastructure Act grant if and when the grant application period is announced. The grant proposal will focus on and/or include a workforce development program supporting Women in Trades. • Staff will partner with BAYWORK to apply for the 2nd round of California Apprenticeship Initiative (CAI) grants to fund a regional water/wastewater trades' apprenticeship program. | <ul style="list-style-type: none"> ▪ No grant application period was announced for America's Water Infrastructure Act grant. ▪ Staff coordinated with BAYWORK, JVS, and Peralta Colleges to submit a proposal for the CAI grant in Q1 of FY20. The proposal was not selected for funding. ▪ As discussed in the FY19 AAP, staff had submitted a grant application for the Oakland Fund for Children and Youth in January 2019 to fund Project FLoW, a high school-to-college student success strategy providing high school and community college students with year-round, work-based learning experiences at EBMUD, Laney college (in coordination with Merritt College), and in high school classrooms. In April 2019, the district was informed that the proposal was not selected for funding. |
| <ul style="list-style-type: none"> ▪ Staff to begin developing the college/career internship program after the FY20/21 budget is approved. | <ul style="list-style-type: none"> ▪ Ranger: <ul style="list-style-type: none"> • East Bay Watershed: <ul style="list-style-type: none"> • 3 stipended Ranger interns to be hired for 4/4 1/2 months starting in May 2020 in partnership with Peralta Colleges. • At completion of East Bay Watershed internship, the District will recruit for an LT Ranger/Naturalist I. |

| | |
|--|--|
| | <ul style="list-style-type: none"> ▪ IT Programming <ul style="list-style-type: none"> • Two stipended college IT programming interns to be hired for a Summer 2020 internship. ▪ Engineering <ul style="list-style-type: none"> • Two stipended freshman/sophomore college engineering interns to be hired for a Summer 2020 internship. ▪ Two potential educational partners have been identified for the IT programming and engineering internships and negotiations are underway. |
| ▪ Staff to incorporate AA best practices from outreach through hiring process into Hiring Your Staff MAST class. | ▪ Staff incorporated AA best practices into the Hiring Your Staff MAST class, including unconscious bias exercises. |
| ▪ Staff to continue work on the classification/job group project. | ▪ This project has been suspended to focus on other priorities. |

In addition, staff has accomplished/made progress on the following continuing activities and on activities not originally set forth in FY19 AAP:

| Post-FY19 AAP Planned Actions | Progress Since April 2019 |
|--------------------------------------|--|
| ▪ D&I Master Plan | <ul style="list-style-type: none"> ▪ In Summer 2019 discussions began regarding development of a D&I Master Plan with the decision to retain an outside consultant for this effort in August 2019. ▪ The RFP was finalized and issued in November 2019 with four RFP responses received on December 6, 2019. ▪ The selection committee (a subset of Diversity Committee members) unanimously selected a consultant on January 21, 2020. ▪ The D&I Master Plan Agreement has been executed and work will commence in April 2020. ▪ Work to include: an internal assessment, foundational education for SMT and key internal stakeholders, external assessment, benchmarking, analysis, findings and recommendations, and master plan |

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| | <p>documentation development in collaboration with SMT and Diversity Committee members.</p> <ul style="list-style-type: none"> ▪ Master Plan development expected to be completed in April/May 2021. |
| <ul style="list-style-type: none"> ▪ Staff to partner with BAYWORK on regional workforce development strategies including apprenticeships, teacher externships and internships. | <ul style="list-style-type: none"> ▪ Staff coordinated a Summer 2019 teacher externship. This program assists teachers in developing contextualized curriculum for high school students based on water and wastewater jobs thereby marketing and encouraging careers in the industry. ▪ Staff assisted with development of a project plan for an Educator Summit that engages education institutions around developing stronger educational pathways for water/wastewater skilled trades' careers. The event is planned for May 2020. ▪ Staff is in the process of coordinating a Summer 2020 "Workshop-on-Wheels" (WoW)/teacher externship. The WoW will include a tour of the Sobrante Water Treatment Plant, San Pablo Reservoir and the District's Plumbing Academy at North Yard. |
| <ul style="list-style-type: none"> ▪ Outreach events | <ul style="list-style-type: none"> ▪ Staff focused on attending events at diverse high schools, colleges and community training programs to build a pipeline of future talent based on preliminary findings of outreach impact surveys. ▪ Staff has attended some community events targeted to diversity to further the District's D&I diversity brand. Events include: a career fair at Travis Air Force Base in Fairfield, CA, the Annual Diversity Employment Day Career Fair in Oakland, CA and the Tradeswomen, Inc. Annual Celebration in Oakland, CA. |
| <ul style="list-style-type: none"> ▪ Encourage and support Employee Affinity Groups (AGs) to partner with the District to recruit, develop and retain a diverse workforce. | <p>Staff has recruited and/or supported AGs with staffing the following outreach events:</p> <ul style="list-style-type: none"> ▪ Richmond Pride 2019 (Richmond, CA) – Raining Pride AG |

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|--|---|
| | <ul style="list-style-type: none"> ▪ Travis Air Force Base Career Fair— (Fairfield) -- Veterans AG (AG application currently pending) ▪ 19th Annual Diversity Employment Day Career Fair (Oakland) --All AG's ▪ Fall LGBTQ+ Career Fair (San Francisco) - Raining Pride AG ▪ Veterans Career Fair at City College of SF (San Francisco) -- Veterans AG (AG application currently pending) ▪ 23rd Annual Swords to Plowshares Veterans Dinner (San Francisco) - Veterans AG (AG application currently pending) ▪ 20th Annual Diversity Employment Day Career Fair (Oakland) - All AG's ▪ California Community College's Black and African American Advisory Panel Town Hall & College Fair (Oakland) – Black History Month AG ▪ Black Joy Festival and Parade (Oakland) – Black History Month AG |
| ▪ Staff to work with hiring managers to ensure that more than one rater is involved in hiring interviews and are diverse in ethnicity and gender | ▪ In Spring 2019, the recruitment process was changed to require a diverse panel of at least three subject matter experts for hiring interviews. |
| ▪ Explore certification of the Plumber Training Academy (PTA) to provide academic credit for employee participants | Staff explored a formal certification process for accrediting the PTA, and decided to pursue another alternative. Any student who is in the PTA is eligible for Occupational Work Experience college credits if they are enrolled concurrently in a college course. |

2. FY20 Action-Oriented Program:

- The District will continue to work on ongoing items in the FY19 action-oriented programs such as targeted outreach, oversight of the engineering aide program, development and administration of the trades and Summer Youth High School internship program, and developing partnerships for workforce development and recruitment efforts.

- Additional planned actions for FY20 include:
 - Staff collaboration and support of the development of the D&I Master Plan.
 - Continued development and implementation of the following internship programs:
 - East Bay Watershed Ranger Internship (including recruitment for a Ranger/Naturalist I)
 - Stipended engineering and IT programming internships.

The District's D&I Master plan will inform future action-oriented programs.

Recruitment:

1. The District continues to contact minority and women's organizations for referrals including the following:
 - American River College
 - Arriba Juntos
 - Asian Pacific Environmental Network (APEN)
 - Asian Neighborhood Design
 - Bay Area Business Roundtable
 - Bay Area Counties Roofing & Waterproofing Apprenticeship Program
 - Boys and Men of Color
 - Bay Area Council
 - Building Opportunities for Self-Sufficiency
 - California State University, East Bay
 - California Women's Venture Project
 - Chinese for Affirmative Action
 - City College of San Francisco
 - Contra Costa County EHSD -Workforce Service
 - Cypress/Mandela Training Center, Inc.
 - Delta College
 - Design4x
 - Eden Area ROP
 - East Bay Earn and Learn
 - Employment Development Department
 - Filipino Advocates for Justice
 - Future Build
 - Girl's Inc. of Alameda County
 - Girls to Women
 - Hartnell College
 - Institute for Business and Technology
 - Jefferson Union High School District

- Job Train Works
- Lao Family Community Development, Inc.
- Local 302 – Electricians
- Los Medanos College
- Mission Hiring Hall
- NAACP San Mateo
- National Association of Black Veterans (NABVETS)
- National Association of Women in Construction
- National Coalition of 100 Black Women
- National Institute for Women in Trades, Technology & Sciences (IWITTS)
- New Haven Unified School District - WorkAbility
- Northwester Polytechnic University
- NPower
- Oakland Asian Cultural Center
- Oakland Black Caucus
- Oakland International High School
- Oakland PIC
- Oakland Promise
- Oakland Unified School District
- Oakland Workers Collective – Street Level Health Project
- Ohlone College
- Organization of Women Architects
- Pacific Asian American Women Bay Area Coalition (PAAWBAC)
- Peralta Colleges
- ReBoot Camp
- Richmond Build
- Richmond Works
- Rising Sun
- Rubicon Programs
- ShelterInc
- Sheet Metal Workers' Local 104 & Bay Area Industry Training Fund
- Skyline College
- Solano Community College
- Solar Richmond
- SparkPoint
- Swords to Plowshares
- The California Women's Ventures Project
- The Spot – Oakland
- The Unity Council, A Latino Community Development Corporation
- The Unity Council Multicultural One-Stop Career Center
- The Women's Building

- Toolworks – Berkeley, SF, Contra Costa
 - Tradeswomen, Inc.
 - Treasure Island Job Corps
 - Tri-Cities One Stop Career Center – Fremont and Hayward
 - Tri-Valley One-Stop Career Center
 - Upwardly Global
 - US Department of Labor, Women’s Bureau, Region 9
 - US Department of Veteran’s Affairs – San Francisco Branch
 - Veterans Resource Centers of America
 - Washoe Tribe Native TANF Program
 - West Oakland Job Resource Center
 - West Valley College
 - Yes We Code
2. The District has held formal briefing sessions with representatives of recruiting sources. These sessions included presentations by minority and female District employees, and provide clear and concise explanations of current and future job openings, as well as the District’s selection process. The District has also made classification descriptions, worker specifications and recruiting literature available to these representatives by email or on-line. In addition, the District has made formal arrangements with some of these recruiting sources for referral of applicants.
 3. The District continues to develop and implement targeted outreach and advertising strategies for high-volume classifications with AA placement goals, and for the Engineering Aid Program
 4. The District continues to provide 1:1 guidance and support around addressing unconscious bias and implementing AA best practices in recruitment and selection with hiring managers recruiting for classifications with AA placement goals.
 5. The District actively encourages minority and female employees to refer applicants.
 6. The District includes minorities and women on its Employee Relations and Recruitment staff.
 7. The District encourages minority and female employees to attend, serve and/or participate in Career Days, Youth Motivation Programs, and related outreach activities in the community, to represent EBMUD’s diversity, including but not limited to the following:
 - a. Alameda County and Contra Costa County Science Fairs
 - b. Tradeswomen Inc.’s Annual Gala and Fundraiser
 - c. Swords to Plowshares Annual Veterans Day Dinner & Profiles of Courage Awards Ceremony
 - d. San Leandro African American Business Council’s (SLAABC) Annual Career Day
 - e. Laney College Manufacturing Career Fair
 - f. Los Medanos College’s Industrial Technologies Job Fair
 - g. BAYWORK Water/Wastewater Career Fair

- h. CSU East Bay's STEM Career Awareness Day
- i. Veterans Job Fair at USS Hornet
- j. OUSD ECCO's Annual Demonstration of Mastery
- k. San Lorenzo High School Annual Career Fair
- l. Amador Valley High School Annual Career Fair
- m. Castro Valley High School Information, Communication Technology, and Engineering Career Exploration Day
- n. Arroyo High School Career Day and Design Challenge
- o. Rising Sun events
- p. City Career Fair's Annual Diversity Fair, Oakland
- q. Royal Sunset High School College and Career Readiness Day
- r. Oakland High School Job and Internship Fair
- s. Chabot College Career Day
- t. Eden Area ROP Engineering Advisory Committee
- u. Non-traditional Employment for Women Career Day
- v. Bohannon Middle School Career Day
- w. Diablo Valley College Career Fair
- x. Job Fair for Adults at the Oakland Library
- y. San Francisco Veterans Job Fair
- z. Eden Area Career Pathways Senior Career Planning Day
- aa. Annual Women in Construction Expo in San Francisco
- bb. Hayward High School Engineering Professionals Panel
- cc. Biotech Partners Mock Interview Day
- dd. Girls Inc. of Alameda County Eureka Celebration in San Leandro
- ee. Biotech Partners annual Bravo! Celebration in Berkeley
- ff. Travis Air Force Base Transition Fair
- gg. Oakland Annual Pride Parade and Festival
- hh. Boost Mentor Day
- ii. Future Build Private Job Fair
- jj. Las Positas College Job and Internship Fair
- kk. Los Positas College Veterans/Water and Wastewater Career Fair
- ll. Kennedy High School Career Fair in Richmond
- mm. BAYWORK High School Exploration Day
- nn. West Contra County Career Fair
- oo. Chabot College Career and Networking Fair
- pp. San Francisco State University Engineering Career Fair
- qq. Pinole Valley Middle School Career Fair
- rr. Richmond Pride Parade
- ss. Earn and Learn Employer Recognition Day
- tt. RichmondBUILD Graduation Ceremony
- uu. Contra Costa County Science Fair
- vv. Chinese for Affirmative Action 50th Anniversary Event in San Francisco
- ww. Berkeley Juneteenth Celebration

xx. Asian, Inc. 48th Anniversary Gala in San Francisco
yy. Oakland African-American Chamber of Commerce Business Awards Luncheon
zz. Sacramento State Engineering and Computer Science Fair
aaa. San Jose State Engineering Career Fair
bbb. University of California, Berkeley Career Fair
ccc. Oakland Unified School District's Skilled Trades Day

8. The District advertises on a regular basis in Employment/Career Center/Jobs sections of minority and women's interest media.
9. The District's advertisements always carry the EEO clause.
10. The District participates in job fairs if there are sufficient numbers of job openings to warrant participation.
11. The District continues to recruit at several local colleges and universities. The District targets community colleges and universities based in part on the high-level of diversity of their student body.
12. The District includes minority and female members of the workforce in recruiting brochures which pictorially present work situations.
13. The District continues to offer summer internships, including for students at diverse high schools in its service area to help develop a pipeline of future talent.
14. The District continues to offer internships/training programs in the trades to diverse populations at community colleges and/or training programs. Classifications/job groups include: Instrument Worker II and Electrical Worker II / Electrical/Structural Maintenance job group; and Machining and Maintenance Worker II, Plant Maintenance Worker II and Mechanical Maintenance Worker/Mechanical Maintenance II. Such internships are tied to upcoming job openings in related classifications.

Job Specifications/Selection Process:

1. The District continues to develop classification descriptions that accurately reflect classification functions, and are consistent for the same classification from one location to another.
2. The District continues to develop classification or worker specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. The District will continue to develop specifications that are free from bias with regard to age, race, color, sex, gender identity, sexual orientation, religion, national origin, disability or veteran status.
3. Approved classification specifications and worker specifications continue to be made available to

all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.

4. The District continues to use only worker specifications that include job-related criteria.
5. The District continues to ensure that raters for T&E review, performance exams, oral exams, and panel interviews are diverse in ethnicity and gender
6. The District continues to ensure that more than one rater is involved in hiring interviews and are diverse in ethnicity and gender
7. The District continues exploring partnerships for training/education, curriculum development, recruitment and test prep services.
8. Hiring managers continue to prepare and submit to HR written justifications for all promotions and hires in compliance with Human Resources' requirements.

Job Advancement:

1. The District continues to post or announce promotional opportunities in accordance with civil service rules.
2. The District continues to offer the LEAD Academy, for employees interested in first line supervisory positions and the Pathways Academy, for first line supervisors interested in mid-level management positions. These programs provide employees with tools to assess their current academic, skill, and experience level and provide training for promotional opportunities.
3. The District continues to offer the Peralta College District on-site cohort program focused on general education and construction management classes,, which was launched in Fall 2017 with the inaugural program completing in Spring 2019. The second cohort began in the Fall 2019 semester.
4. The District continues to provide individual and group career counseling programs including coaching on communication skills, managing conflict, and career development and education; job rotation programs; coaching/mentoring programs; and similar programs.
5. The District continues to use the Performance Plan and Appraisal Procedure for the annual performance review of all employees.
6. Employees can choose training courses through the Training Schedule and include them in their career development plan. The District has revised its Manager and Supervisor Training (MAST) Program to include three tiers of training to better prepare employees for promotional opportunities:
1) Tier 1 – Leading People and Performance (Supervisors' Series); Tier 2 – Leading Processes and

for Outcomes (Superintendents and Managers' Series); and Tier 3 – Leading with Vision and Strategy (Senior Leaders and high-level Division Managers' Series). The Tier 1 and Tier 2 levels correspond with the LEAD and Pathways academies, respectively, which are discussed in paragraph 2 above.

7. The Tuition Refund Program is offered to all employees who wish to improve their job skills and performance, and to pursue promotions. The current maximum amount approved this fiscal year is \$3,500 per employee. An innovation to the program, implemented since this FY19 AAP, is the Tuition Advancement pilot, which provides advanced payment of tuition for employees in the Peralta College District on-site cohort program.

Welfare:

1. The District continues to actively encourage all employees to participate in facilities and District-sponsored cultural, social, and recreational activities.
2. The District continues to provide training in the area of Sexual Harassment Prevention. Sexual Harassment Prevention training is required for all employees on a two-year cycle.
3. The District continues to explore various programs, such as training and mentorship programs, to improve employment opportunities for minorities and females.

D. Design and Implementation of Internal Audit and Reporting Systems

41 C.F.R. § 60-2.17(d)

The D&I Officer is responsible for implementing the auditing and reporting system. The District's auditing and reporting system measures the effectiveness of its total AAP. In partnership with the Manager of HR, the Manager of R&C, and the Manager of EOD, the Manager of Information Systems, the D&I Officer periodically monitors this system. The reporting and auditing system provides for:

1. Accurate and up-to-date records on all referrals, applicants, hires, promotions, transfers and terminations by race and gender to ensure that all employees are treated on a fair and equitable basis.
2. Regular reports to HR from hiring managers on all hires and promotions.
3. Recruitment reports on a scheduled basis reflecting the degree to which EEO and organizational objectives are attained.
4. Review of selections, promotions and training to ensure that they are nondiscriminatory.
5. Review of report results with management, advising top management of program effectiveness and submitting recommendations to improve unsatisfactory performance.

E. Organizational Profile

41 C.F.R. § 60-2.11

Pursuant to 41 C.F.R. § 60-2.11, we have provided an Organizational Display of the District. Specifically, the Organizational Display shows four fields of information in each organizational box displaying an organizational unit:

1. Name of each organizational unit being displayed;
2. The job title, gender and, race of the unit supervisor;
3. Total number of employees in each organizational unit; and
4. Total number of employees in each organizational unit displayed by race and gender.

See the *Organizational Display* at Exhibit 1.

F. Job Group Analysis: Job Titles and Placement of Incumbents in Job Groups

41 C.F.R. §§ 60-2.12-2.13

Disclaimer

The grouping of job titles into given job groups does not suggest that the District believes the jobs so grouped are of comparable worth.

Pursuant to 41 C.F.R. § 60-2.12, we have supplied a listing of all job groups at this establishment listing each job title in each job group. Specifically, we have grouped those jobs having similar job content, wage rates and promotional opportunities. As a result, we have grouped 1902 employees as of June 30, 2019, into 22 job groups. See *Job Group Summary* at Exhibit 2. Pursuant to 41 C.F.R. § 60-2.13, we have placed all 1902 employees into the job groups by race and gender to determine the percentage of females and minorities per job group. See *Job Group Analysis* at Exhibit 3.

G. Availability Analysis

41 C.F.R. § 60-2.14

Disclaimer

The comparison of incumbency to availability contained within this AAP is required by government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with government regulations, as interpreted by government representatives. The use of certain geographic areas and sources of statistics does not indicate the District's agreement that the

geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this AAP. Such statistics and geographic areas will be used, however, in total good faith with respect to this AAP.

"Availability" is an estimate of the proportion of each gender and racial 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 racial and gender group could reasonably be expected to be represented in a job group if the District's employment decisions are being made without regard to gender, race, or ethnic origin. Availability estimates, therefore, are a way of translating EEO 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 Exhibit 3, Job Group Analysis), identify problem areas or areas of deficiency, and establish goals to correct the problems.

Steps in Comparison of Incumbency to Availability

I. Identify Availability Factors

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

- A. External Factor: The external requisite skills data comes from the 2010 5-year EEO Tabulation, which is based on the 2006 – 2010 American Community Survey from the U.S. Census Bureau.
 - 1. Local Labor Area: An applicant/employee Zip Code Analysis was used to identify the most precise local labor area for EBMUD. The final local labor area met the following two conditions: 1) it includes all counties/county sets where 5% or more of the employees/applicants resided, and 2) when summed, those counties/county sets accounted for at least 78% of the total applicants/employees within the at-issue workforce. Smaller contributing counties/county sets are removed (i.e., trimmed) unless they are necessary to reach 78%. Once trimmed, the weights for the remaining counties/county sets were proportionately increased to reach 100%.
 - 2. Reasonable Labor Area: California and/or National depending on the job group.
- B. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the District's organization. See the **Internal Availability Analysis**, which is retained by the DIO, for more detail.

II. Identify Final Availability

- A. 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; specifically, internal and external job posting trends were used. Weights are never assigned in an effort to hide or reduce problem areas.
- B. 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 gender and race/ethnic group, as well as for minorities in the aggregate.

See the *Availability Analysis* at Exhibit 4 for the availability breakdown for each job group.

H. *Placement Goals Analysis*

41 C.F.R. §§ 60-2.15-2.16

Once final availability estimates were made for each job group, the District compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of June 30, 2019, and that group's final availability percentage.

Disclaimer

The establishment of a placement goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a placement goal is designed to be a technical term used by affirmative action planners who seek to apply good faith efforts to increase in the future the percentage employment of minorities and women in a workforce.

The District has established an annual percentage placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. The District used the Exact Binomial Test to determine placement goals. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group. Goals are not rigid inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying good faith efforts to make the entire AAP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs. Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under

valid selection procedures. Goals do not require that the District hire a specified number of minorities or women.

See ***Placement Goals Analysis*** at Exhibit 5 for each job group.

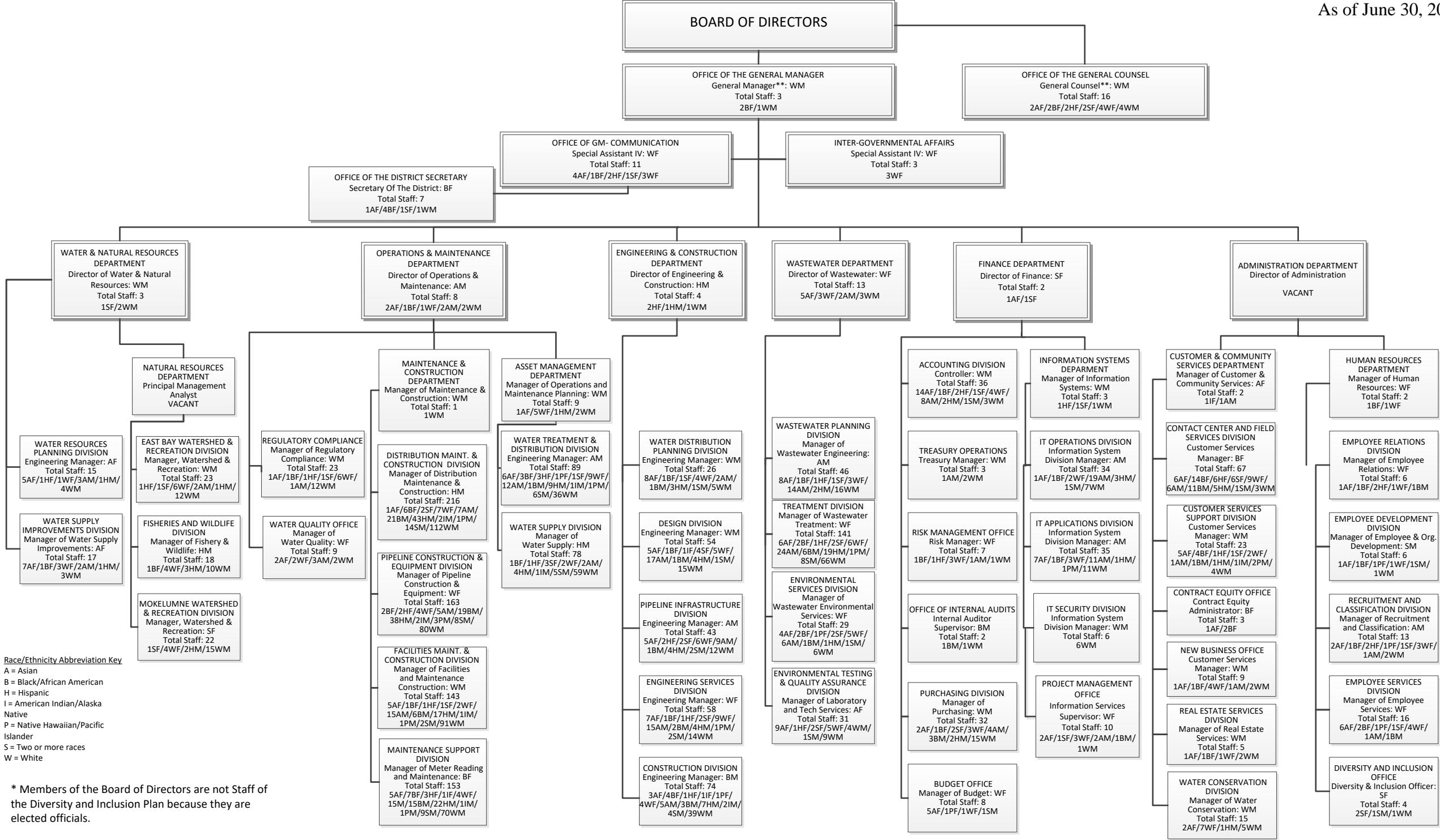
⁵ In most cases, the final availability report (and most other technical reports in this AAP) only include data/information for females and minorities in the aggregate.

EXHIBITS

Organizational Display

Exhibit 1

As of June 30, 2019



Race/Ethnicity Abbreviation Key
A = Asian
B = Black/African American
H = Hispanic
I = American Indian/Alaska Native
P = Native Hawaiian/Pacific Islander
S = Two or more races
W = White

* Members of the Board of Directors are not Staff of the Diversity and Inclusion Plan because they are elected officials.

Job Group Summary

Exhibit 2

Directors/Managers

| | | |
|--|--|--|
| Assistant General Counsel | Manager of Distribution Maintenance & Construction | Manager of Purchasing |
| Chief Trial Attorney | Manager of Employee & Organizational Development | Manager of Real Estate Services |
| Controller | Manager of Employee Relations | Manager of Recruitment & Classification |
| Customer Services Manager | Manager of Employee Services | Manager of Regulatory Compliance |
| Director of Administration | Manager of Environmental Compliance | Manager of Security and Emergency Preparedness |
| Director of Engineering & Construction | Manager of Facilities Maintenance & Construction | Manager of Wastewater Engineering |
| Director of Finance | Manager of Fishery & Wildlife | Manager of Wastewater Environmental Services |
| Director of Operations & Maintenance | Manager of Fleet & Construction Support | Manager of Water Conservation |
| Director of Wastewater | Manager of Human Resources | Manager of Water Quality |
| Director of Water & Natural Resources | Manager of Information Systems | Manager of Water Supply |
| Diversity and Inclusion Officer | Manager of Laboratory Services | Manager of Water Supply Improvements |
| Engineering Manager | Manager of Maintenance & Construction/Water Operations | Manager of Wastewater Treatment |
| Environmental Affairs Officer | Manager of Maintenance Support | Manager of Watershed & Recreation |
| General Counsel | Manager of Natural Resources | Manager of Workplace Health and Safety |
| General Manager | Manager of Operations & Maintenance Planning | Risk Manager |
| Information Systems Division Manager | Manager of Pipeline Construction & Equipment | Secretary of the District |
| Manager of Budget | Manager of Planning and Analysis for Water Quality | Special Assistant I-V |
| Manager of Business Continuity | | Treasury Manager |
| Manager of Customer & Community Services | | |

Programmers

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

Analysts

| | |
|---|--|
| Community Affairs Representative I-II | Senior Community Affairs Representative |
| HRIS Analyst I-II | Senior HRIS Analyst |
| Human Resources Regulatory Coordinator | Senior Human Resources Analyst |
| Human Resources Analyst I-II | Senior Public Information Representative |
| Management Analyst I-III | Technical Training Analyst |
| Principal Management Analyst | Technical Training & Writing Administrator |
| Public Information Representative I-III | Workers' Comp. Manager & Risk Specialist |

Job Group Summary

Exhibit 2

Other Professionals

| | | |
|--|-------------------------------------|---|
| Accountant I-III | Business Development Representative | Security & Emergency Preparedness Specialist |
| Accounting & Financial Systems Analyst | Buyer I-II | Security Shift Supervisor |
| Accounting Systems Supervisor | Contract Equity Administrator | Senior Accounting & Financial Systems Analyst |
| Assistant Planner | Internal Auditor | Senior Real Estate Representative |
| Assistant Water Resources Specialist | Internal Auditor Supervisor | Supervising Accountant |
| Associate Architect | Junior Water Resources Specialist | Supervisor of Purchasing |
| Associate Planner | Law Clerk | Supervisor of Water Conservation |
| Associate Water Resources Specialist | Purchasing Contract Supervisor | Water Conservation Administrator |
| Attorney I-III | Real Estate Representative I-II | Water Conservation Representative |
| Building Tenant Services Supervisor | Risk Management Analyst | Water System Planning Analyst |

Science Professionals

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

General Clerical

| | | |
|------------------------------------|---|---------------------------------|
| Account Clerk II-III | Relief Clerk | Senior Telephone/Radio Operator |
| Administrative Clerk | Senior Administrative Clerk | Telephone/Radio Operator |
| Administrative Clerk, Confidential | Senior Administrative Clerk, Confidential | |
| Messenger/Mail Clerk | Senior Messenger/Mail Clerk | |

Administrative Assistants

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

Job Group Summary

Exhibit 2

Customer Services

| | | |
|--|---|---|
| Customer Services Representative I-III | Field Services Representative I-II | Senior Dispatch/Contact Center Representative |
| Customer Services Supervisor | Meter Reader | Senior Field Services Representative |
| Dispatch Center Representative | New Business Representative I-II | Senior New Business Representative |
| Dispatch Center Supervisor | Senior Customer Services Representative | Water Conservation Technician |

Technicians

| | | |
|--------------------------------|--------------------------------------|-----------------------------------|
| Computer Operations Technician | Fisheries/Wildlife Technician | Materials Testing Technician I-II |
| Corrosion Control Technician | Information Systems Specialist I-III | Printing Technician I-II |
| Electronic Technician | Materials Inspector | Senior Printing Technician |
| Fisheries/Wildlife Aide | Materials Testing Supervisor | |

Plant Operator Leads/Supervisors

| | | |
|--|--|-------------------------------------|
| Assistant Superintendent Aqueduct/Pardee | Power, Treatment & Transmission Maintenance | Wastewater Operations Coordinator |
| Assistant Superintendent, Water Treatment & Distribution | Supervisor | Wastewater Shift Supervisor |
| Assistant Wastewater Shift Supervisor | Power Plant Supervisor | Wastewater Treatment Superintendent |
| Hydroelectric Power Plant Supervisor | Superintendent of Aqueduct Section | Water Distribution Supervisor |
| Pardee Water/Wastewater Supervisor | Superintendent of Pardee Section | Water Treatment Supervisor |
| | Superintendent of Water Treatment/Distribution/ System Water Quality | |

Plant Operators

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

Laboratory and Quality Control Technicians

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

Job Group Summary

Exhibit 2

Engineers

| | | |
|--|--|-----------------------------------|
| Assistant Corrosion Control Specialist | Associate Corrosion Control Specialist | Junior Electric Engineer |
| Assistant Engineer | Associate Electrical Engineer | Junior Engineer |
| Associate Civil Engineer | Associate Mechanical Engineer | Senior Corrosion Control Engineer |
| Associate Control Systems Engineer | | |

Supervising Engineers

| | | |
|---------------------------------|----------------------------|-------------------------------------|
| Senior Civil Engineer | Senior Electrical Engineer | Senior Mechanical Engineer |
| Senior Control Systems Engineer | Senior Engineering Planner | Supervising Administrative Engineer |

Engineering Technicians

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

Mechanical Maintenance

| | | |
|--|---------------------------------------|---|
| Automotive Maintenance Worker I-III | Maintenance Specialist I-III | Plant Maintenance Mechanic |
| Automotive Mechanic A&B | Maintenance Superintendent | Plant Maintenance Superintendent |
| Equipment Superintendent | Mechanical Supervisor | Plant Maintenance Supervisor |
| Equipment Supervisor | Meter Mechanic I-II | Plant Maintenance Worker I-III |
| General Equipment Mechanic | Meter Reader/Mechanic | Plant Mechanical Maintenance Supervisor |
| Heavy Equipment Maintenance Worker I-III | Meter Reader/Mechanic Foreman | Senior Mechanic |
| Heavy Equipment Mechanic | Meter Reader & Maintenance Supervisor | Senior Meter Mechanic/Backflow Tester |
| Machining & Maintenance Worker I-III | Meter Mechanic/Backflow Tester | |
| Maintenance Machinist | Meter Repair and Testing Supervisor | |

Job Group Summary

Exhibit 2

Pipeline Maintenance Leads/Supervisors

| | |
|---|---|
| Assistant Construction & Maintenance Superintendent | Maintenance Shift Supervisor |
| Construction & Maintenance Scheduler | Paving Crew Foreman |
| Construction & Maintenance Superintendent | Pipeline Welding Supervisor |
| General Pipe Supervisor | Senior Supervisor of Maintenance Shift Operations |
| | Water Distribution Crew Foreman |

Pipeline Maintenance

| |
|---------------------------------|
| Concrete Finisher I-II |
| Paving Raker A-C |
| Pipeline Welder I-III |
| Water Distribution Plumber I-IV |

Electrical/Structural Maintenance

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

Service Maintenance

| | | |
|------------------------------------|-------------------------------------|-----------------------------|
| Automotive Services Attendant I-II | Janitor Foreman | Meals & Lodging Coordinator |
| Distribution Maintenance Worker | Janitor Supervisor | Recreation Area Attendant |
| Gardener I-II | LT Spec. Employment Program Trainee | Storekeeper I-II |
| Gardener Foreman | Materials Specialist | Stores Supervisor |
| Housekeeper | Materials Storage Foreman | Utility Laborer |
| Janitor | Materials Storage Supervisor | |

Heavy Equipment/Truck Operators

| | |
|----------------------------------|--------------------------|
| Crane Operator | Heavy Forklift Operator |
| Heavy Equipment Operator | Heavy Transport Operator |
| Heavy Equipment Operator Trainee | Truck Driver II |
| | Truck Driver II Trainee |

Rangers

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

Job Group Analysis

Exhibit 3

As of June 30, 2019

| Job Group | Total Number Incumbents | Total Number Females | Total Number Minorities | Total Percentage Females | Total Percentage Minorities |
|------------------------------------|-------------------------|----------------------|-------------------------|--------------------------|-----------------------------|
| Directors/Managers | 65 | 27 | 25 | 41.5% | 38.5% |
| Programmers | 100 | 32 | 62 | 32.0% | 62.0% |
| Analysts | 47 | 29 | 30 | 61.7% | 63.8% |
| Professionals | 55 | 31 | 28 | 56.4% | 50.9% |
| Science Professionals | 39 | 16 | 12 | 41.0% | 30.8% |
| Administrative Assistants | 56 | 52 | 42 | 92.9% | 75.0% |
| General Clerical | 113 | 94 | 79 | 83.2% | 69.9% |
| Customer Services | 97 | 55 | 69 | 56.7% | 71.1% |
| Technicians | 29 | 6 | 15 | 20.7% | 51.7% |
| Plant Operators | 122 | 11 | 57 | 9.0% | 46.7% |
| Plant Operators Leads/Supervisors | 40 | 5 | 18 | 12.5% | 45.0% |
| Laboratory & Quality Control Techs | 54 | 25 | 28 | 46.3% | 51.9% |
| Rangers | 35 | 7 | 5 | 20.0% | 14.3% |
| Engineering | 173 | 67 | 119 | 38.7% | 68.8% |
| Supervising Engineering | 43 | 8 | 13 | 18.6% | 30.2% |
| Engineering Technicians | 106 | 14 | 51 | 13.2% | 48.1% |
| Pipeline Maintenance | 197 | 4 | 88 | 2.0% | 44.7% |
| Heavy Equipment/Truck Operators | 107 | 2 | 43 | 1.9% | 40.2% |
| Pipeline Maintenance Lead/Superv. | 78 | 2 | 42 | 2.5% | 53.9% |
| Electrical/Structural Maintenance | 105 | 3 | 29 | 2.9% | 27.6% |
| Mechanical Maintenance | 154 | 4 | 51 | 2.5% | 33.1% |
| Service Maintenance | 87 | 16 | 49 | 18.4% | 56.3% |
| Totals | 1,902 | 510 | 955 | | |

Availability Analysis

Exhibit 4

Job Group: Directors/Managers

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|--------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 36.8 | 40.8 | 40.00 | 14.7 | 16.3 | Source for 01- See below |
| Reasonable | 33.3 | 20.6 | 5.00 | 1.7 | 1.0 | National |
| Reasonable | 34.8 | 37.1 | 5.00 | 1.7 | 1.9 | California |
| Internal Factors: | | | | | | |
| Feeders | 38.3 | 46.9 | 50.00 | 19.1 | 23.4 | Feeders |
| Final Availability % | | | 100.00 | 37.2 | 42.6 | |

*Local Source: Alameda, California – 47.62%, Contra Costa, California – 38.1%, Sacramento, California – 3.17%, San Francisco, California- 4.77%, San Mateo, California – 3.17%, Santa Clara, California – 3.17%

Job Group: Programmers

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|--------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 24.6 | 59.1 | 67.50 | 16.6 | 39.9 | Source for 12- See below |
| Reasonable | 25.0 | 34.6 | 2.50 | 0.6 | 0.9 | National |
| Reasonable | 23.9 | 51.5 | 5.00 | 1.2 | 2.6 | California |
| Internal Factors: | | | | | | |
| Feeders | 57.4 | 66.6 | 25.00 | 14.3 | 16.6 | Feeders |
| Final Availability % | | | 100.00 | 32.8 | 60.0 | |

*Local Source: Alameda, California - 56.12%, Contra Costa, California - 30.6 %, San Francisco, California - 5.10%, San Mateo, California - 5.10%, Santa Clara, California - 1.02%, Solano, California - 2.04%

Availability Analysis

Exhibit 4

Job Group: Analysts

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|--------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 60.7 | 44.8 | 59.50 | 36.1 | 26.6 | Source for 15- See below |
| Reasonable | 58.7 | 25.1 | 3.50 | 2.1 | 0.9 | National |
| Reasonable | 59.7 | 39.0 | 7.00 | 4.2 | 2.7 | California |
| Internal Factors: | | | | | | |
| Feeders | 86.4 | 71.6 | 30.00 | 25.9 | 21.5 | Feeders |
| Final Availability % | | | 100.00 | 68.2 | 51.7 | |

*Local Source: Alameda, California - 51.54%, Contra Costa, California - 29.53%, San Francisco, California - 5.89%, San Joaquin, California - 2.77%, San Mateo, California - 2.98%, Santa Clara, California - 3.28%, Solano, California - 4.01%

Job Group: Other Professionals

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|--------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 52.4 | 50.1 | 72.50 | 38.0 | 36.3 | Source for 16- See below |
| Reasonable | 48.4 | 25.2 | 2.50 | 1.2 | 0.6 | National |
| Reasonable | 50.5 | 45.1 | 5.00 | 2.5 | 2.3 | California |
| Internal Factors: | | | | | | |
| Feeders | 56.4 | 69.5 | 20.00 | 11.3 | 13.9 | Feeders |
| Final Availability % | | | 100.00 | 53.0 | 53.1 | |

*Local Source: Alameda, California - 51.93%, Contra Costa, California - 27.01%, San Francisco, California - 8.77%, San Mateo, California - 1.955307%, Santa Clara, California - 3.49162%, Solano, California - 4.888268%, Sonoma, California - 1.955309%

Availability Analysis

Exhibit 4

Job Group: Science Professionals

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|--------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 46.5 | 44.2 | 60.00 | 27.9 | 26.5 | Source for 17- See below |
| Reasonable | 43.0 | 25.8 | 7.50 | 3.2 | 1.9 | National |
| Reasonable | 46.5 | 44.0 | 7.50 | 3.5 | 3.3 | California |
| Internal Factors: | | | | | | |
| Feeders | 46.3 | 51.9 | 25.00 | 11.6 | 13.0 | Feeders |
| Final Availability % | | | 100.00 | 46.2 | 44.7 | |

*Local Source: Alameda, California - 42.36%, Contra Costa, California - 24.12%, Sacramento, California - 4.78%, San Francisco, California - 7.568439%, San Joaquin, California - 3.54%, San Mateo, California - 4.59%, Santa Clara, California - 7.03%, Solano, California - 6.01%

Job Group: Administrative Assistants

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|--------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 84.8 | 51.0 | 45.00 | 38.2 | 22.9 | Source for 20- See below |
| Reasonable | 84.2 | 46.6 | 5.00 | 4.2 | 2.3 | California |
| Internal Factors: | | | | | | |
| Feeders | 83.2 | 69.9 | 50.00 | 41.6 | 35.0 | Feeders |
| Final Availability % | | | 100.00 | 84.0 | 60.2 | |

*Local Source: Alameda, California - 53.00%, Contra Costa, California - 27.21%, Sacramento, California - 4.786546%, San Francisco, California - 5.30401%, San Joaquin, California - 1.78%, San Mateo, California - 2.587322%, Santa Clara, California - 1.19%, Solano, California - 4.139715%

Availability Analysis

Exhibit 4

Job Group: General Clerical

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 84.4 | 51.7 | 95.00 | 80.2 | 49.1 | *Source for 21 - See below |
| Reasonable | 83.5 | 48.9 | 5.00 | 4.2 | 2.4 | California |
| Internal Factors: | | | | | | |
| Feeders | 0 | 0 | 0 | 0 | 0 | |
| Final Availability % | | | 100.00 | 84.4 | 51.6 | |

*Local Source: Alameda, California - 58.58%, Contra Costa, California - 28.59%, San Francisco, California - 4.62%, San Joaquin, California - 3.34%, Solano, California - 4.87%

Job Group: Customer Services

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 62.5 | 61.7 | 70.00 | 43.8 | 43.2 | *Source for 27 - See below |
| Reasonable | 60.3 | 57.5 | 5.00 | 3.0 | 2.9 | California |
| Internal Factors: | | | | | | |
| Feeders | 31.6 | 53.9 | 25.00 | 7.9 | 13.5 | |
| Final Availability % | | | 100.00 | 54.7 | 59.5 | |

*Local Source: Alameda, California - 53.19%, Contra Costa, California - 32.96%, San Francisco, California - 2.33%, San Joaquin, California - 3.5%, Solano, California - 8.02%

Availability Analysis

Exhibit 4

Job Group: Technicians

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|---------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 32.6 | 55.6 | 70.00 | 22.8 | 38.9 | *Source for 32- See below |
| Reasonable | 32.0 | 30.8 | 10.00 | 3.2 | 3.1 | National |
| Reasonable | 31.1 | 56.7 | 10.00 | 3.1 | 5.7 | California |
| Internal Factors: | | | | | | |
| Feeders | 56.8 | 70.5 | 10.00 | 5.7 | 7.1 | |
| Final Availability % | | | 100.00 | 34.8 | 54.7 | |

*Local Source: Alameda, California - 42.4 %, Contra Costa, California - 36.67 %, San Joaquin, California - 5.93 %, Santa Clara, California - 5.5 %, Santa Cruz, California - 4 %, Solano, California - 5.5 %

Job Group: Plant Operators

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 5.3 | 39.8 | 65.00 | 3.5 | 25.9 | *Source for 33 - See below |
| Reasonable | 5.1 | 39.0 | 10.00 | 0.5 | 3.9 | California |
| Internal Factors: | | | | | | |
| Feeders | 11.6 | 46.2 | 25.00 | 2.9 | 11.6 | |
| Final Availability % | | | 100.00 | 6.9 | 41.3 | |

*Local Source: Alameda, California - 38.2%, Contra Costa, California - 35.26%, Sacramento, California - 2.874006%, San Francisco, California - 3.566846%, San Joaquin, California - 4.55%, San Mateo, California - 2.206825%, Santa Clara, California - 2.44%, Solano, California - 10.9%

Availability Analysis

Exhibit 4

Job Group: Plant Operators Lead/Supervisors

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 22.4 | 46.6 | 85.00 | 19.1 | 39.6 | *Source for 34 - See below |
| Reasonable | 19.2 | 26.2 | 2.50 | 0.5 | 0.7 | National |
| Reasonable | 21.7 | 57.2 | 7.50 | 1.6 | 4.3 | California |
| Internal Factors: | | | | | | |
| Feeders | 11.9 | 40.7 | 5.00 | 0.6 | 2.0 | |
| Final Availability % | | | 100.00 | 21.8 | 46.6 | |

Local Source: Alameda, California - 25.72%, Alpine and Nearby Counties, California - 7.8%, Contra Costa, California - 36.4%, El Dorado, California - 2.71%, Fresno, California - 2.71%, Sacramento, California - 2.04%, San Joaquin, California - 11%, San Mateo, California - 1.9%, Solano, California - 9.72%

Job Group: Laboratory & Quality Control Technicians

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 35.5 | 51.4 | 85.00 | 30.2 | 43.7 | *Source for 35 - See below |
| Reasonable | 31.3 | 26.7 | 2.50 | 0.8 | 0.7 | National |
| Reasonable | 33.9 | 51.6 | 12.50 | 4.2 | 6.4 | California |
| Internal Factors: | | | | | | |
| Feeders | 0 | 0 | 0 | 0 | 0 | |
| Final Availability % | | | 100.00 | 35.2 | 50.8 | |

*Local Source: Alameda, California - 48.25368%, Contra Costa, California - 25.91912%, Sacramento, California - 2.389706%, San Francisco, California - 6.525735%, San Joaquin, California - 2.849265%, San Mateo, California - 3.768382%, Santa Clara, California - 5.147059%, Solano, California - 5.147059%

Availability Analysis

Exhibit 4

Job Group: Rangers

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 16.8 | 55.3 | 80.00 | 13.5 | 44.2 | *Source for 43 - See below |
| Reasonable | 18.8 | 31.0 | 5.00 | 0.9 | 1.6 | National |
| Reasonable | 19.8 | 57.9 | 15.00 | 3.0 | 8.7 | California |
| Internal Factors: | | | | | | |
| Feeders | 0 | 0 | 0 | 0 | 0 | |
| Final Availability % | | | 100.00 | 17.4 | 54.5 | |

*Local Source: Alameda, California - 33.16327%, Alpine and Nearby Counties, California - 5.612245%, Contra Costa, California - 36.7347%, Sacramento, California - 4.081633%, San Francisco, California - 3.061224%, San Joaquin, California - 9.183673%, Santa Cruz, California - 2.551021%, Solano, California - 5.612245%

Job Group: Engineers

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 15.1 | 53.8 | 80.00 | 12.1 | 43.0 | *Source for 50 - See below |
| Reasonable | 11.2 | 23.0 | 5.00 | 0.6 | 1.1 | National |
| Reasonable | 13.1 | 43.6 | 12.50 | 1.6 | 5.5 | California |
| Internal Factors: | | | | | | |
| Feeders | 13.5 | 47.6 | 2.50 | 0.3 | 1.2 | Feeders |
| Final Availability % | | | 100.00 | 14.6 | 50.8 | |

*Local Source: Alameda, California - 41.2%, Contra Costa, California - 21.13%, Sacramento, California - 5.05%, San Francisco, California - 10.04%, San Joaquin, California - 1.64%, San Mateo, California - 4.28%, Santa Clara, California - 11.03%, Solano, California - 3.52%, Yolo, California - 2.11%

Availability Analysis

Exhibit 4

Job Group: Supervising Engineers

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 6.5 | 42.8 | 35.00 | 2.3 | 15.0 | *Source for 51 - See below |
| Reasonable | 10.0 | 35.6 | 5.00 | 0.5 | 1.8 | California |
| Internal Factors: | | | | | | |
| Feeders | 38.7 | 68.8 | 60.00 | 23.2 | 41.3 | Feeders |
| Final Availability % | | | 100.00 | 26.0 | 58.0 | |

*Local Source: Alameda, California - 54.05405%, Contra Costa, California - 35.13514%, Marin, California - 3.603604%, San Francisco, California - 7.207207%

Job Group: Engineering Technicians

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 21.6 | 40.9 | 70.00 | 15.1 | 28.6 | *Source for 60 - See below |
| Reasonable | 19.5 | 22.0 | 5.00 | 1.0 | 1.1 | National |
| Reasonable | 20.9 | 40.3 | 10.00 | 2.1 | 4.0 | California |
| Internal Factors: | | | | | | |
| Feeders | 2.0 | 44.7 | 15.00 | 0.3 | 6.7 | Feeders |
| Final Availability % | | | 100.00 | 18.5 | 40.5 | |

*Local Source: Alameda, California - 43.55698%, Contra Costa, California - 30.56443%, Sacramento, California - 3.940362%, San Francisco, California - 5.537806%, San Joaquin, California - 3.514377%, San Mateo, California - 2.981895%, Santa Clara, California - 4.898829%, Solano, California - 5.005325%

Availability Analysis

Exhibit 4

Job Group: Pipeline Maintenance

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 1.2 | 61.2 | 92.50 | 1.1 | 56.7 | *Source for 70 - See below |
| Reasonable | 1.4 | 60.4 | 5.00 | 0.1 | 3.0 | California |
| Internal Factors: | | | | | | |
| Feeders | 21.1 | 55.3 | 2.50 | 0.5 | 1.4 | |
| Final Availability % | | | 100.00 | 1.7 | 61.1 | |

*Local Source: Alameda, California - 32.5887%, Contra Costa, California - 47.8975%, Sacramento, California - 1.445466%, San Francisco, California - 1.51117%, San Joaquin, California - 4.796321%, San Mateo, California - 1.116951%, Santa Clara, California - 1.116951%, Solano, California - 8.409986%, Sonoma, California - 1.116952%

Job Group: Heavy Equipment/Truck Operators

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 3.7 | 58.5 | 65.00 | 2.4 | 38.1 | *Source for 72 - See below |
| Reasonable | 3.8 | 57.3 | 5.00 | 0.2 | 2.9 | California |
| Internal Factors: | | | | | | |
| Feeders | 2.0 | 44.7 | 30.00 | 0.6 | 13.4 | Feeders |
| Final Availability % | | | 100.00 | 3.2 | 54.3 | |

*Local Source: Alameda, California - 34.83366%, Contra Costa, California - 39.13894%, San Joaquin, California - 9.001957%, Solano, California - 14.48141%, Stanislaus, California - 2.544032%

Availability Analysis

Exhibit 4

Job Group: Pipeline Maintenance Lead/Supervisors

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 7.4 | 38.4 | 10.00 | 0.7 | 3.8 | *Source for 78 - See below |
| Internal Factors: | | | | | | |
| Feeders | 2.0 | 43.1 | 90.00 | 1.8 | 38.8 | Feeders |
| Final Availability % | | | 100.00 | 2.5 | 42.6 | |

*Local Source: Alameda, California - 20.65728%, Contra Costa, California - 57.27699%, San Joaquin, California - 7.981221%, San Mateo, California - 2.816901%, Solano, California - 6.57277%, Stanislaus, California - 4.694836%

Job Group: Electrical/Structural Maintenance

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 8.4 | 52.1 | 85.00 | 7.2 | 44.3 | *Source for 81 – See below |
| Reasonable | 8.7 | 56.8 | 10.00 | 0.9 | 5.7 | California |
| Internal Factors: | | | | | | |
| Feeders | 15.4 | 50.0 | 5.00 | 0.8 | 2.5 | Feeders |
| Final Availability % | | | 100.00 | 8.8 | 52.5 | |

*Local Source: Alameda, California - 34.3419%, Contra Costa, California - 43.41906%, San Joaquin, California - 3.630862%, San Mateo, California - 2.874433%, Solano, California - 15.73374%

Availability Analysis

Exhibit 4

Job Group: Mechanical Maintenance

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 4.9 | 54.3 | 80.00 | 3.9 | 43.5 | *Source for 82 - See below |
| Reasonable | 4.5 | 56.8 | 10.00 | 0.5 | 5.7 | California |
| Internal Factors: | | | | | | |
| Feeders | 2.3 | 38.9 | 10.00 | 0.2 | 3.9 | Feeders |
| Final Availability % | | | 100.00 | 4.6 | 53.0 | |

*Local Source: Alameda, California - 42.01065%, Alpine and Nearby Counties, California - 2.23036%, Contra Costa, California - 38.51532%, San Francisco, California - 2.097203%, San Joaquin, California - 5.958722%, Solano, California - 9.18775%

Job Group: Service Maintenance

As of June 30, 2019

| | Raw % | | | Weighted % | | |
|-----------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| Factor | Female | Minority | Factor Weight | Female | Minority | Source |
| External Factors: | | | | | | |
| Local | 23.1 | 70.7 | 97.50 | 22.6 | 68.9 | *Source for 85 – See below |
| Internal Factors: | | | | | | |
| Feeders | 2.0 | 44.7 | 2.50 | 0.1 | 1.1 | Feeders |
| Final Availability % | | | 100.00 | 22.6 | 70.0 | |

*Local Source: Alameda, California - 41.17647%, Alpine and Nearby Counties, California - 2.35294%, Contra Costa, California - 41.17647%, San Francisco, California - 3.529412%, San Joaquin, California - 3.529412%, Solano, California - 8.235294%

Placement Goals Analysis

Exhibit 5

As of June 30, 2019

| Job Group | Number Of Incumbents | Total Minority | | Female | | Placement Goal Established? (Yes* / No) | |
|---------------------------|----------------------|----------------|----------------|--------------|----------------|--|--------|
| | | Employment % | Availability % | Employment % | Availability % | Minority | Female |
| Directors/Managers | 65 | 38.5 | 42.6 | 41.5 | 37.2 | NO | NO |
| Programmers | 100 | 62.0 | 60.0 | 32.0 | 32.8 | NO | NO |
| Analysts | 47 | 63.8 | 51.7 | 61.7 | 68.2 | NO | NO |
| Professionals | 55 | 50.9 | 53.1 | 56.4 | 53.0 | NO | NO |
| Science Professionals | 39 | 30.8 | 44.7 | 41.0 | 46.2 | NO | NO |
| Administrative Assistants | 56 | 75.0 | 60.2 | 92.9 | 84.0 | NO | NO |
| General Clerical | 113 | 69.9 | 51.6 | 83.2 | 84.4 | NO | NO |
| Customer Service | 97 | 71.1 | 59.5 | 56.7 | 54.7 | NO | NO |

* The establishment of a “Placement Goal” does not amount to an admission of impermissible conduct. It is neither a finding of unlawful discrimination nor a finding of a lack of good faith affirmative action efforts. Nor does the establishment of a Placement Goal permit unlawful discrimination. Rather, the establishment of a “Placement Goal” is a technical targeting term used by affirmative action planners who seek to apply good faith efforts to increase, in the future, the percentage utilization of minorities and women in a work force.

Placement Goals Analysis

Exhibit 5

As of June 30, 2019

| Job Group | Number Of Incumbents | Total Minority | | Female | | Placement Goal Established? (Yes* / No) | |
|-------------------------------------|----------------------|----------------|----------------|--------------|----------------|--|--------|
| | | Employment % | Availability % | Employment % | Availability % | Minority | Female |
| Technicians | 29 | 51.7 | 54.7 | 20.7 | 34.8 | NO | NO |
| Plant Operators | 122 | 46.7 | 41.3 | 9.0 | 6.9 | NO | NO |
| Plant Operator Leads/Supervisors | 40 | 45.0 | 46.6 | 12.5 | 21.8 | NO | NO |
| Laboratory & Quality Control Techs. | 54 | 51.9 | 50.8 | 46.3 | 35.2 | NO | NO |
| Rangers | 35 | 14.3 | 54.5 | 20.0 | 17.4 | YES | NO |
| Engineers | 173 | 68.8 | 50.8 | 38.7 | 14.6 | NO | NO |
| Supervising Engineers | 43 | 30.2 | 58.0 | 18.6 | 26.0 | YES | NO |
| Engineering Technicians | 106 | 48.1 | 40.5 | 13.2 | 18.5 | NO | NO |

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Placement Goals Analysis

Exhibit 5

As of June 30, 2019

| Job Group | Number Of Incumbents | Total Minority | | Female | | Placement Goal Established? (Yes* / No) | |
|--|----------------------|----------------|----------------|--------------|----------------|--|------------|
| | | Employment % | Availability % | Employment % | Availability % | Minority | Female |
| Pipeline Maintenance | 197 | 44.7 | 61.1 | 2.0 | 1.7 | YES | NO |
| Heavy Equipment / Truck Operators | 107 | 40.2 | 54.3 | 1.9 | 3.2 | YES | NO |
| Pipeline Maintenance Lead/Supervisors | 78 | 53.8 | 42.6 | 2.6 | 2.5 | NO | NO |
| Electrical/Structural Maintenance | 105 | 27.6 | 52.5 | 2.9 | 8.8 | YES | YES |
| Mechanical Maintenance | 154 | 33.1 | 53.0 | 2.6 | 4.6 | YES | NO |
| Service Maintenance | 87 | 56.3 | 70.0 | 18.4 | 22.6 | YES | NO |

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**VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT AND SECTION
503 OF THE REHABILITATION ACT AFFIRMATIVE ACTION PROGRAM FOR
PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES**

EAST BAY MUNICIPAL UTILITY DISTRICT (DISTRICT or EBMUD)

375 11th Street
Oakland, CA 94607

July 1, 2018 – June 30, 2019

Contractor Facility

Dun's # for Water: 05-190-4423

EIN (tax) #: 94-6000590

EEO-4 #: 06505230

NAICS: 2213 Water, Sewage and Other Systems

MSA: 41860 San Francisco-Oakland-Fremont, CA

AA/EEO Contact: Dorian West Blair
Diversity and Inclusion Officer
East Bay Municipal Utility District
PO Box 24055
Oakland, CA 94623-9979
Attn: Diversity and Inclusion Office/MS 601
(510) 287-0710

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A. *Policy Statement*

41 C.F.R. §§ 60-300.44(a); 60-741.44(a)

It is the policy of the District that equal employment opportunity (EEO) be provided in the employment and advancement for all persons regardless of race (including hair style/texture), color, religion, creed, sex, gender, genetic information, gender identity (including transgender status), gender expression, marital status or registered domestic partnership status, age forty or older, national origin, ancestry, disability (mental or physical, medical condition (cancer and genetic characteristics), genetic information, sexual orientation, military or veteran status, or family or medical leave status, pregnancy (including childbirth, lactation or related medical condition), pregnancy disability leave status, domestic violence victim status, political affiliation, or any other protected status, at all levels of employment, including the executive level. The District does not and will not discriminate against any applicant or employee on the bases of any of the aforementioned protected categories, in regards to any position for which the applicant or employee is qualified.

In addition, the District is committed to a policy of taking affirmative action to employ and advance in employment qualified protected veteran (Protected Veteran) employees and individuals with disability (IWDs). Such affirmative action shall apply to all employment practices, including, but not limited to hiring, promotion, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. The District will make every effort to provide reasonable accommodations to any physical and mental limitations of IWDs and to disabled Protected Veterans.

Employees and applicants shall not be subjected to workplace harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any activity protected by state, federal or local anti-discrimination laws including the following activities:

- (1) Filing a complaint;
- (2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans (Protected Veterans) or Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;
- (3) Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state or local law requiring equal opportunity for Protected Veterans or Section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or

(4) Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

The District obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of the aforementioned protected categories. The District's EEO policy and affirmative action (AA) obligations include the full support from General Manager, Alexander R. Coate and are set forth in Policy 2.02, Accommodations for Individuals with Disabilities in the Workplace and Policy 2.25, Equal Employment Opportunity and Policy 2.26, Prevention of Workplace Harassment.

The District will also continually design and implement audit and reporting systems that will measure the effectiveness and the compliance of the VEVRAA and Section 503 AAP, identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in District-sponsored activities were extended to all employees and applicants.

The District is also committed to abiding with the Pay Transparency Nondiscrimination Provisions and therefore, will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The District's employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the District's legal duty to furnish the information.

If you have any questions regarding our EEO, workplace harassment policies or the complaint procedure, you may contact the Diversity and Inclusion Office. The AAP may be reviewed by making an appointment with the Diversity and Inclusion Office.

B. Responsibility for Implementation

41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure EEO to Protected Veterans and IWDs, the District has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the General Manager, Manager of HR, Diversity and Inclusion Officer, HR Regulatory Coordinator, Risk Manager, and those employed as supervisors and managers have undertaken the responsibilities described below.

Board of Directors (Board)

The seven-member Board, publicly elected pursuant to the MUD Act, is the legislative body of the District and determines all questions of policy. The Board is also responsible for fair and equal treatment at the District. Specifically, Board Members promote diversity and equality in personnel matters consistent with state and federal laws and assist in achieving the equal opportunity objectives of EBMUD. (District Policy 6.04, Ethics Policy of the EBMUD Board of Directors) The Board adopts the VEVRAA and Section 503 AAP annually and EEO policies, Policies 2.02 and 2.25, are updated and presented for adoption by the Board on a prescribed schedule.

General Manager (GM)

The Board appoints a GM to conduct the business affairs of the District, including the administration of the Civil Service System of the District. Accordingly, the District's GM has the overall responsibility to implement the District EEO policy and AAP. The GM has delegated the Civil Service System responsibilities, including the direct responsibility to implement and administer the EEO policy and AAP to the Manager of Human Resources. The Manager of Human Resources has the full support of and access to senior management officials.

Manager of Human Resources (Manager of HR)

The Manager of HR is responsible for overall supervision of the AAP and EEO programs. The Manager of HR has delegated the EEO Program and AAP to the Diversity and Inclusion (D&I) Officer. The Manager of HR ensures, through the D&I Officer, department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of the AAP and EEO Policy is one of the elements considered in evaluating the Manager of HR's effective work performance.

Diversity and Inclusion Officer (D&I Officer)

The D&I Officer provides leadership and direction in the development, implementation, and evaluation of an effective AAP and EEO program. The D&I Officer has the full support of and access to senior management officials. Successful implementation of the AAP and EEO program are a basis for evaluating the D&I Officer's effective work performance. The D&I Officer's responsibilities include, but are not limited to, the following:

- Develop and revise EEO policy, procedures, and work rules to enhance EEO and in accordance with federal and state laws. Prepare annual AAP and present findings and recommendations to the Board.
- Identify problem areas and barriers to EEO, and develop strategies and programs with management to address these problems.
- Develop, implement, and maintain audit and reporting systems to measure effectiveness of EEO programs, including those that will indicate the need for remedial action and determine the degree to which goals and objectives have been obtained.
- Conduct periodic audits to ensure that all required posters and the EEO policies and AAP are displayed properly. Conduct audits to ensure that the Invitation to Self-Identify (pre and post offer) for Protected Veterans and IWDs, the District's EEO, and AAP policies are being utilized appropriately and thoroughly communicated.
- Ensure that employees are re-surveyed regarding their disability status every five years and send out reminders to employees, at least once during the five year intervals, that they may voluntarily update their disability status at any time.
- Serve as a liaison between the District and enforcement agencies.
- Keep managers informed of the latest developments in the equal opportunity area.

Human Resources Regulatory Coordinator and Risk Manager

The HR Regulatory Coordinator (HRRC) acts as the District's Americans with Disabilities Act (ADA) Compliance Officer. The HRRC responds to requests for reasonable accommodation of physical or mental disabilities covered under ADA and Fair Employment and Housing Act (FEHA). The Risk Manager responds to requests for reasonable accommodations of physical or mental disabilities covered under ADAAA and FEHA when a claim originates with a worker compensation injury.

Managers and Supervisors

Supervisors at all levels act on behalf of the District. Accordingly, all managers and supervisors have the following AAP and EEO program responsibilities:

- Monitor his or her work unit for discriminatory or harassing behavior and take appropriate steps to stop and correct behavior that violates District EEO policy.
- Enforce District EEO policy as well as adhere to it.
- 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.
- Be familiar with the District's Procedure on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals (Procedure 227) and be ready to assist employees (including those who do not report directly to them) who raised EEO-related complaints.
- Regard all complaints of EEO discrimination or harassment seriously. Managers/supervisors should not ignore or minimize such complaints or otherwise discourage employees from reporting them.

- Participate in and support staff's involvement with AA, EEO and diversity programs and recruitment activities.
- Work with the D&I Officer to enhance the effectiveness of the AAP and EEO program and make good faith efforts by considering alternative methods to fill vacant positions in order to create a diverse and qualified candidate pool.
- Consider all qualified candidates for promotion/hire and ensure that all selections are made for valid job-related reasons and without discrimination.

All District Employees

Employees at all levels are responsible for supporting the District's AAP and EEO 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.

All District employees are required to adhere to the District's EEO policies and encouraged to make positive contributions to creating an inclusive work environment.

C. *Review of Personnel Processes*

41 C.F.R. §§ 60-300.44(b); 60-741.44(b)

To ensure that all personnel activities are conducted in a job-related manner which provides and promotes EEO for all known Protected Veterans and employees and applicants with disabilities, reviews are periodically made of the District's examination and selection methods to identify barriers to employment, training, and promotion.

1. The District reviews its recruitment processes before it announces an examination to establish an open and/or internal eligible list for a classification. It ensures there are no barriers to the consideration of Protected Veterans and IWDs. In order to determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known Protected Veterans and IWDs, both applicants and employees. In determining the qualifications of a Protected Veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
2. The District ensures that its personnel processes do not stereotype IWDs or Protected Veterans in a manner which limits their access to jobs for which they are qualified.
3. The District ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies. The District uses an online application system to accept applications for employment and potential applicants with disabilities either can use the system or can submit an application in a timely manner through alternative means such as a paper application.

4. The District provides reasonable accommodations to applicants and employees with disabilities to ensure that EEO is extended in the operation of its personnel processes, unless such accommodations will cause undue hardship to the District.

D. Audit and Reporting System

41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

The D&I Officer, In partnership with the Manager of HR, the Manager of R&C, and the Manager of EOD, the Manger of Employee Relations and the Manager of Information Systems, is responsible for implementing the auditing and reporting system. The District has developed and currently implements an audit and reporting system that addresses the following:

1. Measures the effectiveness of the District's overall AAP and whether the District is in compliance with specific obligations.
2. Indicates the need for remedial action. Any corrective actions will be the responsibility of the subject matter manager with oversight by the D&I Officer and the Manager of HR.
3. Measures the degree to which the District's objectives are being met.
4. Considers whether there are any undue hurdles for Protected Veterans and IWDs regarding District sponsored educational, training, recreational, and social activities. This will also include, but not be limited to, the review of the on-line and electronic application system to determine its accessibility and ensure that procedures to request accommodations are displayed and that individuals with disabilities can readily obtain the reasonable accommodation.

E. Physical and Mental Qualifications

41 C.F.R. §§ 60-300.44(c); 60-741.44(c)

To ensure that all physical and mental qualifications and requirements of job classifications are job-related and promote EEO for all known Protected Veterans and employees and applicants with qualified disabilities, the District reviews the knowledge, skills and abilities of a classification to ensure they are critical and essential before it announces an examination to establish an open and/or internal eligible list for a classification.

The District's physical and mental job classification requirements are reviewed by the Manager of Recruitment and Classification (R&C), the hiring manager and the unions to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

Schedule for Review: Any previously reviewed classification will be reviewed again if there is a change in working conditions which affects the job's physical or mental requirements (e.g., new requirements, new equipment, etc.) or if a class study is requested.

F. Reasonable Accommodation of Physical and Mental Limitations

41 C.F.R §§ 60-300.44(d); 60-741.44(d)

The District will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities, or those who are disabled veterans. Such reasonable accommodations are explained and documented in the District's Procedure 201. The District ensures that qualified applicants and employees with disabilities, who are unable to fully utilize the on-line job application system, are provided equal opportunities to apply and be considered for all jobs.

The District will confidentially review issues of employees to determine whether a reasonable accommodation is needed when: 1) the employee is having significant difficulty with job performance, and 2) it is reasonable to conclude that the problem is related to the known disability.

Employees may also contact the following person at any time to formally request an accommodation:

Name: Winnie Anderson

Title: HR Regulatory Coordinator

Phone: (510) 287-0380

Email: winnie.anderson@ebmud.com

G. Harassment

41 C.F.R. §§ 60-300.44(e); 60-741.44(e)

The District has developed and implemented a set of procedures to ensure that its employees with disabilities and Protected Veterans are not harassed due to those conditions. The District's Policy 2.25 on EEO and Policy 2.26 on Prevention of Workplace Harassment include sections prohibiting harassment of IWDs or Protected Veterans, and is available for distribution to new as well as to existing employees. The District's Procedure 227 on Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals outlines the complaint and investigation process.

H. Data Collection Analysis

41 C.F.R. §§ 60-300.44(k); 60-741.44(k)

The District has calculated and established its Protected Veterans benchmark by taking into consideration the 5 criteria set forth by the OFCCP. The District has established an individualized hiring benchmark of 2.9% for Protected Veterans for FY20. In establishing that hiring benchmark, the District considered the following factors:

- **The average percentage of veterans in the civilian labor force in California for the previous three years –2016 (4.9%), 2017 (4.7%) and 2018 (4.3%).**

- **The number of veterans who participated in the employment service delivery system in California over the previous four quarters** – April 1, 2018 to March 31, 2019 (13,093).
- **The District's applicant ratio (3.2%) and hiring ratio (1.5%) for the prior year** of July 1, 2018 to June 30, 2019.
- **The most recent assessment of the effectiveness of the District's outreach and recruitment efforts.**

The District continues to perform outreach to attract more qualified protected veteran applicants. Despite these efforts, the percentage of protected veteran applicants has not significantly increased in recent years – 3.2% in FY19, 3.0% in FY18, and 3.2% in FY17.

- **Other factors that may affect the availability of qualified protected veterans.**

The District is located more than 52 miles from the nearest military base (Travis Air Force Base in Fairfield, CA), and more than 112 miles from the next closest base (Presidio of Monterey, CA). The District's distance from these military installations generally results in limited numbers of veterans who apply for open positions at the District.

The District will update its Protect Veteran hiring benchmark annually.

The District has adopted the current national utilization goal of 7.0% for qualified IWDs. The District will update its utilization goal as new data becomes available, updated and published. The 7.0% utilization goal is applied to each job group within the District.

Goals and/or benchmarks do not require that the District hire, promote, train, and/or retain a specified number of IWDs and/or Protected Veterans. These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets. The District has collected the required data and conducted studies to identify areas of opportunity in the employment of Protected Veterans and IWDs.

During FY19 AAP period, 293 job applicants out of 9,816 total applicants self-identified as Protected Veterans for a total percentage of 3.0% Protected Veteran applicants. During this year's AAP period, 303 job applicants out of 9,489 total applicants self-identified as Protected Veterans for a total percentage of 3.2% Protected Veteran applicants. This is a slight increase in Protect Veteran applicants from the prior year. During the FY18 AAP period, 9 Protected Veterans out of a total of 330 successful candidates were hired for a hiring rate of 2.7% Protected Veterans. During this year's AAP period, 5 Protected Veterans out of a total of 335 successful candidates were hired for a hiring rate of 1.5% Protected Veterans. This is a decreased hiring rate from last year and under the District's hiring benchmark.

During the FY19 AAP period, 330 applicants out of 9,816 total applicants self-identified as an IWD for a total percentage of 3.4% applicants with a disability. The District improved on the number of qualified applicants with a disability. During this year's AAP period, 353 applicants out of 9,489 total applicants self-identified as an IWD for a total percentage of 3.7% applicants with a disability.

Moreover, the District significantly improved on its IWD hiring rate between the FY19 and FY20 AAP period - by 2.1%. During the FY19 AAP period, 12 IWDs out of a total of 330 successful candidates were hired for a hiring rate of 3.6% IWDs. During this year's AAP period, 19 IWDs out of a total of 335 successful candidates were hired for a hiring rate of 5.7% IWDs.

From the FY19 AAP period to this year, the incumbency number (82) and percentage (4.4%) of IWD employees increased to 93 or 4.9%. During the FY19 AAP period, the District's incumbency rate for IWDs was at or above the utilization goal for the following 5 job groups: Directors/Managers, Analysts, General Clerical, Laboratory and Quality Control, and Service Maintenance job group. During the FY20 AAP period, the District's incumbency rate for IWDs at or above the utilization goal remained at 5 job groups. Three of the job groups included the following job groups represented during the FY19 AAP period: Directors/Managers, General Clerical, and Laboratory and Quality Control. It should be noted that the percentage of IWD incumbents in these job groups increased between the FY19 and FY20 AAP periods. Two job groups were added for the FY20 AAP period, bringing the total to the 5 job groups : Administrative Assistants and Plant Operators/Leads. Although the District no longer had an incumbency rate for IWDs at or above the utilization goal for the Service Maintenance job group for the FY20 AAP period, it nearly did with an incumbency rate of 6.9%. Also, the incumbency rate for the following job groups increased, albeit not to the level of the IWD utilization goal: Customer Services, Rangers, Engineering Technicians, Pipeline Maintenance, Electrical/Structural Workers.

Based on a review of aggregated applicant flows and data reports for the job groups where Protected Veteran hiring benchmarks and IWD utilization goals were not reached, it was determined that the primary problem areas were the lack of sufficient representation of Protected Veterans and IWDs in applicant pools, as well as the lack of success of such candidates passing T&E review and written, performance and/or oral exams.

The District will continue to monitor and update these studies periodically during each AAP year. In each case where the hiring benchmark for Protected Veterans and/or the utilization goal for IWDs are not met, affirmative actions, as appropriate, will be taken consistent with the activities mentioned in subpart I (External Dissemination of Policy, Outreach, and Positive Recruitment) and measures described in subpart D (Internal Audit and Reporting) of this AAP.

See the *Hiring Benchmark and Utilization Goals Analyses* at Exhibits 6 and 7.

I. External Dissemination of Policy, Outreach, and Positive Recruitment

41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

Evaluation of FY19 AAP Outreach Activities:

Below is the District's evaluation of outreach activities set forth in the FY19 AAP:

| Outreach/ Recruitment Activity | Date of Activity | Description | Evaluation of Each Activity |
|---|-------------------------|--|--|
| Continue to develop partnerships with Veteran and Disability organizations. | Ongoing | Develop partnerships to attract more qualified Protected Veteran and IWD applicants. <ul style="list-style-type: none">▪ Staff partnered with BAYWORK for several military veteran recruitment events.▪ Staff is in the initial planning stages for a BAYWORK webpage targeted to engaging military veterans. | <ul style="list-style-type: none">▪ The District will not know if the military veteran recruitment events increased veteran representation in applicant pools or increased veteran hires until the FY21 AAP. |
| | Ongoing | Develop partnerships for application, interview and test preparation workshops. | The District's efforts in this area has been with community partners representing diverse populations in general, not specifically with organizations targeting veterans or IWDs. |
| Protected Veteran and IWD data | Ongoing | Extract raw data from the applicant tracking system to generate reports of the number/ percentage of candidates at each step of the recruitment process in order to determine barriers to hiring. | <ul style="list-style-type: none">▪ The District was unable to implement this strategy due to other data integrity priorities.▪ The District is in the process of developing a data warehouse that will house key data and allow development of customized reports. Staff |

| | | | |
|------------------------------|--------------------|---|--|
| | | | will revisit developing these reports once the data warehouse is complete. |
| Toolworks Internship Program | Spring/Summer 2019 | Evaluate the success/ effects of the Toolworks Internship program and consider continuing some form of the program in FY20. | <ul style="list-style-type: none"> ▪ The pilot program was well received by staff as well as the Toolworks partner. ▪ Based on the success of the program: <ul style="list-style-type: none"> ▪ Internships were renewed for three of the FY19 interns. ▪ In addition, the internship was expanded to additional District workgroups in FY20. ▪ The program has successfully demonstrated to staff that value of disabled workers and generated interest among disabled interns to pursue permanent employment at the District. ▪ The percentage of IWD applicants and hires increased during FY19. |

FY20 Outreach Activities:

During FY20 the District will continue exploring partnerships with Veteran and Disability organizations to attract more qualified Protected Veteran and IWD applicants and to develop application, interview and test preparation workshops and will continue the Toolworks Internship program. The District's D&I Master plan will inform future outreach, recruitment and workforce development activities.

Based upon the District's review of its personnel policies as described in subpart B, the following activities will be continued to further enhance the District's AA efforts. All activities are the responsibility of the D&I Officer, Manager of R&C, and the Contract Equity Administrator.

1. The District will initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
2. The District provides information emphasizing job opportunities for Protected Veterans and IWDs to local educational institutions, public and private.
3. The District informs all recruiting sources of the District's AAP policy for Protected Veterans and IWDs.
4. The District lists with the California State Employment Development Department (EDD) all suitable job openings.

The exemptions for posting jobs are when positions are:

- (1) executive and top management positions,
- (2) positions that will be filled from within the contractor's organization, and
- (3) positions lasting three days or less.

This is an on-going activity. A listing of job opportunities reported to the local State Employment Service Delivery System is kept current.

5. The District notifies all subcontractors, vendors, and suppliers in writing regarding the District's AAP policy and requests appropriate action on their part.
6. The District arranges for referral of applicants with organizations having special interests in the recruitment of and job accommodations for Protected Veterans and IWDs.
7. The District participates in veterans' job fairs.
8. The District grants leaves of absence to employees who participate in honor guards for the funeral of veterans.

J. Internal Dissemination of Policy

41 C.F.R. §§ 60-300.44(g); 60-741.44(g)

To gain positive support and understanding for the AAP for Protected Veterans and IWDs the District will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Diversity and Inclusion Officer and Manager of Employee Relations. The following policies and procedures are designed to foster support and understanding from the District's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid the District in meeting its obligations.

1. Discuss Policies 2.02, 2.25, and 2.26 and the AAP in both employee orientation and management training programs.

2. Inform Union officials of Policies 2.02, 2.25, and 2.26 and the AAP, and request their cooperation.
3. Include non-discrimination clauses in all union agreements, and review all contractual provisions to ensure they are non-discriminatory.
4. Post Policies 2.02, 2.25, and 2.26 and the AAP policy on District bulletin boards, which includes the District's harassment policy that incorporates protection from workplace harassment on the basis of disability.

K. Training

41 C.F.R. §§ 60-300.44(j); 60-741.44(j)

The District trains all employees involved in any way with the recruitment, selection, promotion, training, and related processes regarding IWDs or Protected Veterans to ensure commitment to the District's stated AAP goals.

EXHIBITS

HIRING BENCHMARK ANALYSIS

Exhibit 6

As of June 30, 2019

| | |
|--|--|
| | DATA METRICS FOR PROTECTED VETERANS 41 C.F.R. §§ 60-300.44(k) |
|--|--|

| | | FY 2017 | FY 2018 | FY 2019 |
|---|---|------------------------|------------------------|------------------------|
| 1 | Total number/% of all “Applicants”* who self-identified as a protected veteran | 316 of 9,901 (3.2%) | 293 of 9,816 (2.98) | 303 of 9,489 (3.2%) |
| 2 | Total number of job openings in AAP Year in establishment | 359 | 402 | 337 |
| 3 | Total number of jobs filled | 354 | 395 | 335 |
| 4 | Total number of all "Applicants" to the establishment | 9,901 | 9,816 | 9,489 |
| 5 | Total number/% of protected veterans "Applicants" (external and competitive promotions) hired | 6 of 276 (2.2%) | 9 of 330 (2.7%) | 5 of 335 (1.5%) |
| 6 | Total number of "Applicants" hired (external and competitive promotions) | 276 | 330 | 335 |
| *The District defines an applicant as a person who applies for a specific, open, posted position during the designated timeframe and is within the allowable number of applications who meets the following: is eligible to work in the U.S., is willing to perform the requirements of the job, e.g., work a swing shift if required, and meets the minimum qualifications of the job. | | | | |

UTILIZATION GOALS ANALYSIS

Exhibit 7

As of June 30, 2019

| | |
|--|--|
| | DATA METRICS FOR INDIVIDUALS WITH DISABILITIES 41 C.F.R. § 60-741.44(k) |
|--|--|

| | | FY 2017 | FY 2018 | FY 2019 |
|---|--|------------------------|------------------------|------------------------|
| 1 | Total number/% of all “Applicants”* who self-identified as an individual with a disability | 301 of 9,901 (3.0%) | 330 of 9,816 (3.4%) | 353 of 9,489 (3.7%) |
| 2 | Total number of job openings in AAP Year in establishment | 359 | 402 | 337 |
| 3 | Total number of jobs filled | 354 | 395 | 335 |
| 4 | Total number of all "Applicants" | 9,901 | 9,816 | 9,489 |
| 5 | Total number/% of "Applicants" (external and competitive promotions) with disabilities hired | 6 of 276 (2.2%) | 12 of 330 (3.6%) | 19 of 335 (5.7%) |
| 6 | Total number of "Applicants" hired (external and competitive promotions) | 276 | 330 | 335 |
| *The District defines an applicant as a person who applies for a specific, open, posted position during the designated timeframe and is within the allowable number of applications who meets the following: is eligible to work in the U.S., is willing to perform the requirements of the job, e.g., work a swing shift if required, and meets the minimum qualifications of the job. | | | | |



AGENDA NO.
MEETING DATE

6.2.
April 14, 2020

TITLE **DEVELOP DIVERSITY AND INCLUSION MASTER PLAN**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an agreement beginning on or after April 14, 2020 with The Winters Group, Inc. (Consultant) in an amount not to exceed \$275,000 for the development of a Diversity and Inclusion (D&I) Master Plan.

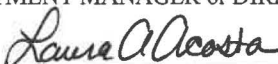

SUMMARY

This agreement is needed to develop a D&I Master Plan, which will provide a strategic framework for diversity, equity and inclusion (DEI) initiatives now and into the future. This agreement supports the Customer and Community Services and Workforce Planning and Development goals of the District's Strategic Plan related to diversity and inclusion. Staff provided a briefing of this project at the October 8, 2019 and April 14, 2020 Legislative/Human Resources Committee meetings.

DISCUSSION

In July 2019, staff began planning the development of a D&I Master Plan to inform the strategic direction for DEI initiatives at the District. In August 2019, it was determined an external consultant was needed to achieve this goal. The selected consultant is a minority, women-owned business with over 35 years of experience in DEI and organizational development, including diversity and inclusion strategy development. They integrate DEI into an organization's vision, mission and strategy and organizational processes using a cultural competence framework.

Under the agreement, the Consultant will examine the District's current internal and external DEI systems and structure; develop and facilitate foundational education with the Senior Management Team, District Management Team and the Diversity Committee involved in the planning and development of the D&I Master Plan; conduct internal and external DEI perception assessments through surveys, interviews, and focus groups with staff and external stakeholders; conduct an analysis of internal review and assessment elements and best practice benchmarking; prepare a comprehensive report of findings and recommendations; and develop a written D&I Master Plan.

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

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

This agreement supports the District's Customer and Community Services Strategic Plan goal to maintain Diversity Inclusion Programs to enhance diversity and equal opportunities for prospective and current employees, and supports the District's Workforce Planning and Development Strategic Plan goal to implement organizational practices that promote and value employee contributions, safety, diversity and inclusion, and encourage learning and networking.

CONSULTANT SELECTION

A request for proposals was sent to 22 firms, including 13 minority-owned firms and posted on the District's website. Four firms submitted proposals and the two highest-ranking firms were invited for oral interviews. The Consultant was selected by the Diversity Committee Selection Subcommittee based on their 35 years of experience with DEI initiatives including strategy development, the deep DEI experience of the firm's team, and their collaborative approach to the work.

SUSTAINABILITY

Economic

Funding for this unplanned expense will be absorbed within the FY20 and FY21 budgets.

Social

The completed P-035 and P-061 forms for the Contract Equity Program are attached. The selected consultant is a certified Minority/Women-Owned Small Business Enterprise.

ALTERNATIVES

Select a different consultant to perform the work. This alternative is not recommended as the Consultant is the best qualified among the small number of firms that specialize in diversity and inclusion strategic planning.

Perform the work with District staff. This alternative is not recommended because there is insufficient District staff with the expertise to perform the work required. District staff will oversee the project.

Attachments

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



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

| TITLE | | | | | DATE: | | | | | | | |
|--|--|------------------|-----------|---|----------------|---------------------------|-------------|----------------------------|--------------|---------------------|------------------|---------|
| Professional Services Agreement Diversity and Inclusion Master Plan Development | | | | | March 26, 2020 | | | | | | | |
| CONTRACTOR: | | | | PERCENTAGE OF CONTRACT DOLLARS | | | | | | | | |
| The Winters Group, Inc. Charlotte, NC 28273 | | | | Availability Group | | Contracting Objectives | | Participation | | | | |
| BID/PROPOSER'S PRICE: | | FIRM'S OWNERSHIP | | White Men | | 25% | | 0.0% | | | | |
| | | Ethnicity | Gender | White Women | | 6% | | 0.0% | | | | |
| \$275,000 * | | Black | Women | Ethnic Minorities | | 25% | | 100.0% | | | | |
| CONTRACT EQUITY PARTICIPATION | | | | | | | | | | | | |
| COMPANY NAME | | ESTIMATED AMOUNT | ETHNICITY | GENDER | | CONTRACTING PARTICIPATION | | | | | | |
| | | | | M | W | White-Men | White-Women | Ethnic Minorities | Unclassified | Publicly Held Corp. | Gov't/Non Profit | Foreign |
| PRIME: The Winters Group, Inc. | | \$275,000 | Black | | X | | | 100.0% | | | | |
| SUBS: None | | | | | | | | | | | | |
| TOTAL | | \$275,000 | | | | 0.0% | 0.0% | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form) | | | | | | | | | | | | |
| | | White Men | | White Women | | Ethnic Minorities | | Total Employees | | | | |
| No. of Employees: | | 0 | | 3 | | 7 | | 10 | | | | |
| Percent of Total Employees: | | 0.0% | | 30.0% | | 70.0% | | | | | | |
| MSA Labor Market %: | | 39.0% | | 33.7% | | 27.3% | | | | | | |
| MSA Labor Market Location: | | Total USA | | | | | | | | | | |
| COMMENTS | | | | | | | | | | | | |
| Contract Equity Participation - 100.0% Ethnic Minority participation. | | | | | | | | | | | | |
| *Total not to exceed: \$275,000 | | | | | | | | | | | | |
| Workforce Profile & Statement of Nondiscrimination Submitted | | | | Good Faith Outreach Efforts Requirement Satisfied | | | | Award Approval Recommended | | | | |
| NA | | | | NA | | | | <i>Beverly Johnson</i> | | | | |



AGENDA NO.
MEETING DATE

7.
April 14, 2020

TITLE AMEND PUBLIC SAFETY POWER SHUTOFF PORTABLE GENERATOR RENTAL

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an amendment to the agreement awarded under Board Motion No. 107-19 with S.R. Bray LLC dba Power Plus (Power Plus) to increase the amount by \$697,599 to a total amount not to exceed \$1,106,331 for rental of portable generators including delivery services through December 31, 2020.

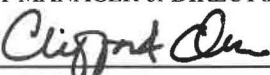

SUMMARY

This amendment extends a prior portable generator rental agreement to cover the 2020 fire season. Rental generators were successfully used last year to maintain District operations during three Public Safety Power Shutoff (PSPS) events. Rented units under the amendment would supplement District-owned portable generators and pumps with additional portable generators of varying sizes. Collectively, the portable generators and pumps will provide backup power for pumping plants located throughout the District's service area. The portable generators will be deployed by the vendor and operated by District staff in the event Pacific Gas & Electric (PG&E) preemptively de-energizes portions of its electrical distribution system.

DISCUSSION

The Board authorized the original agreement under Board Motion No. 107-19 to rent 29 portable generators for the 2019 fire season for up to \$408,732 over four months. The portable generators provided backup power during three PSPS events implemented by PG&E. In February 2020, to prepare for the 2020 fire season, District staff contacted several portable generator rental vendors, including Power Plus. The outreach confirmed demand for rental generators was very high with rising unit pricing. Staff negotiated an extension of last year's agreement with Power Plus using last year's rental rates to rent the generators for six months. Renting for a longer period protects the District from a potentially longer fire season this year because of the drier-than-normal precipitation year.

District staff reviewed other alternatives, including purchasing new units, but procurement cannot be completed in time to support the upcoming fire season. Procurement will be pursued to support

| | | | |
|--|---|-------------------------------|--|
| Funds Available: FY21 | | Budget Code: 776/1015308/5374 | |
| DEPARTMENT SUBMITTING <u>Operations and Maintenance</u> | DEPARTMENT MANAGER or DIRECTOR  Clifford C. Chan | | APPROVED  General Manager |

subsequent fire seasons to complement future portable generator rentals. Additionally, the District will pursue a multi-year portable generator rental agreement.

Alternative fuel options, such as natural gas and propane were also considered. Portable propane powered generators of the size needed for the District's pumping plants are not available and no facilities currently have natural gas services installed. Renting portable diesel generators was determined to be the best option for 2020 fire season.

This amendment supports the District's Water Quality and Environmental Protection and Customer and Community Services Strategic Plan goals.

SERVICE PROVIDER SELECTION

A Request for Proposal (RFP) was posted on the District's website and sent to six potential proposers last year. The District received five proposals. Two proposals were considered non-responsive and three were evaluated. Based on the likely PSPS events in 2020 and the increased demand for generators, the District does not believe a new RFP would yield better pricing or more responsive proposers. Power Plus is recommended because it meets all District requirements and has reasonable rental fees for the equipment.

SUSTAINABILITY

Economic

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

Social

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

Use of generators will minimize impacts to customers during a PSPS event.

Environmental

Generator use will be minimized to reduce diesel emissions. Generators using cleaner-burning alternative fuel (propane, natural gas, or solar power) are not practical or commercially available at this time.

ALTERNATIVES

Do not rent generators. This alternative is not recommended because the District does not have enough portable equipment to maintain operations in the event of an extensive PG&E PSPS event.

Re-bid the service. This alternative is not recommended as the District engaged in a fair and competitive solicitation process for the original agreement. The unit pricing under the amendment is competitive or lower than present market rates.

Amend Public Safety Power Shutoff Portable Generator Rental
April 14, 2020
Page 3

Attachments

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

I:\Sec\2019 Board Related Items\04_14_20 Board Agenda Items\OMD – Amend Public Safety Power Shutoff Portable Generator Rental.doc



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

| TITLE | | | | DATE: | | | | | | | | |
|--|---------------------|-----------|-------------------|--|---------------------------|-------------------|----------------------|-------------------------------|------------------------|---------------------|---------|------|
| General Services Agreement - Amendment Amendment to Public Safety Power Shutoff Portable Generator Rental | | | | March 11, 2020 | | | | | | | | |
| CONTRACTOR: | | | | PERCENTAGE OF CONTRACT DOLLARS | | | | | | | | |
| S.R. Bray LLC dba Power Plus Anaheim, CA 92807 | | | | Availability Group | Contracting Objectives | Participation | | | | | | |
| BID/PROPOSER'S PRICE: | FIRM'S OWNERSHIP | | White Men | | 25% | 100.0% | | | | | | |
| | Ethnicity | Gender | White Women | | 6% | 0.0% | | | | | | |
| | White | Men | Ethnic Minorities | | 25% | 0.0% | | | | | | |
| \$697,599 * | | | | | | | | | | | | |
| 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: S.R. Bray LLC dba Power Plus | \$697,599 | White | X | | 100.0% | | | | | | | |
| SUBS: None | | | | | | | | | | | | |
| TOTAL | | \$697,599 | | | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form) | | | | | | | | | | | | |
| | | White Men | | White Women | | Ethnic Minorities | | Total Employees | | | | |
| No. of Employees: | | 176 | | 37 | | 267 | | 480 | | | | |
| Percent of Total Employees: | | 36.7% | | 7.7% | | 55.6% | | | | | | |
| MSA Labor Market %: | | 39.0% | | 33.7% | | 27.3% | | | | | | |
| MSA Labor Market Location: | | Total USA | | | | | | | | | | |
| COMMENTS | | | | | | | | | | | | |
| Contract Equity Participation - 100% White Men participation. | | | | | | | | | | | | |
| *Total contract not to exceed: \$1,106,331 = \$408,732 (Original) + \$697,599 (Amendment) | | | | | | | | | | | | |
| Workforce Profile & Statement of Nondiscrimination Submitted | | | | Good Faith Outreach Efforts Requirement Satisfied | | | | Award Approval Recommended | | | | |
| NA | | | | NA | | | | | | | | |



AGENDA NO.
MEETING DATE

8.
April 14, 2020

**TITLE ENTERPRISE COMPUTER-AIDED DESIGN AND DRAFTING AND
CONSTRUCTION DOCUMENT MANAGEMENT SOFTWARE RENEWAL**

☒ MOTION ☐ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Authorize an extension of the agreements awarded under Board Motion Nos. 065-15 and 127-17 with Bentley Systems, Inc. (Bentley) to increase the agreement amount by \$1,013,250 to a total not to exceed \$2,022,000 for providing Microstation and ProjectWise Construction Management (ProjectWise) software licenses and maintenance through August 1, 2023.

SUMMARY

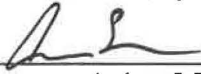

Microstation is Bentley's computer-aided design and drafting (CADD) software and is used by District drafters, engineers and survey teams in designing new facilities and improvements to existing structures. This amendment extends the District's CADD software licenses for 85 users and maintenance through August 1, 2023.

ProjectWise is Bentley's construction document management software and is used by District construction project managers, engineers, inspectors, consultants, and contractors in support of the District's Capital Improvement Program. This amendment consolidates and co-terms the District's agreement with Bentley's for ProjectWise. This amendment extends the District construction document management software licenses for unlimited users and maintenance through August 1, 2023.

DISCUSSION

The District has used Bentley's CADD software since 1991 and EADOC's construction document management software since 2011. Bentley subsequently acquired EADOC in 2015 and it was rebranded as ProjectWise. The District must extend these software licenses in order to use the programs, receive periodic updates, and ensure on-going support is available. This software is an essential component of our engineering and construction business operation.

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

| | | |
|--|---|--|
| Funds Available: FY20/21 | | Budget Code: 252/8547/5243 |
| DEPARTMENT SUBMITTING Information Systems | DEPARTMENT MANAGER or DIRECTOR  Andrew J. Levine | APPROVED  General Manager |

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

VENDOR SELECTION

Bentley, who does not use resellers or other partners to provide licensing, updates, and support for their software, is the sole source provider for Microstation and ProjectWise.

SUSTAINABILITY

Economic

Funding for this item is included in the FY20/21 operating budget.

Additionally, an update to ProjectWise will eliminate the need for third-party support services, saving an estimated \$45,000 annually.

Social

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

ALTERNATIVES

Select other design software. This alternative is not recommended because many thousands of existing design drawings has been created using Microstation and work flows have been built around this software. It would be costly to convert existing drawings to new design software, abandon all the in-house knowledge, and require significant staff training to learn the new software.

Select other construction document management software. This alternative is not recommended because it would not be possible to migrate to another software package before the license expires and would require significant staff training to learn the new system.

Perform the work with District forces. This alternative is not recommended because a software development effort of this magnitude would be prohibitively expensive and the District does not have the resources available to internally design and develop specialized software of this size and complexity.

Attachments

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

| | | | | | | | | | | |
|--|--|---------------------------|--|--|--|---------------------------------------|---|-----------------------------|--------------------------|-----------------|
| TITLE General Services Agreement - Amendment Enterprise Computer -Aided Design and Drafting and Construction Document Management Software Renewal - Three-Year Contract | | | | DATE: April 9, 2020 | | | | | | |
| CONTRACTOR: Bentley Systems, Inc. Exton, PA 19341 | | | Sole Source | | | PERCENTAGE OF CONTRACT DOLLARS | | | | |
| BID/PROPOSER'S PRICE: \$1,013,250 * | | | FIRM'S OWNERSHIP Ethnicity: White Gender: Men | | Availability Group White Men: 25% White Women: 6% Ethnic Minorities: 25% | | Contracting Objectives 100.0% 0.0% 0.0% | | | |
| CONTRACT EQUITY PARTICIPATION | | | | | | | | | | |
| COMPANY NAME PRIME: Bentley Systems, Inc. SUBS: None | ESTIMATED AMOUNT \$1,013,250 | ETHNICITY White | GENDER M W | | CONTRACTING PARTICIPATION | | | | | |
| | | | M W | White-Men 100.0% | White-Women 0.0% | Ethnic Minorities 0.0% | Unclassified 0.0% | Publicly Held Corp. 0.0% | Gov't/Non Profit 0.0% | Foreign 0.0% |
| TOTAL | | \$1,013,250 | | 100.0% 0.0% 0.0% 0.0% 0.0% 0.0% 0.0% | | | | | | |
| CONTRACTOR'S WORKFORCE PROFILE (From P-025 Form) | | | | | | | | | | |
| | | White Men 672 | White Women 291 | Ethnic Minorities 242 | Total Employees 1,205 | | | | | |
| No. of Employees: | | 672 | 291 | 242 | | | | | | |
| Percent of Total Employees: | | 55.8% | 24.1% | 20.1% | | | | | | |
| MSA Labor Market %: | | 46.4% | 40.2% | 13.4% | | | | | | |
| MSA Labor Market Location: | | Pennsylvania | | | | | | | | |
| COMMENTS | | | | | | | | | | |
| Contract Equity Participation - 100.0% White Men participation. | | | | | | | | | | |
| *Total not to exceed: \$2,022,000 = \$1,008,750 (Multiple Previous Amendments) + \$1,013,250 (Amendment) | | | | | | | | | | |
| Workforce Profile & Statement of Nondiscrimination Submitted | | | Good Faith Outreach Efforts Requirement Satisfied | | | Award Approval Recommended | | | | |
| NA | | | NA | | | Beverly Johnson jj | | | | |



AGENDA NO.
MEETING DATE

9.
April 14, 2020

**TITLE REAUTHORIZE DESIGNATION OF AGENTS TO STATE OFFICE OF
EMERGENCY SERVICES FOR DISASTER REIMBURSEMENT**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

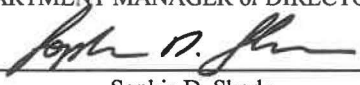

Reauthorize the Accounting Systems Supervisor, Manager of Security and Emergency Preparedness, and Controller to execute for and on behalf of the District, all documents required for the purpose of obtaining federal and/or state financial assistance, through the California State Office of Emergency Services (Cal OES), including Form 130 – Designation of Applicant's Agent Resolution. Form 130 is effective for three years starting April 14, 2020 and designates the Accounting Systems Supervisor as the primary District contact.

SUMMARY

Cal OES is responsible for assisting local agencies in their emergency preparedness, response, and recovery efforts. During the response and recovery phases of a disaster, Cal OES helps local agencies with federal and state grant and loan applications to respond and repair damaged public property. The District must designate agents to work with Cal OES on the applications. Cal OES also requires that the District designate one of the agents as primary contact. Under Resolution No. 33615-07 the District authorized these three positions, and selected the Accounting Systems Supervisor as the primary contact because the District's records and subsequent claim management to receive funds for damages are managed by the Accounting Systems Supervisor in the Accounting Division.

DISCUSSION

Under federal and state disaster relief laws, the District is a public entity eligible for funds in the event of disasters judged to exceed the resources available to local government. The primary function of the agents is to work with Cal OES to obtain state and federal disaster recovery funds. During and following an emergency event, the designated agent(s), as members of the Emergency Operations Team, are involved in planning sessions to document the District's response to the emergency and the spending necessary to recover from the event. Originally under Resolution No. 33445-04 dated October 12, 2004, the District

| | | |
|--------------------------------------|--|--|
| Funds Available: FY | | Budget Code: |
| DEPARTMENT SUBMITTING Finance | DEPARTMENT MANAGER or DIRECTOR  Sophia D. Skoda | APPROVED  General Manager |

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

authorized the positions of Accounting Systems Supervisor, Manager of Security and Emergency Preparedness, and Controller as agents who may process such claims on behalf of the District.

SUSTAINABILITY

Economic

Funding for this item is included in the FY20 budget so staff may obtain federal and state disaster relief funds when the cost of that event exceeds the resources available to the local government.

ALTERNATIVE

Do not reauthorize the three positions. This alternative is not recommended as the District would not be able to work with Cal OES/Federal Emergency Management Agency to complete the disaster relief action, application and reimbursement process.

RESOLUTION NO. _____

AUTHORIZING DESIGNATION OF AGENTS TO STATE OFFICE OF EMERGENCY
SERVICES FOR DISASTER REIMBURSEMENT

Introduced by Director

; Seconded by Director

WHEREAS, East Bay Municipal Utility District (District), as a public agency, is eligible for funds under federal and state disaster relief laws, in the event of disasters judged to exceed the resources available to local government; and

WHEREAS, staff has determined that the Accounting Systems Supervisor should be designated as the primary contact on the District's Designation of Applicant's Agent Resolution for Non-State Agencies form (OES Form 130) to represent the District in the event of a disaster in order for the District to receive disaster funds; and

WHEREAS, the District officers additionally assigned as Authorized Agents are the Security and Emergency Preparedness Specialist, Manager of Security and Emergency Preparedness, and the Controller;

NOW, THEREFORE, BE IT RESOLVED that the Accounting Systems Supervisor, as an Authorized Agent of the District, is hereby authorized to execute and submit for and on behalf of the District, a public entity established under the laws of the State of California, the application(s) for filing with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

BE IT FURTHER RESOLVED that the Accounting Systems Supervisor is hereby authorized to provide to the California Governor's Office of Emergency Services such assurances and

agreements as may be required for said financial assistance, in a form approved by the General Counsel.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



AGENDA NO. 10.
MEETING DATE April 14, 2020

**TITLE FIXING THE EBMUD WARD BOUNDARIES FOR THE PURPOSE OF
ELECTING DIRECTORS**

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Adopt a resolution fixing the ward boundaries from which the East Bay Municipal Utility District Directors are elected for the November 3, 2020 General Election.

SUMMARY

Adoption of the proposed resolution would formally establish the boundaries of the seven District wards to be consistent with those approved by the Board on January 24, 2012 as part of the District's redistricting process (Resolution No. 33865-12). These modifications have been incorporated into the legal description in the resolution and constitute the official ward boundaries.

The Municipal Utility District Act and the California Elections Code require that the District adopt a resolution fixing its legal ward boundaries at least 180 days prior to the November 3, 2020 General Election (i.e., on or before May 7, 2020).

Following Board adoption, the Office of the Secretary will submit the resolution and approved legal ward boundaries to Alameda and Contra Costa counties to enable them to determine their precinct boundaries for the November 3, 2020 General Election.

Attachment

I:\SEC\2020 Board Related Items\041420 Board Agenda Items\OGM – Fixing Ward Boundaries for 110320 Election.doc

| | | |
|---|---|--|
| Funds Available: | | Budget Code: |
| DEPARTMENT SUBMITTING <u>Office of the Secretary</u> | DEPARTMENT MANAGER or DIRECTOR <u>Rischa S. Cole</u> Rischa S. Cole | APPROVED <u>Michael R. Lee</u> General Manager |

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

RESOLUTION NO. _____

FIXING THE BOUNDARIES OF THE WARDS FOR
THE PURPOSE OF ELECTING DIRECTORS THEREFROM

Introduced by Director _____ ; Seconded by Director _____

BE IT RESOLVED AS FOLLOWS:

Pursuant to the provisions of Section 11823 and Article 2.5 (commencing with Section 11850) of Chapter 3 of Division 6 of the Municipal Utility District Act, and until changed pursuant to said Act, the boundaries of the wards for the purpose of electing directors therefrom are hereby fixed and established as follows:

WARD NO. 1

Ward No. 1 includes the following 2010 census tracts and blocks in Contra Costa County, State of California, as established by the 2010 decennial federal census:

CENSUS TRACTS:

3580, 3591.02, 3591.03, 3591.04, 3591.05, 3592.03, 3592.04, 3640.02, 3650.02, 3650.03, 3660.01, 3660.02, 3671, 3672, 3680.01, 3680.02, 3690.01, 3710, 3720, 3730, 3740, 3750, 3760, 3770, 3780, 3790, 3800, 3810, 3820, 3830, 3923,

Tract 3560.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 3001, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3049, 3050, 3051, 3052, 3053, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087;

Tract 3560.02 Blocks as follows: 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1029, 1030, 1031, 1032, 1037, 2023, 2024, 2032, 2034, 2035, 2101, 2102, 2105, 2106, 2107, 2108, 2109, 2129, 2130, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013;

Tract 3570 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1054, 1056, 1057, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2041, 2066, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3031, 3032, 3033;

Tract 3592.02 Blocks as follows: 1004;

Tract 3601.01 Blocks as follows: 3000, 3001, 3003, 3004, 3029;

Tract 3610 Blocks as follows: 2012, 2014, 2016, 2018, 2025, 2026, 2038, 2039, 2051, 2052, 2053, 2054;

Tract 3620 Blocks as follows: 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017;

Tract 3630 Blocks as follows: Block 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3021, 3022, 3023, 4000, 4001, 4002, 4028, 4029;

Tract 3690.02 Blocks as follows: 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017;

Tract 3700 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025;

Tract 3840 Blocks as follows: 1003, 1010, 1011, 1012, 3011, 3012, 4000, 4001, 4002, 4003, 4004;

Tract 3860 Blocks as follows: 2007, 2008, 2009, 2010, 2011, 2012, 2013;

Tract 3922 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019;

Tract 9900 Blocks as follows: 0002, 0003, 0004, 0005, 0006, 0007, 0008, 0014, 0018, 0019, 0020, 0021, 0022, 0023;

EXCEPTING FROM the hereinabove described Ward No. 1, the following described parcels of land:

EXCEPTION ONE: All that parcel of land in Contra Costa County, being a portion of Census Tract 3922, described as follows:

BEGINNING at the intersection of the northern line of Lot 225 with the western line of Road 21, as said lot and road are shown on the map entitled, "Map of the San Pablo Rancho Accompanying and Forming a Part of the Final Report of the Referees in Partition", a certified copy of which map was filed in the office of the Recorder of Contra Costa County, California, on March 1, 1894; thence southerly along said western line of Road 21 to an intersection with the western production of the northern line of Lot 224 of said San Pablo Rancho; thence easterly along said westerly production to the eastern line of said Road 21; thence northerly along said

eastern line of said Road 21 to its intersection with the east right of way line of the Atchison, Topeka and Santa Fe Railway as it now exists; thence northerly along said east right of way line to its intersection with the easterly production of said northern line of Lot 225; thence westerly along said easterly production of Lot 225 to the Point of Beginning.

EXCEPTION TWO: All that portion of Census Tract 3922, being a parcel of land delineated and designated as "Survey No. 456, Swamp and Overflowed Lands, Contra Costa County", records of said County.

EXCEPTION THREE: All that parcel of land in Contra Costa County, being a portion of Census Tracts 3591.03, 3591.04, 3592.02 and 3592.04 described as follows:

BEGINNING at a point on the general westerly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, as annexed by Resolution No. 15962 of the Utility District's Board of Directors dated May 22, 1953 at the most easterly corner of Lot 21 as said lot is shown on the map of Tract 2603; filed June 25, 1958 in Book 70 of Maps at Page 1, Contra Costa County Records; thence southerly along said Town of Hercules annexation to the intersection with the northwesterly boundary line of that annexation to East Bay Municipal Utility District known as Sunset Boundary Reorganization, as annexed by Resolution No. 29462 of the Utility District's Board of Directors dated July 22, 1980; thence southwesterly along said Sunset Boundary Reorganization annexation to the intersection with the general northeasterly boundary line of that annexation to East Bay Municipal Utility District known as Faria Ranch Boundary Reorganization, as annexed by Resolution No. 29609 of the Utility District's Board of Directors dated December 9, 1980; thence northwesterly along said Faria Ranch Boundary Reorganization annexation to the intersection with the southeasterly boundary line of the City of Pinole annexation as established by Ordinance No. 92 of the City of Pinole; thence northeasterly along said City of Pinole boundary to the Point of Beginning.

EXCEPTION FOUR: All that parcel of land in Contra Costa County, being a portion of Census Tract 3560.02, described as follows:

BEGINNING at the most southerly corner on the general easterly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, as annexed by Resolution No. 15962 of the Utility District's Board of Directors dated May 22, 1953; thence northwesterly along said Town of Hercules annexation to the intersection with the most easterly corner of that certain annexation to East Bay Municipal Utility District known as Marsten Ranch, as annexed by Resolution No. 31,986 of the Utility District's Board of Directors dated December 8, 1987; thence southwesterly along the easterly boundary of said annexation (Res. No. 31,986) to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as Silver Canyon, as annexed by Resolution No. 22,726 of the Utility District's Board of Directors dated September 19, 1965; thence along the boundary of said annexation (Res. No. 22,726) southeasterly, southwesterly, northeasterly, southeasterly, southerly, easterly and southwesterly to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 2 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 28, 1974 under Recorder's Series No. 22917; thence in a general easterly direction to its intersection with the boundary line of that certain annexation to East Bay Municipal Utility District known as Hanna Ranch, as annexed by Resolution No. 31,777 of the Utility District's Board of Directors dated December 9, 1986; thence along the boundary of said annexation (Res. No. 31,777) northwesterly to the said most southerly corner on the general

easterly boundary line of that annexation to East Bay Municipal Utility District known as Town of Hercules, and the Point of Beginning.

EXCEPTION FIVE: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tracts 3560.01, 3560.02 and 3570.00, lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", on file at the offices of East Bay Municipal Utility District.

WARD NO. 2

Ward No. 2 includes the following 2010 census tracts and blocks in Contra Costa County, State of California, as established by the 2010 decennial federal census:

CENSUS TRACTS:

3260, 3390.01, 3400.02, 3410, 3430.01, 3430.02, 3451.01, 3451.02, 3451.03, 3451.05, 3451.08, 3451.11, 3451.13, 3451.14, 3462.03, 3490, 3511.02, 3511.03, 3551.13;

Tract 3211.03 Blocks as follows: 1017, 1018, 1035, 1036;

Tract 3220 Blocks as follows: 3008, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 4012, 4016, 4025, 4026, 4030;

Tract 3250 Blocks as follows: 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3021, 3022, 3023, 3024, 4015;

Tract 3342 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007;

Tract 3382.03 Blocks as follows: 1012, 1015, 1016, 1017, 1022;

Tract 3382.04 Blocks as follows: 1002, 1003, 1004, 1005, 1006, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1031, 1032, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2009, 2010, 2011, 2012, 2013, 3008;

Tract 3383.01 Blocks as follows: 2008;

Tract 3383.02 Blocks as follows: 1007, 1016, 1017, 1019, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033;

Tract 3390.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012;

Tract 3400.01 Blocks as follows: 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3001, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023;

Tract 3430.03 Blocks as follows: 1003, 1004, 1005, 1007, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023;

Tract 3451.12 Blocks as follows: 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1040, 1041, 1042, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044;

Tract 3452.02 Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3014, 3015, 3016, 3037, 3038, 3039;

Tract 3452.03 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1023, 1025, 1026, 1027, 1042, 1044, 1045, 1046, 1047, 1048, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041;

Tract 3452.04 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2018, 2023, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2037, 2038, 2039, 2040;

Tract 3461.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037;

Tract 3461.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2026, 2027, 2028, 2029, 2030, 2031, 3001, 3002, 3003, 3004, 3008, 3009, 3011;

Tract 3462.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 4002, 4003, 4004, 4005, 4006, 4007, 4008;

Tract 3462.04 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3016, 3017, 3018, 3019, 3020, 3023, 3024, 3025, 3026, 3027;

Tract 3470 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 2023, 2030, 2031, 2032, 2035, 2036, 2037, 2038, 2039, 2040, 2043, 2044, 2047, 2049, 2055, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2084, 2085, 2087, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2103, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2120, 2121, 2122, 2123, 2127, 2129, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032;

Tract 3480 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3010, 3011, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041;

Tract 3500 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2025, 2026, 3003, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4031, 4032, 4033, 4035, 4036, 4037, 4038;

Tract 3511.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 2000, 2001, 3000, 3001, 3002, 3003, 3005, 3006, 3007;

Tract 3512 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3013, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022;

Tract 3521.01 Blocks as follows: 1000, 1001, 2004, 2005, 2009;

Tract 3530.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1009, 1012, 1013, 1017, 1019, 2000, 2001, 2002, 2011, 2012;

Tract 3540.02 Blocks as follows: 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1037, 1038, 1039, 3021;

Tract 3551.12 Blocks as follows: 1170, 1366, 1367, 1368, 1369, 2004, 2005, 2006, 2007, 2010, 2011, 2014, 2015, 2016, 2017, 2018, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016;

Tract 3551.14 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2030, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3048, 3049;

Tract 3551.16 Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006;

EXCEPTING FROM the hereinabove described Ward No. 2, the following described parcels of land:

EXCEPTION ONE: All that parcel of land in Contra Costa County, being a portion of Census Tract 3342.00, described as follows:

BEGINNING at the northwest corner of The Hill Mutual Water Company Unincorporated Territory annexation to East Bay Municipal Utility District, EBMUD Resolution No. 27235, dated February 25, 1975, a map of which was recorded in the office of the County Recorder of Contra Costa County under Recorder's Series No. 18353; thence easterly along the northern boundary line of said annexation to the west line of Castle Crest Road and the TRUE POINT OF BEGINNING; thence continuing along said boundary line southerly and northeasterly to the general western line of the San Ramon Valley County Water District annexation to East Bay Municipal Utility District, EBMUD Resolution No. 18868, dated November 14, 1958, a map of which was recorded in the office of the County Recorder of Contra Costa County under Recorder's Series No. 63644; thence northerly and westerly along said line to the Point of Beginning.

EXCEPTION TWO: All that parcel of land in Contra Costa County, being a portion of Census Tract 3410.00, described as follows:

BEGINNING on the southern boundary line of that annexation to East Bay Municipal Utility District known as Parcel No. 2 of Tice-Colorados Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on September 27, 1949 under Recorder's Series No. 34720, at the eastern boundary of that annexation to East Bay Municipal Utility District on October 19, 1931 by Resolution No. 3457 of the Utility District's Board of Directors known as Lafayette County Water District; thence along the boundary of said Parcel No. 2 of Tice-Colorados annexation, easterly, northerly and easterly to the boundary of the annexation to the City of Walnut Creek by City Ordinance No. 661, designated as Dollar Ranch Annexation to the City of Walnut Creek (Rossmoor); thence along the boundary of said Dollar Ranch annexation easterly and southerly to the northern line of that annexation to the East Bay Municipal Utility District known as the Lindberg/Strand Annexation, as annexed by the Contra Costa County Local Agency Formation Commission (LAFCO) Resolution No. 06-19 of January 10, 2007 and recorded in the Office of the County Recorder of Contra Costa County on February 26, 2007 as Document 2007-0057069-00; thence along the boundary of said Lindberg/Strand annexation, westerly, southerly, southeasterly, south, southwesterly, southeasterly and northwesterly to the boundary of that annexation to the East Bay Municipal Utility District known as the Soldier Field Partners LLC Annexation, as annexed by the Contra Costa County Local Agency Formation Commission (LAFCO) Resolution No. 07-26 of June 11, 2008 and recorded in the Office of the County Recorder of Contra Costa County on July 22, 2008 as Document 2008-0163071-00; thence along the boundary of said Soldier Field Partners LLC annexation southerly and westerly to the boundary of the territory annexed to the East Bay Municipal Utility District known as Lafayette Valley Unincorporated Territory, a map and description of which said territory was filed in the office of the Recorder of Contra Costa County on October 26, 1955 under Recorder's Series No. 65461; thence along the boundary of said Lafayette Valley Unincorporated Territory, westerly to the boundary of that annexation to East Bay Municipal Utility District known as North Moraga Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on January 20,

1948 under Recorder's Series No. 2619; thence along the boundary of said North Moraga Unincorporated Territory annexation northwesterly to the boundary of that annexation to East Bay Municipal Utility District on October 19, 1931 by Resolution No. 3457 of the Utility District's Board of Directors known as Lafayette County Water District; thence, northerly, along the boundary of said Lafayette County Water District annexation to the Point of Beginning.

EXCEPTION THREE: All those parcels of land in Contra Costa County, being a portion of Census Tract 3462.04, lying within a boundary more particularly described as follows:

BEGINNING at the northwest corner of that certain annexation to East Bay Municipal Utility District known as Rassier Ranch Boundary Reorganization as adopted by the District's Board of Directors on September 14, 1988 by Resolution No. LAFC 88-27, also being a point on the easterly right of way of McCauley Road; thence northerly along said road to the intersection with Diablo Road; thence in a general easterly direction along Diablo Road to the westerly corner of the annexation to East Bay Municipal Utility District known as Area 6 of Annexation 185, per LAFCO Resolution No. 14-04, recorded in the office of the County Recorder of Contra Costa County, March 13, 2015 under Recorder's Series No. 2015-044483, thence southerly, easterly, and northerly along the boundary of said Area 6 of Annexation 185 to Diablo Road, thence in a general easterly direction along Diablo Road to the westerly corner of that annexation to East Bay Municipal Utility District known as Diablo Unincorporated Territory, EBMUD Resolution No. 20112, dated December 9, 1960; thence southeasterly along the southwesterly boundary line of the last said annexation and along the southwesterly boundary of the annexation to East Bay Municipal Utility District known as Valley Verde Unincorporated Territory, EBMUD Resolution No. 28958, dated May 22, 1979; to the western boundary line of the annexation to East Bay Municipal Utility District known as Blackhawk Ranch Unincorporated Territory, EBMUD Resolution No. 22192, dated July 24, 1964; thence southerly along the last said line to the intersection with the general northerly boundary line of the annexation to East Bay Municipal Utility District known as Sycamore Valley No. 3, EBMUD Resolution No. 31535, dated March 11, 1986; thence westerly along the last said northerly boundary to the southeast corner of the annexation to East Bay Municipal Utility District known as Annexation No. 115-G, LAFCO Resolution No. 90-10-G, recorded in the office of the County Recorder of Contra Costa County, September 25, 1990 under Recorder's Series No. 1990-200874, thence northwesterly along the northeast boundary of said Annexation No. 115-G to the southeast corner of the annexation to East Bay Municipal Utility District known as Area 3 of said Annexation No. 185, thence northwesterly along the northeasterly boundary of said Area 3 of Annexation No. 185 to the northeasterly boundary of said Annexation No. 115-G, thence northwesterly along said boundary to the easterly boundary line of said Sycamore Valley Annexation No. 3, thence northerly along said line to the southeast corner of the aforesaid Rassier Ranch Boundary Reorganization; thence northerly along said Rassier Ranch Boundary Reorganization boundary line to the southeast corner of the annexation to East Bay Municipal Utility District known as Area 4 of said Annexation 185, thence northerly, westerly, and southerly along the boundary of said Area 4 of Annexation 185 to the northeast corner of the Purcell Boundary Reorganization, LAFCO Resolution No. 02-04, recorded March 25, 2002 as Contra Costa County Recorder's Series No. 2002-092932; thence westerly, northerly, westerly and southerly along said Purcell Boundary Reorganization to the POINT OF BEGINNING.

And also any portion of Block 3014 lying outside the annexation to East Bay Municipal Utility District known as Area 5 of said Annexation 185.

EXCEPTION FOUR: All those parcels of land in Contra Costa County, being a portion of Census Tract 3342.00 lying within a boundary more particularly described as follows:

BEGINNING at the northwest corner of The Hill Mutual Water Company Unincorporated Territory annexation to East Bay Municipal Utility District, a map of which was recorded in the office of the Recorder of Contra Costa County under Recorder's Series No. 18353; thence southerly along the boundary of said annexation to the northern line of the Alamo Summit Boundary Reorganization (LAFC 91-33) annexation to East Bay Municipal Utility District, a map of which is recorded in the office of the County Recorder of Contra Costa County, filed March 2, 1992 under Recorder's Series No. 92-47535; thence westerly along the said northern line to the easterly line of the annexation to East Bay Municipal Utility District known as Dollar Ranch Annexation to the City of Walnut Creek (Rossmoor); thence northerly, westerly, northerly and northeasterly to the aforesaid northwest corner of said Hill Mutual Water Company Unincorporated Territory annexation and the Point of Beginning.

EXCEPTION FIVE: All that parcel of land in Contra Costa County, being a portion of Census Tracts 3220.00 and 3260.00, described as follows:

ALL that portion of Contra Costa County bounded by that certain annexation to East Bay Municipal Utility District known as Pleasant Hills County Water District as annexed by the District's Board of Directors on January 29, 1941 by Resolution No. 8298 on the south, by that certain annexation to East Bay Municipal Utility District known as Pleasant Hill No. 1 as annexed by the District's Board of Directors on February 24, 1956 by Resolution No. 17465 on the east, and by those certain annexations to East Bay Municipal Utility District known as Pleasant Hill No. 2 as annexed by the District's Board of Directors on June 14, 1963 by Resolution No. 21528 and Valpreda Property as annexed by the District's Board of Directors in July, 1966 by Resolution No. 23310 on the northwest.

EXCEPTION SIX: All that parcel of land in Contra Costa County, being a portion of Census Tract 3462.01, described as follows:

ALL that area bounded southerly and westerly by that certain annexation to East Bay Municipal Utility District known as the San Ramon Valley County Water District Annexation, EBMUD Resolution No. 18868, dated November 14, 1958; bounded northerly by that certain annexation to East Bay Municipal Utility District known as the Stratmore Territory Annexation, EBMUD Resolution No. 32423, dated December 11, 1991; and bounded on the east by Block 3014 of Census Tract 3462.01.

EXCEPTION SEVEN: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tract 3452.03, Block 1042 lying outside that annexation to East Bay Municipal Utility District known as the Podva Annexation, also known as Annexation 187, per LAFCO Resolution No. 14-06, recorded in the office of the County Recorder of Contra Costa County, January 12, 2015 under Recorder's Series No. 2015-004376.

EXCEPTION EIGHT: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tracts 3211.03, 3220.00, 3250.00, 3382.03, 3382.04, 3383.01, 3383.02, 3390.02, 3400.01, 3430.03, 3451.12, , 3452.02, 3452.04, 3461.01, 3461.02, 3462.01, 3470.00, 3521.01, 3551.12, 3551.14 and 3551.16, lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", on file at the offices of East Bay Municipal Utility District.

WARD NO. 3

Ward No. 3 includes the following 2010 census tracts and blocks in Alameda County, State of California, as established by the 2010 decennial federal census:

Census Tracts:

4003, 4010, 4011, 4012, 4013, 4014, 4029, 4034, 4035.01, 4035.02, 4036, 4037.01, 4037.02, 4038, 4039, 4040, 4041.01, 4041.02, 4042, 4044, 4045.01, 4045.02, 4046, 4047, 4048, 4067, 4068, 4069, 4080, 4261, 4262,

Tract 4001 Blocks as follows: 1027, 1028, 1029, 1036, 1038, 1039, 1040, 1041, 1043, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1069, 1070, 1071, 1074;

Tract 4027 Blocks as follows: 1000, 1001, 1002, 1006, 1009, 1010, 1011, 1026, 1027;

Tract 4028 Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2033, 2035, 2036, 2037, 2038, 2041, 2042, 2043;

Tract 4030 Blocks as follows: 1000, 1001, 2000, 2001;

Tract 4043 Blocks as follows: 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1026, 1027, 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021;

Tract 4049 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 2011, 2015, 2016, 2017, 2018, 2019, 2020;

Tract 4050 Blocks as follows: 3012;

Tract 4051 Blocks as follows: 3002, 3003, 4006, 4007, 4008, 4009, 5003;

Tract 4064 Blocks as follows: 1000, 2000;

Tract 4066.01 Blocks as follows: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4010, 4011, 4012, 4013, 4014, 4015;

Tract 4066.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1020, 1021;

Tract 4070 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012;

Tract 4079 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021;

Tract 4081 Blocks as follows: 2013, 2014;

Tract 4301.02 Blocks as follows: 1020;

All of the following census tracts and blocks in Contra Costa County, State of California, as established by the 2010 decennial federal census:

Census Tracts:

3522.01, 3540.01, 3602;

Tract 3452.03 Blocks as follows: 1019, 1028, 1029;

Tract 3470 Blocks as follows: 2105, 2106;

Tract 3480 Blocks as follows: 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032;

Tract 3500 Blocks as follows: 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 4018, 4028, 4029, 4030, 4034;

Tract 3512 Blocks as follows: 3009, 3010, 3011, 3012, 3014;

Tract 3521.01 Blocks as follows: 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2010, 2011, 2024, 2025, 2026, 2027;

Tract 3521.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3001, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 4004, 4005, 4006, 4007, 4008, 4009, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034;

Tract 3522.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1022, 1024, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1054, 1057, 1058;

Tract 3530.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2024, 2025, 2026, 2027, 2028, 2029, 2034, 2035, 2036, 2037, 2038, 2041, 2042, 2043, 2044;

Tract 3530.02 Blocks as follows: 1006, 1007, 1008, 1010, 1011, 1014, 1015, 1016, 1018, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008,

3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011;

Tract 3540.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1040, 1041, 1042, 1043, 1044, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3022, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032;

Tract 3560.02 Blocks as follows: 1000, 1003, 1027, 1028, 1033, 1034, 1035, 1036, 1038, 2096, 2097, 2099, 2100, 2110, 2111, 2112, 2114, 2122, 2124, 2125, 2126, 4005, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4055, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4101, 4102, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188;

Tract 3592.02 Blocks as follows: 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2021, 2022, 2024, 2025, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015;

Tract 3601.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025, 2026, 2027, 2028, 2030, 2031, 2032, 2033, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3030, 3031, 3032, 3033;

Tract 3601.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009;

Tract 3610 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2015, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2055, 2056, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050;

Tract 3620 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005;

Tract 3630 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1020, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3007, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027;

Tract 3690.02 Blocks as follows: 1000, 1001;

EXCEPTING FROM the hereinabove described Ward No. 3; the following described parcels of land:

EXCEPTION ONE: All that portion of land in Contra Costa County, being a portion of Census Tract 3522.02, described as follows:

A tract of land containing 0.93 acres conveyed by C. A. Hooper & Company to Valle Vista School District, described as follows:

BEGINNING at point in the southerly right of way fence of the Oakland, Antioch & Eastern Railway which point bears North $58^{\circ}24'$ West, 192.55 feet from Station No. 2 of Rancho Laguna de los Palos Colorados Tract No. 2; thence South $37^{\circ}02'$ West, 160 feet; thence North $50^{\circ}52'$ West, 269.7 feet; thence North $45^{\circ}21'$ East, 163.6 feet; thence South $50^{\circ}14'$ East, 246.2 feet, to the Point of Beginning.

EXCEPTION TWO: All that portion of land in Contra Costa County, being a portion of Census Tract 3522.02, described as follows:

ALL that parcel of land described as Lot 31 as delineated upon that certain map entitled, "Pinehurst Unit One"; Contra Costa County, California, filed June 17, 1916 in Map Book 15, Page 306, in the office of the County Recorder of Contra Costa County, State of California, more particularly described as follows:

BEGINNING on the west line of Pinehurst Drive as said road is shown on said Map of Pinehurst Unit One at the most easterly corner of said Lot 31, said corner bears South $66^{\circ}30'$ East, 1115 feet, more or less, from the Section corner common Sections 23, 24, 25 and 26, of Township 1 south, Range 3 west, Mount Diablo Base and Meridian; thence North $81^{\circ}41'$ West, 99.25 feet; thence North $8^{\circ}19'$ East, 36.86 feet; thence South $88^{\circ}30'40''$ East, 97.05 feet to the aforesaid west line of Pinehurst Drive, thence southerly along said line along the arc of a curve to the right with a radius of 407.12 feet an arc distance of 48.52 feet to the Point of Beginning.^o

EXCEPTION THREE: All that portion of land in Contra Costa County, being a portion of Census Tracts 3530.01 and 3522.02, described as follows:

BEGINNING at a point on the southern boundary of that annexation to East Bay Municipal Utility District known as the Orinda County Water District, as annexed by the District's Board of Directors on May 18, 1934 by Resolution No. 4771 at the western boundary line of that annexation to East Bay Municipal Utility District known as Indian Valley, Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on June 17, 1971 under Recorder's Series No. 48015; thence northerly to the southeast corner of the Montanera Boundary Reorganization, recorded September 10, 1999, Contra Costa County Recorder's series number 1999-242482; thence westerly and northerly along said Montanera Boundary Reorganization to the southerly line of said Orinda County Water District; thence westerly along the southern boundary of the Orinda County Water District annexation to its intersection with the common boundary line between the Counties of Alameda and Contra Costa; thence southeasterly to a point on the northerly line of the Persin Annexation, recorded August

14, 2001, Contra Costa County Recorder's series number 2001-240406; thence easterly and southerly along said Persin Annexation to the said common boundary line between the Counties of Alameda and Contra Costa; thence along said common boundary line to its intersection with the northern boundary line of the Randi Annexation, recorded December 28, 2005, Contra Costa County Recorder's series number 2005-496653; thence easterly, southerly and westerly along said Randi Annexation to the said common boundary line between the Counties of Alameda and Contra Costa; thence along said common boundary line to its intersection with the northern boundary line of the McCulley Annexation, EBMUD Resolution No. 33171-99, dated September 14, 1999; thence easterly, southerly and westerly along said McCulley Annexation to the said common boundary line between the Counties of Alameda and Contra Costa; thence along said common boundary line to its intersection with the northern boundary line of the Duffy Annexation, EBMUD Resolution No. 33180-00, dated January 11, 2000; thence easterly and southerly along said Duffy Annexation to the said common boundary line between the Counties of Alameda and Contra Costa; thence along said common boundary line to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory as annexed by the District's Board of Directors on June 10, 1975 by Resolution No. 27344; thence along said boundary line easterly, southeasterly and easterly to a point on the aforesaid western boundary of the Indian Valley Unincorporated Territory annexation, EBMUD Resolution No. 25640, dated May 11, 1971; thence northwesterly and northerly along said boundary to the Point of Beginning.

EXCEPTION FOUR: All that portion of land in Contra Costa County, being a portion of Census Tract 3521.02, described as follows:

BEGINNING at the northern corner of the parcel of land described in the deed to Alfred Carr, Jr., et ux, recorded June 22, 1971 in Book 6414 of Official Records, at Page 375; thence southwesterly and southeasterly along the eastern boundary of the Town of Moraga, 2900 feet, more or less, to the northwestern corner of Parcel "B", as shown on that certain map filed May 11, 1971 in Book 16 of Parcel Maps, Page 34; thence leaving said Town boundary North $74^{\circ}58'$ East, along the northern line of said Parcel "B" and the northern line of Parcel "C", as shown on said Parcel Map 16 P.M. 34, and its eastern extension, 1093.96 feet to a point on the boundary line of the East Bay Municipal Utility District as established by that certain annexation known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County in Map Book 1 of East Bay Municipal Utility District annexations at page 36; thence north along said boundary to a point at the southeast corner of Parcel "B" as shown on that certain map filed July 21, 1988 in Book 134 of Parcel Maps, Pages 34 and 35, thence along the southerly and westerly lines of said parcel the following 2 courses, N $88^{\circ}41'54''$ W 386.00 feet; thence N $6^{\circ}32'29''$ W 608.23 feet to a point on said boundary line of the East Bay Municipal Utility District; thence west and north along said boundary thence west and north along said boundary line to the Point of Beginning.

EXCEPTION FIVE: All that portion of land in Contra Costa County, being a portion of Census Tract 3521.02, described as follows:

BEGINNING at the most northerly corner of Renz/Stremel Annexation to East Bay Municipal Utility District, which is recorded in the office of the County Recorder of Contra Costa County filed on October 7, 1993 under Recorder's Series 93-280555, said point also being on the southern boundary line of the Town of Moraga; thence northwesterly along the said boundary line of the Town of Moraga to the boundary line of East Bay Municipal Utility District as established by that certain annexation known as East Bay Municipal Utility District Watershed

No. 3 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County in Map Book 1 of East Bay Municipal Utility District Annexations at Page 36; thence south, southeasterly and westerly along said last boundary to the southwest corner of said Renz/Stremel Annexation; thence northwesterly, westerly and northeasterly, along last said Annexation to the Point of Beginning.

EXCEPTION SIX: All that portion of land in Contra Costa County, being a portion of Census Tract 3522.02, described as follows:

ALL that portion of Contra Costa County bounded by the boundary between Contra Costa County and Alameda County on the south, the City of Oakland on the west and that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory as annexed by the District's Board of Directors on June 10, 1975 by Resolution No. 27344 on the northeast.

EXCEPTION SEVEN: All that parcel of land in Contra Costa County, being a portion of Census Tract 3601.01 and 3601.02, described as follows:

BEGINNING at a point on the northeasterly boundary line of that certain annexation to East Bay Municipal Utility District known as El Sobrante County Water District, a map of which was filed March 30, 1972 under Recorder's Series No. 26819 Official Records of Contra Costa County, said point being also the most southerly corner of that certain annexation to East Bay Municipal Utility District known as a portion of the City of Pinole, Resolution No. 1170 "Bragg Annexation", a map of which was filed April 4, 1977 in Book 1 of East Bay Municipal Utility District Annexation Maps at page 43 Official Records of Contra Costa County; thence northeasterly along the southeasterly boundary line of the aforesaid "Bragg Annexation" to a point on the southwesterly boundary line of that certain annexation to East Bay Municipal Utility District known as the City of Pinole Annexation, Ordinance No. 85 adopted April 25, 1955; thence southeasterly along the southwesterly boundary line of said annexation to the most westerly corner of Parcel One of that certain annexation to East Bay Municipal Utility District known as Pinole Valley Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 5, 1968 under Recorder's Series No. 6883; thence easterly along the southern line of said Parcel One to the aforesaid boundary line of the City of Pinole (Ordinance No. 85); thence easterly along said boundary to its intersection with the western boundary line of that certain annexation to East Bay Municipal Utility District, known as Adobe Road Annexation, as annexed by Resolution No. 32,591 of the Utility District's Board of Directors dated March 10, 1992 ; thence southwesterly, southerly and easterly along said boundary to its intersection with the southwest corner of Parcel Two of that certain annexation to East Bay Municipal Utility District known as Pinole Valley No. 2 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on February 17, 1969 under Recorder's Series No. 11151; thence easterly along the southerly boundary of said Parcel Two (Rec. Ser. No. 11151) to the southwest corner of that annexation to the East Bay Municipal Utility District known as "4900 Pinole Valley Road Annexation", as annexed by the Contra Costa County Local Agency Formation Commission (LAFCO) Resolution No. 07-18 of October 10, 2007 and recorded in the Office of the County Recorder of Contra Costa County on November 13, 2007 as Document 2007-0314291-00; thence, along the southerly boundary of said "4900 Pinole Valley Road Annexation" to its intersection with the westerly boundary line of that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 2 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 28, 1974 under

Recorder's Series No. 22917; thence in a general southerly direction along the general westerly boundary of said annexation (Rec. Ser. No. 22917) to its intersection with the northeasterly boundary line of that certain annexation to East Bay Municipal Utility District known as Cutter Ranch Boundary Reorganization as annexed by Resolution No. 29,770 of the Utility District's Board of Directors dated May 12, 1981; thence northwesterly along the northeasterly boundary of said annexation (Res. No. 29,770) to its intersection with the general easterly boundary line of that certain annexation to East Bay Municipal Utility District known as El Sobrante Hills No. 1 Unincorporated Territory, a map of which was filed in the office of the County Recorder of Contra Costa County on March 7, 1978 in Book 8737, Official Records, at Page 18; thence northwesterly along the northeasterly boundary of said annexation (8737 OR 18) to its intersection with the northeasterly boundary line of the aforesaid El Sobrante County Water District annexation (Rec. Ser. No. 26819); thence northwesterly along said boundary to the Point of Beginning.

EXCEPTION EIGHT: All that parcel of land in Contra Costa County, being a portion of Census Tract 3560.02, described as follows:

BEGINNING at a point on the general northerly boundary line of that certain annexation to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 2, a map of which was filed in the office of the County Recorder of Contra Costa County on March 28, 1974 under Recorder's Series No. 22917 said point also being on the general easterly boundary line of that certain annexation to East Bay Municipal Utility District known as Kensington Unincorporated Territory as annexed by the Utility District's Board of Directors by Resolution No. 3579 dated January 4, 1932; thence northwesterly along the easterly boundary of said annexation (Res. No. 3579) to its intersection with the southerly boundary line of that certain annexation to East Bay Municipal Utility District known as Castro Pointe - Carriage Hill South Boundary Reorganization as adopted by the City Council of the City of Richmond on April 16, 1987 under Resolution No. 37/87 (LAFC 86-45); thence northeasterly and southeasterly along said boundary to its intersection with the aforesaid East Bay Municipal Utility District Watershed No. 2 annexation (Rec. Ser. 22917); thence southerly and southwesterly along said boundary to the Point of Beginning.

EXCEPTION NINE: All those parcels of land in Contra Costa County, being a portion of Census Tract 3592.02 bounded northerly by those certain annexations to East Bay Municipal Utility District known as the Town of Hercules Annexation, EBMUD Resolution No. 15962, dated May 22, 1953 and the Hanna Ranch Annexation, EBMUD Resolution No. 31777, dated December 9, 1986; bounded southerly and easterly by that certain annexation known as the EBMUD Watershed #2 Annexation, EBMUD Resolution No. 26849, dated March 12, 1974; bounded southwesterly by that certain annexation known as the Marcos Street Annexation, EBMUD Resolution No. 23141, dated April 8, 1966 and bounded westerly by those certain annexations known as the Sliver Canyon Annexation, EBMUD Resolution No. 22726, dated September 19, 1965 and the Marsten Ranch Annexation, EBMUD Resolution No. 31986, dated December 8, 1987.

EXCEPTION TEN: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tracts 3470, 3480, 3521.01, 3521.02, 3522.02, 3540.02, 3560.02 and any portion of that parcel of land in Alameda County, being a portion of Census Tract 4046 lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", on file at the offices of East Bay Municipal Utility District.

EXCEPTION ELEVEN: All that portion of land in Contra Costa County, being a portion of Census Tract 3521.02, described as follows:

BEGINNING at a point on an easterly line of that annexation to East Bay Municipal Utility District known as the East Bay Municipal Utility District Watershed No. 3 as annexed by the District's Board of Directors on June 10, 1975 by Resolution No. 27344 at the northwest corner of that parcel of land described as Parcel Two in the Grant Deed from Carr Ranch Inc. to East Bay Municipal Utility District, recorded December 30, 2016 as instrument number 2016.283204, Official Records of Contra Costa County; thence along said easterly line the following three courses, South 1,307 feet; thence West 1,290 feet; thence South 1,303 feet to a point on the north line of Parcel "A" as shown on the Map of Subdivision MS 10-94, recorded November 2, 2000 in Book 179 of Parcel Maps at Pages 45 and 46, Contra Costa County Records; thence following along the lines of said Parcel "A" the following 3 courses, East 1,350 feet; thence South 929 feet; thence West 1,891 feet to a point on the aforementioned easterly line of that annexation known as the East Bay Municipal Utility District Watershed No. 3; thence along said annexation line the following seven courses; Southwest 1,785 feet; thence East 2,444 feet; thence North 1,306 feet; thence East 2,641 feet; thence North 1,233 feet; thence East 2,559 feet; thence North 2664 feet to the northeast corner of said Parcel Two; thence westerly along the north line of said parcel to the POINT OF BEGINNING.

EXCEPTION TWELVE: All that portion of land in Contra Costa County, being a portion of Census Tract 3530.01, described as follows:

BEGINNING on the east line of Lot 2733 as shown on the Map of Thorndale, recorded July 18, 1929 in Book 18 of Maps at Pages 68 and 69, Contra Costa County Records as it intersects the boundary between Contra Costa County and Alameda County; thence northwesterly along said boundary to most easterly line of that annexation to East Bay Municipal Utility District known as the McCulley Annexation as annexed by the District's Board of Directors on September 14, 1999 by Resolution No. 33171-99; thence northerly, northwesterly and southwesterly along the easterly, northeasterly and westerly lines of said annexation respectively to said boundary between Contra Costa County and Alameda County; thence northwesterly along said boundary to the most southerly corner of that annexation to East Bay Municipal Utility District known as the Randi Annexation as annexed by the District's Board of Directors on December 14, 2005 by Resolution No. 05-18; thence northeasterly and northwesterly along said annexation line respectively to the most northerly corner of said annexation, said corner being the most easterly corner of Parcel Two as described in the Grant Deed from Caroline M. Schooley to Carolyn A. Larabell, recorded March 30, 1994 as instrument number 94-123829, Contra Costa County Records, said point being coincident with the southwesterly right-of-way line of Diablo Drive; thence northwesterly along said right-of-way line being coincident with said annexation line 82 feet to the most northerly corner of Parcel Four as described in said annexation; thence southwesterly along the westerly line of Parcel Four 56 feet to the aforementioned boundary between Contra Costa County and Alameda County; thence northwesterly along said boundary to the intersection with the center line of Diablo Drive; thence southeasterly along said center line to the most southerly termination of said drive; thence southeast to the most northerly corner of the aforementioned Lot 2733; thence southeasterly and southerly along the northeasterly and easterly lines of said parcel respectively to the POINT OF BEGINNING.

WARD NO. 4

Ward No. 4 includes the following 2010 census tracts and blocks in Alameda County, State of California, as established by the 2010 decennial federal census:

Census Tracts:

4002, 4004, 4005, 4006, 4007, 4008, 4009, 4201, 4202, 4203, 4204, 4205, 4206, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236.01, 4236.02, 4237, 4238, 4239.01, 4239.02, 4240.01, 4240.02, 4251.01, 4251.02, 4251.03, 4251.04,

Tract 4001 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1042, 1049, 1050, 1066, 1067, 1068, 1072, 1073, 1075, 1076;

Tract 4043 Blocks as follows: 1000, 1001, 1002, 1003, 1008, 1009, 1010, 1024, 1025;

Tract 9900 Blocks as follows: 0001, 0002, 0003, 0004, 0005;

All of the following census tracts and blocks in Contra Costa County, State of California, as established by the 2010 decennial federal census:

Census Tracts:

3851, 3852, 3870, 3880, 3891, 3892, 3901, 3902, 3910, 3920;

Tract 3700 Blocks as follows: 2010, 2011, 2014;

Tract 3840 Blocks as follows: 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019;

Tract 3860 Blocks as follows: 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011

WARD NO. 5

Ward No. 5 includes the following 2010 census tracts and blocks in Alameda County, State of California, as established by the 2010 decennial federal census:

Census Tracts:

4015, 4016, 4017, 4018, 4022, 4024, 4025, 4026, 4031, 4033, 4061, 4073, 4088, 4090, 4091, 4092, 4105, 4271, 4272, 4273, 4276, 4277, 4278, 4279, 4280, 4281, 4282, 4283.01, 4283.02, 4284, 4285, 4286, 4287, 4324, 4333, 4334, 4335, 4336, 4358, 4359, 4360, 4361, 4362, 9819, 9820, 9832,

Tract 4027 Blocks as follows: 1003, 1004, 1005, 1007, 1008, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029

Tract 4028 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2031, 2032, 2034, 2039, 2040;

Tract 4030 Blocks as follows: 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033;

Tract 4060 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 3000, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040;

Tract 4089 Blocks as follows: 1009, 1010, 1011, 1012, 1013, 2004, 2005, 2014, 2015, 2030, 2031;

Tract 4093 Blocks as follows: 1000, 1002, 1004, 1007, 1014, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 3000, 3001, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015;

Tract 4094 Blocks as follows: 2010, 2011, 2034, 2035, 2036, 2037, 2038;

Tract 4095 Blocks as follows: 1005, 1006, 1007;

Tract 4357 Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012;

Tract 9900 Blocks as follows: 0006, 0007, 0008, 0009, 0010, 0011, 0012, 0013, 0014, 0015, 0016, 0017;

EXCEPTING FROM the hereinabove described Ward No. 5; the following described parcels of land:

EXCEPTION ONE: All that parcel of land in Alameda County, being a portion of Census Tract 4324.00, described as follows:

ALL that portion of the Southern Pacific Railroad property bounded by the boundary of the City of San Leandro on the north, east, south and west as said boundary was established by City of San Leandro Ordinances 723 N.S., 879 N.S., 1220 N.S. and 1029 N.S.

EXCEPTION TWO: All that parcel of land in Alameda County, being a portion of Census Tract 4324.00, described as follows:

ALL that unincorporated territory bounded on the north by the City of San Leandro boundary as established by Ordinance 723 N.S., bounded on the east by the City of San Leandro boundary as established by Ordinance 654 N.S., bounded on the south by the north line of Davis Street, and bounded on the west by the eastern line of that certain annexation to East Bay Municipal Utility District known as Davis Street Unincorporated Territory, a map of which was filed December 23, 1962 in Map Book 43, Page 27A, Alameda County Records and by the City of San Leandro boundary as established by Ordinance 879 N.S.

EXCEPTION THREE: All that parcel of land in Alameda County, being a portion of Census Tract 4324.00, described as follows:

That portion of Census Tract 4342.00, Block 3000, bounded southerly and westerly by Doolittle Drive and easterly by Carden Street.

EXCEPTION FOUR: All that area of land annexed to the City of Oakland by City of Oakland Ordinance 47516 C.M.S.

WARD NO. 6

Ward No. 6 includes the following 2010 census tracts and blocks in Alameda County, State of California, as established by the 2010 decennial federal census:

Census Tracts:

4052, 4053.01, 4053.02, 4054.01, 4054.02, 4055, 4056, 4057, 4058, 4059.01, 4059.02, 4062.01, 4062.02, 4063, 4065, 4071.01, 4071.02, 4072, 4074, 4075, 4076, 4077, 4078, 4082, 4083, 4084, 4085, 4086, 4087, 4096, 4097, 4098, 4099, 4101, 4102, 4103, 4104,

Tract 4049 Blocks as follows: 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019;

Tract 4050 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029;

Tract 4051 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 4000, 4001, 4002, 4003, 4004, 4005, 5000, 5001, 5002, 5004, 5005, 5006, 5007, 5008;

Tract 4060 Blocks as follows: 3001;

Tract 4064 Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014;

Tract 4066.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4007, 4008, 4009;

Tract 4066.02 Blocks as follows: 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1023, 1024, 1025, 2000, 2001, 2002, 2003, 2004, 2005;

Tract 4070 Blocks as follows: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007;

Tract 4079 Blocks as follows: 1012;

Tract 4081 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 4000, 4001, 4002, 4003, 4005, 4006, 4007, 4008, 4009;

Tract 4089 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029;

Tract 4094 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2039, 2040, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019;

Tract 4095 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014;

Tract 4100 Blocks as follows: 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011;

Tract 4301.02 Blocks as follows: 1025;

Tract 4328 Blocks as follows: 1009, 1010;

WARD NO. 7

Ward No. 7 includes the following 2010 census tracts and blocks in Alameda County, State of California, as established by the 2010 decennial federal census:

Census Tracts:

4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4321, 4322, 4323, 4325.01, 4325.02, 4326, 4327, 4330, 4331.02, 4331.03, 4331.04, 4332, 4337, 4338, 4339, 4340, 4352, 4356.01, 4356.02,

Tract 4093 Blocks as follows: 2023;

Tract 4100 Blocks as follows: 1000, 1001;

Tract 4301.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3017, 3018, 3019, 3023, 3024, 3025, 3027, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040;

Tract 4301.02 Blocks as follows: 1004, 1007, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1088, 1089;

Tract 4302 Blocks as follows: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012;

Tract 4312 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2040, 2041, 2042, 2044, 3000, 3001, 3002, 3003, 3004, 3005, 3006,

3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029;

Tract 4328 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033;

Tract 4351.03 Blocks as follows: 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1070, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 3000, 3003, 3004, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3025;

Tract 4353 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2014, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007;

Tract 4354 Blocks as follows: 2000, 2004;

Tract 4355 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 3000, 3001, 3002, 3005, 3006, 3007, 3008, 3018, 3020;

Tract 4357 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021;

Tract 4362 Blocks as follows: 2005, 2006, 2007, 2008;

Tract 4363 Blocks as follows: 1000, 1001, 1002, 1009, 1013, 1014, 1015;

Tract 4364.01 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2016, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3036, 3037, 3038, 3039, 3040, 3041, 3044, 4000, 4001, 4002, 4003, 4004, 4005;

Tract 4364.02 Blocks as follows: 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2005, 2008;

Tract 4367 Blocks as follows: 1001, 1004, 2000, 2001, 2005, 2007, 2008, 2009, 2010, 2019, 2020;

Tract 4369 Blocks as follows: 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 4001, 4007;

All of the following census tracts and blocks in Contra Costa County, State of California, as established by the 2010 decennial federal census:

Census Tracts:

3451.16;

Tract 3451.15 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1053, 1054, 1055, 1056, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010;

Tract 3452.02 Blocks as follows: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036;

Tract 3452.03 Blocks as follows: 1037, 1038, 1040, 1041;

EXCEPTING FROM the hereinabove described Ward No. 7 the following described parcels of land:

EXCEPTION ONE: All that portion of land in Alameda County, being any portion of Census Tracts 4338.00, 4337.00 and 4332.00, described as follows:

ALL that portion of Southern Pacific Railroad right of way, lying between the east line of Hesperian Boulevard and the south line of Lewelling Boulevard.

EXCEPTION TWO: All that portion of land in Alameda County, being any portion of Census Tracts 4337.00 and 4332.00, described as follows:

ALL that portion of the Nimitz Freeway bounded on the north by the City of San Leandro boundary as established by Resolution No. 115261 of the Board of Supervisors of Alameda County, bounded on the southwest by the City of San Leandro boundary as established by Ordinance 1052 N.S., and bounded on the east by the west line and its prolongation northerly and southerly of the parcel of land conveyed to Mary Graves, et al, by deed recorded on June 21, 1971 under Recorder's Series No. 71-76203, Official Records of Alameda County.

EXCEPTION THREE: All that portion of land in Alameda County, being a portion of Census Tracts 4301.02 and 3522.02, described as follows:

ALL that portion of Alameda County bounded by the boundary between Contra Costa County and Alameda County on the north, the City of Oakland on the West, those certain annexations to East Bay Municipal Utility District known as East Bay Municipal Utility District Watershed No. 3 Unincorporated Territory as annexed by the Board of Director's on June 10, 1975 by Resolution No. 27344 and East Bay Municipal Utility District Watershed No. 1 Unincorporated Territory as annexed by the Board of Director's on March 28, 1972 by Resolution No. 26021 on the east and by that certain annexation to East Bay Municipal Utility District known as Chabot as annexed by the Board of Director's on February 13, 1934 by Resolution No. 4648 on the south.

EXCEPTION FOUR: All that portion of land in Alameda County, being a portion of Census Tracts 4301.02 and 4302, described as follows:

ALL that portion of Alameda County bounded on the north by an annexation to East Bay Municipal Utility District known as Cull Ridge Unincorporated Territory as annexed by the Board of Director's on June 26, 1979 by Resolution No. 29000 and bounded on the west and south by an annexation to East Bay Municipal Utility District known as Castro Valley County Water District as annexed by the Board of Director's on July 17, 1931 by Resolution No. 3302 and bounded on the east by the annexation to East Bay Municipal Utility District known as Cull Canyon Unincorporated Territory as annexed by the Board of Director's on July 12, 1977 by Resolution No. 28213 and Cull Canyon Estates Annexation as annexed by the Castro Valley Sanitary District on June 2, 1992 by Resolution No. 2656. The above described parcel is commonly known as the Cull Canyon Regional Recreation Area.

EXCEPTION FIVE: All that parcel of land in Alameda County, being a portion of Census Tract 4351.03, described as follows:

The area bounded northerly and westerly by that certain annexation to East Bay Municipal Utility District known as the Fairview County Water District Annexation, EBMUD Resolution No. 4283, dated May 26, 1933; bounded easterly by that certain annexation known as the Palomares Canyon Annexation, filed November 2, 1965 in Book 51, Page 8, Annexation Maps of Alameda County; and bounded southerly by that certain annexation known as the Rancho Palomares Annexation, recorded December 26, 1990, Alameda County Recorder's series number 90-335077.

EXCEPTION SIX: All that parcel of land in Contra Costa County, being a portion of Census Tract 3451.15, described as follows:

The area bounded northerly, westerly and southerly by that certain annexation to East Bay Municipal Utility District known as the Norris Canyon Annexation, Contra Costa County Resolution No. 93-83, dated April 1, 1993 and bounded easterly by those certain annexations known as the Twin Creeks Hills Annexation, EBMUD Resolution No. 29610, dated December 9, 1980 and the San Ramon South Annexation, EBMUD Resolution No. 21862, dated January 10, 1964.

EXCEPTION SEVEN: Any portion of those parcels of land in Alameda County, being a portion of Census Tracts 4301.01, 4301.02, 4302.00, 4312.00, 4351.03, 4353.00, 4355.00, 4363.01, 4357, 4363, 4364.01, 4364.02, 4367.00 and 4369.00, lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", on file at the offices of East Bay Municipal Utility District.

EXCEPTION EIGHT: Any portion of those parcels of land in Contra Costa County, being a portion of Census Tracts 3451.15, 3452.02, and 3452.03, lying outside of the existing East Bay Municipal Utility District "Service Area" as shown on the 1920-R map entitled "Boundaries and Sphere of Influence", and dated May 2009, on file at the offices of East Bay Municipal Utility District.

The official map of the territory included within the East Bay Municipal Utility District, as described above, covering portions of Alameda and Contra Costa Counties and vicinity is on file at East Bay Municipal Utility District and by reference made a part hereof.

Any Resolution; or part thereof, in conflict herewith is hereby repealed and rescinded.

This legal description is for administrative purposes only and is not a legal property description as defined in the Subdivision Map Act.

REMAINDER OF PAGE
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ADOPTED THIS 14th day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President


ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

This document was made by me, or
under my direction in January, 2020.

 1/17/2020

Craig A. Roberts L.S. 8736
Exp. Date 12/31/20

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 9, 2020

MEMO TO: Board of Directors

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

SUBJECT: Legislative Report No. 02-20

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

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support SB 928 (Committee on Governance and Finance) Validations; 2) Support SB 929 (Committee on Governance and Finance) Validations; and 3) Support SB 930 (Committee on Governance and Finance) Validations; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

STATE LEGISLATION

RECOMMENDED POSITION

**SB 928, SB 929, VALIDATIONS
SB 930
(Committee on
Governance and
Finance)**

SUPPORT

SB 928, SB 929, and SB 930 (Committee on Governance and Finance) would enact the Validating Acts of 2020. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently.

Banks, pension funds, and other investors will not buy municipal securities unless they are sound investments. Without the enactment of Validating Acts to cure minor errors that could undermine a bond's legal integrity, bond counsel would be reluctant to certify public agencies' bonds as good risks because of potential mistakes that could invalidate future payments. Safer bonds mean higher ratings and lower costs.

While the three Validating Acts save California taxpayers millions of dollars by protecting investors from minor procedural mistakes that might otherwise imperil bonds, boundary changes, proceedings, and other official acts, they will not cure fraudulent, illegal, or unconstitutional actions. A Validating Act cannot protect public officials who have acted illegally from prosecution.

With regard to cost benefit to EBMUD, this measure could benefit EBMUD by protecting investors from any minor procedural mistakes in bond issuances or other official acts. These measures are not expected to impose additional cost burdens on EBMUD ratepayers.

EBMUD has historically supported the Validating Acts. Most recently, in 2019, EBMUD's Board adopted a "support" position on the Validating Acts of 2019, SB 379, SB 380, and SB 381, which were signed into law (Chapter 74, Chapter 75, and Chapter 76 of 2019, respectively).

An official support/opposition list for SB 928, SB 929, and SB 930 is not available.

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

INFORMATION

An overview of key state and federal actions taken in response to the COVID-19 pandemic since the March 19, 2020 information memos to the Board is provided below.

State Government Actions

Executive Orders

Subsequent to the March 19, 2020 information memorandum, 16 additional executive orders have been issued on a variety of topics. Information on those executive orders of direct interest to EBMUD is provided below.

March 19, 2020; Executive Order N-33-20; Shelter in Place

This order was issued to direct individuals living in California to stay home or at their place of residence for an indefinite period. The order establishes a statewide baseline such that individual localities are able to impose additional restrictions if they so choose. Exceptions for the statewide stay-at-home order include:

- maintaining "continuity of operations of the federal critical infrastructure sectors" and
- additional sectors the governor designates as "critical to protect the health and well-being of all Californians."

Water and wastewater systems are considered a “critical infrastructure sector” for the purposes of this order.

March 21, 2020; Executive Order N-35-20; Omnibus

- This order was issued to expand capacity to fight COVID-19 in health care facilities. In addition, of particular interest to EBMUD, the order included provisions to provide flexibility to local governments in utilizing the skills of retired workers and provisions relating to open meetings. The open meeting provisions have been used to inform EBMUD’s approach to holding public meetings during this emergency.

March 27, 2020; Executive Order N-37-20; Evictions

This order was issued to provide a statewide moratorium on evictions for renters affected by COVID-19 through May 31, 2020. The order took effect immediately and provides protection from evictions to tenants for whom rent was due April 1. The eviction moratorium applies if certain conditions are met, including:

- The tenant paid rent prior to the order being issued.
- The tenant notifies the landlord in writing before the rent is due or within seven days after the rent is due that the tenant needs to delay all or some payment of rent due to reasons related to COVID-19. Such reasons may include illness, caring for a family member, a lay-off, loss of work hours or income, and missing work to care for a child due to school closure.
- The tenant retains documentation to support the assertion of the inability to pay. The documentation does not have to be provided in advance and can be provided upon payment of the back due rent.

Tenants meeting the conditions would be protected from evictions; however, they will still be liable to pay the unpaid rent, though it is unclear by what date the unpaid rent must be paid by.

April 2, 2020; Executive Order N-42-20; Water Shut-offs

This order was issued to provide an indefinite statewide suspension of water shut-offs for non-payment. The order does not eliminate the obligation of customers to pay, prevent a system from charging for service, or reduce the amount a customer may already owe.

EBMUD has provided leadership on the suspension of shut-offs and the restoration of service. EBMUD’s policy of suspending water shutoffs due to non-payment was implemented on March 12, 2020, several weeks before this order was issued. EBMUD also began restoring service in mid-March to non-paying customers back to January 1, 2020, an additional two months beyond the requirements of the order.

Provisions of the order include:

- Suspends the authority of urban and community water systems to discontinue residential service for non-payment.

- Requires that residential service be restored to any occupied residences that had service discontinued for non-payment since March 4.
- Prohibits water systems from discontinuing service to any business in critical infrastructure sectors designated by the State Public Health Officer as critical to protecting the health and well-being of all Californians that qualifies as a small business under the Small Business Administration's regulations.
- Directs the State Water Resources Control Board to identify best practices, guidelines, or both, "to be implemented during the emergency (i) to address non-payment or reduced payments, (ii) to promote and to ensure continuity of service by water systems and wastewater systems, and (iii) to provide measures such as the sharing of supplies, equipment and staffing to relieve water systems under financial distress."

April 4, 2020; Executive Order N-45-20; Childcare

This order was issued to provide expanded access to child care for essential and critical infrastructure workers. A guidance document will be provided by the Newsom administration but was not available at the time of this memo.

Other Administrative Actions

March 24, 2020; Department of Finance Update on State Budget

The state's Department of Finance issued a letter to state agencies and departments stating that negative and immediate impacts are expected on anticipated revenues. This will affect the state's current fiscal year budget as well as future budgets. The governor's May budget is expected to be substantially different from his January budget proposal with a primary focus on COVID-19-related issues.

Legislative Actions

As discussed in a March 19, 2020 Board Information Memo, after passing two budget bills related to the COVID-19 outbreak, the legislature recessed until April 13, 2020. While legislative work continues, including actively amending bills, the legislature has now delayed its return to May 4, 2020.

Federal Actions

To date, three COVID-19 relief bills have been enacted, including H.R. 6074 (Lowey), H.R. 6201 (Lowey), and H.R. 748 (Courtney). Additional relief packages are currently under discussion in Congress. Future stimulus efforts that may include some form of infrastructure assistance are also being contemplated.

NEXT STEPS

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

ARC:MD:JW/DM

Attachment

I:\SEC\2020 Board Related Items\LegHRCmte and Regular Mtg\041420 BoardItems\OGM - Legislative Report No. 02-20.docx

Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hertzberg, Hurtado, Moorlach, Nielsen, and Wiener)

February 5, 2020

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 928, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the First Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 First Validating Act of 2020.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

paragraph (2), “public body” also means all cities, counties, cities and counties, districts, authorities, agencies, boards, commissions, and other entities, whether created by a general statute or a special act, including, but not limited to, the following:

Agencies, boards, commissions, or entities constituted or provided for under or pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code).

Affordable housing authorities.

Air pollution control districts of any kind.

Air quality management districts.

Airport districts.

Assessment districts, benefit assessment districts, and special assessment districts of any public body.

Bridge and highway districts.

California water districts.

Citrus pest control districts.

City maintenance districts.

Community college districts.

Community development commissions in their capacity to act as a housing authority for other community development purposes of the jurisdiction in which the commission operates, except for any action taken with respect to the commission’s authority to act as a community redevelopment agency.

Community facilities districts.

Community rehabilitation districts.

Community revitalization and investment authorities.

Community services districts.

Conservancy districts.

Cotton pest abatement districts.

County boards of education.

County drainage districts.

County flood control and water districts.

County free library systems.

County maintenance districts.

County sanitation districts.

County service areas.

County transportation commissions.

County water agencies.

County water authorities.

- 1 County water districts.
- 2 County waterworks districts.
- 3 Department of Water Resources and other agencies acting
- 4 pursuant to Part 3 (commencing with Section 11100) of Division
- 5 6 of the Water Code.
- 6 Distribution districts of any public body.
- 7 Districts acting pursuant to Section 53395.82 of the Government
- 8 Code.
- 9 Drainage districts.
- 10 Enhanced infrastructure financing districts.
- 11 Fire protection districts.
- 12 Flood control and water conservation districts.
- 13 Flood control districts.
- 14 Garbage and refuse disposal districts.
- 15 Garbage disposal districts.
- 16 Geologic hazard abatement districts.
- 17 Harbor districts.
- 18 Harbor improvement districts.
- 19 Harbor, recreation, and conservation districts.
- 20 Health care authorities.
- 21 Highway districts.
- 22 Highway interchange districts.
- 23 Highway lighting districts.
- 24 Housing authorities.
- 25 Improvement districts or improvement areas of any public body.
- 26 Industrial development authorities.
- 27 Infrastructure financing districts.
- 28 Integrated financing districts.
- 29 Irrigation districts.
- 30 Joint highway districts.
- 31 Levee districts.
- 32 Library districts.
- 33 Library districts in unincorporated towns and villages.
- 34 Local agency formation commissions.
- 35 Local health care districts.
- 36 Local health districts.
- 37 Local hospital districts.
- 38 Local transportation authorities or commissions.
- 39 Maintenance districts.
- 40 Memorial districts.

- 1 Metropolitan transportation commissions.
- 2 Metropolitan water districts.
- 3 Mosquito abatement and vector control districts.
- 4 Multifamily improvement districts.
- 5 Municipal improvement districts.
- 6 Municipal utility districts.
- 7 Municipal water districts.
- 8 Nonprofit corporations.
- 9 Nonprofit public benefit corporations.
- 10 Open-space maintenance districts.
- 11 Parking and business improvement areas.
- 12 Parking authorities.
- 13 Parking districts.
- 14 Permanent road divisions.
- 15 Pest abatement districts.
- 16 Police protection districts.
- 17 Port districts.
- 18 Property and business improvement areas.
- 19 Protection districts.
- 20 Public cemetery districts.
- 21 Public utility districts.
- 22 Rapid transit districts.
- 23 Reclamation districts.
- 24 Recreation and park districts.
- 25 Regional justice facility financing agencies.
- 26 Regional park and open-space districts.
- 27 Regional planning districts.
- 28 Regional transportation commissions.
- 29 Resort improvement districts.
- 30 Resource conservation districts.
- 31 River port districts.
- 32 Road maintenance districts.
- 33 Sanitary districts.
- 34 School districts of any kind or class.
- 35 School facilities improvement districts.
- 36 Separation of grade districts.
- 37 Service authorities for freeway emergencies.
- 38 Sewer districts.
- 39 Sewer maintenance districts.
- 40 Small craft harbor districts.

- 1 Special municipal tax districts.
- 2 Stone and pome fruit pest control districts.
- 3 Storm drain maintenance districts.
- 4 Storm drainage districts.
- 5 Storm drainage maintenance districts.
- 6 Stormwater districts.
- 7 Toll tunnel authorities.
- 8 Traffic authorities.
- 9 Transit development boards.
- 10 Transit districts.
- 11 Unified and union school districts' public libraries.
- 12 Vehicle parking districts.
- 13 Water agencies.
- 14 Water authorities.
- 15 Water conservation districts.
- 16 Water districts.
- 17 Water replenishment districts.
- 18 Water storage districts.
- 19 Watermaster districts.
- 20 Wine grape pest and disease control districts.
- 21 Zones, improvement zones, or service zones of any public body.
- 22 (2) Notwithstanding paragraph (1), a "public body" does not
- 23 include any of the following:
 - 24 (A) A community redevelopment agency formed pursuant to
 - 25 the Community Redevelopment Law (Part 1 (commencing with
 - 26 Section 33000) of Division 24 of the Health and Safety Code).
 - 27 (B) A community development commission, with respect to its
 - 28 exercise of the powers of a community redevelopment agency.
 - 29 (C) A joint powers authority that includes a community
 - 30 redevelopment agency or a community development commission
 - 31 as a member, with respect to its exercise of the powers of a
 - 32 community redevelopment agency.
- 33 (3) "Public body" includes both of the following:
 - 34 (A) The successor agency to the Redevelopment Agency of the
 - 35 City and County of San Francisco, solely for the purpose of issuing
 - 36 bonds or incurring other indebtedness pursuant to the provisions
 - 37 of Section 34177.7 of the Health and Safety Code.
 - 38 (B) A successor agency, as defined in subdivision (j) of Section
 - 39 34171 of the Health and Safety Code, solely for the purpose of

1 issuing bonds or incurring other indebtedness pursuant to the
2 provisions of Section 34177.5 of the Health and Safety Code.

3 (b) “Bonds” means all instruments evidencing an indebtedness
4 of a public body incurred or to be incurred for any public purpose,
5 all leases, installment purchase agreements, or similar agreements
6 wherein the obligor is one or more public bodies, all instruments
7 evidencing the borrowing of money in anticipation of taxes,
8 revenues, or other income of that body, all instruments payable
9 from revenues or special funds of those public bodies, all
10 certificates of participation evidencing interests in the leases,
11 installment purchase agreements, or similar agreements, and all
12 instruments funding, refunding, replacing, or amending any thereof
13 or any indebtedness.

14 (c) “Hereafter” means any time subsequent to the effective date
15 of this act.

16 (d) “Heretofore” means any time prior to the effective date of
17 this act.

18 (e) “Now” means the effective date of this act.

19 SEC. 3. All public bodies heretofore organized or existing
20 under any law, or under color of any law, are hereby declared to
21 have been legally organized and to be legally functioning as those
22 public bodies. Every public body, heretofore described, shall have
23 all the rights, powers, and privileges, and be subject to all the duties
24 and obligations, of those public bodies regularly formed pursuant
25 to law.

26 SEC. 4. The boundaries of every public body as heretofore
27 established, defined, or recorded, or as heretofore actually shown
28 on maps or plats used by the assessor, are hereby confirmed,
29 validated, and declared legally established.

30 SEC. 5. All acts and proceedings heretofore taken by any public
31 body or bodies under any law, or under color of any law, for the
32 annexation or inclusion of territory into those public bodies or for
33 the annexation of those public bodies to any other public body or
34 for the detachment, withdrawal, or exclusion of territory from any
35 public body or for the consolidation, merger, or dissolution of any
36 public bodies are hereby confirmed, validated, and declared legally
37 effective. This shall include all acts and proceedings of the
38 governing board of any public body and of any person, public
39 officer, board, or agency heretofore done or taken upon the question
40 of the annexation or inclusion or of the withdrawal or exclusion

1 of territory or the consolidation, merger, or dissolution of those
2 public bodies.

3 SEC. 6. (a) All acts and proceedings heretofore taken by or
4 on behalf of any public body under any law, or under color of any
5 law, for, or in connection with, the authorization, issuance, sale,
6 execution, delivery, or exchange of bonds of any public body for
7 any public purpose are hereby authorized, confirmed, validated,
8 and declared legally effective. This shall include all acts and
9 proceedings of the governing board of public bodies and of any
10 person, public officer, board, or agency heretofore done or taken
11 upon the question of the authorization, issuance, sale, execution,
12 delivery, or exchange of bonds.

13 (b) All bonds of, or relating to, any public body heretofore issued
14 shall be, in the form and manner issued and delivered, the legal,
15 valid, and binding obligations of the public body. All bonds of, or
16 relating to, any public body heretofore awarded and sold to a
17 purchaser and hereafter issued and delivered in accordance with
18 the contract of sale and other proceedings for the award and sale
19 shall be the legal, valid, and binding obligations of the public body.
20 All bonds of, or relating to, any public body heretofore authorized
21 to be issued by ordinance, resolution, order, or other action adopted
22 or taken by or on behalf of the public body and hereafter issued
23 and delivered in accordance with that authorization shall be the
24 legal, valid, and binding obligations of the public body. All bonds
25 of, or relating to, any public body heretofore authorized to be issued
26 at an election and hereafter issued and delivered in accordance
27 with that authorization shall be the legal, valid, and binding
28 obligations of the public body. Whenever an election has heretofore
29 been called for the purpose of submitting to the voters of any public
30 body the question of issuing bonds for any public purpose, those
31 bonds, if hereafter authorized by the required vote and in
32 accordance with the proceedings heretofore taken, and issued and
33 delivered in accordance with that authorization, shall be the legal,
34 valid, and binding obligations of the public body.

35 SEC. 7. (a) This act shall operate to supply legislative
36 authorization as may be necessary to authorize, confirm, and
37 validate any acts and proceedings heretofore taken pursuant to
38 authority the Legislature could have supplied or provided for in
39 the law under which those acts or proceedings were taken.

1 (b) This act shall be limited to the validation of acts and
2 proceedings to the extent that the same can be effectuated under
3 the California Constitution and the United States Constitution.

4 (c) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter being legally contested
6 or inquired into in any legal proceeding now pending and
7 undetermined or that is pending and undetermined during the
8 period of 30 days from and after the effective date of this act.

9 (d) This act shall not operate to authorize, confirm, validate, or
10 legalize any act, proceeding, or other matter that has heretofore
11 been determined in any legal proceeding to be illegal, void, or
12 ineffective.

13 (e) This act shall not operate to authorize, confirm, validate, or
14 legalize a contract between any public body and the United States.

15 SEC. 8. Any action or proceeding contesting the validity of
16 any action or proceeding heretofore taken under any law, or under
17 color of any law, for the formation, organization, or incorporation
18 of any public body, or for any annexation thereto, detachment or
19 exclusion therefrom, or other change of boundaries thereof, or for
20 the consolidation, merger, or dissolution of any public bodies, or
21 for, or in connection with, the authorization, issuance, sale,
22 execution, delivery, or exchange of bonds thereof upon any ground
23 involving any alleged defect or illegality not effectively validated
24 by the prior provisions of this act and not otherwise barred by any
25 statute of limitations or by laches shall be commenced within six
26 months of the effective date of this act, otherwise each and all of
27 those matters shall be held to be valid and in every respect legal
28 and incontestable. This act shall not extend the period allowed for
29 legal action beyond the period that it would be barred by any
30 presently existing valid statute of limitations.

31 SEC. 9. Nothing contained in this act shall be construed to
32 render the creation of any public body, or any change in the
33 boundaries of any public body, effective for purposes of assessment
34 or taxation unless the statement, together with the map or plat,
35 required to be filed pursuant to Chapter 8 (commencing with
36 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
37 Code, is filed within the time and substantially in the manner
38 required by those sections.

39 SEC. 10. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order to validate the organization, boundaries, acts,
4 proceedings, and bonds of public bodies as soon as possible, it is
5 necessary that this act take immediate effect.

O

Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hertzberg, Hurtado, Moorlach, Nielsen, and Wiener)

February 5, 2020

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 929, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Second Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Second Validating Act of 2020.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in

paragraph (2), “public body” also means all cities, counties, cities and counties, districts, authorities, agencies, boards, commissions, and other entities, whether created by a general statute or a special act, including, but not limited to, the following:

Agencies, boards, commissions, or entities constituted or provided for under or pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code).

Affordable housing authorities.

Air pollution control districts of any kind.

Air quality management districts.

Airport districts.

Assessment districts, benefit assessment districts, and special assessment districts of any public body.

Bridge and highway districts.

California water districts.

Citrus pest control districts.

City maintenance districts.

Community college districts.

Community development commissions in their capacity to act as a housing authority for other community development purposes of the jurisdiction in which the commission operates, except for any action taken with respect to the commission’s authority to act as a community redevelopment agency.

Community facilities districts.

Community rehabilitation districts.

Community revitalization and investment authorities.

Community services districts.

Conservancy districts.

Cotton pest abatement districts.

County boards of education.

County drainage districts.

County flood control and water districts.

County free library systems.

County maintenance districts.

County sanitation districts.

County service areas.

County transportation commissions.

County water agencies.

County water authorities.

- 1 County water districts.
- 2 County waterworks districts.
- 3 Department of Water Resources and other agencies acting
- 4 pursuant to Part 3 (commencing with Section 11100) of Division
- 5 6 of the Water Code.
- 6 Distribution districts of any public body.
- 7 Districts acting pursuant to Section 53395.82 of the Government
- 8 Code.
- 9 Drainage districts.
- 10 Enhanced infrastructure financing districts.
- 11 Fire protection districts.
- 12 Flood control and water conservation districts.
- 13 Flood control districts.
- 14 Garbage and refuse disposal districts.
- 15 Garbage disposal districts.
- 16 Geologic hazard abatement districts.
- 17 Harbor districts.
- 18 Harbor improvement districts.
- 19 Harbor, recreation, and conservation districts.
- 20 Health care authorities.
- 21 Highway districts.
- 22 Highway interchange districts.
- 23 Highway lighting districts.
- 24 Housing authorities.
- 25 Improvement districts or improvement areas of any public body.
- 26 Industrial development authorities.
- 27 Infrastructure financing districts.
- 28 Integrated financing districts.
- 29 Irrigation districts.
- 30 Joint highway districts.
- 31 Levee districts.
- 32 Library districts.
- 33 Library districts in unincorporated towns and villages.
- 34 Local agency formation commissions.
- 35 Local health care districts.
- 36 Local health districts.
- 37 Local hospital districts.
- 38 Local transportation authorities or commissions.
- 39 Maintenance districts.
- 40 Memorial districts.

- 1 Metropolitan transportation commissions.
- 2 Metropolitan water districts.
- 3 Mosquito abatement and vector control districts.
- 4 Multifamily improvement districts.
- 5 Municipal improvement districts.
- 6 Municipal utility districts.
- 7 Municipal water districts.
- 8 Nonprofit corporations.
- 9 Nonprofit public benefit corporations.
- 10 Open-space maintenance districts.
- 11 Parking and business improvement areas.
- 12 Parking authorities.
- 13 Parking districts.
- 14 Permanent road divisions.
- 15 Pest abatement districts.
- 16 Police protection districts.
- 17 Port districts.
- 18 Property and business improvement areas.
- 19 Protection districts.
- 20 Public cemetery districts.
- 21 Public utility districts.
- 22 Rapid transit districts.
- 23 Reclamation districts.
- 24 Recreation and park districts.
- 25 Regional justice facility financing agencies.
- 26 Regional park and open-space districts.
- 27 Regional planning districts.
- 28 Regional transportation commissions.
- 29 Resort improvement districts.
- 30 Resource conservation districts.
- 31 River port districts.
- 32 Road maintenance districts.
- 33 Sanitary districts.
- 34 School districts of any kind or class.
- 35 School facilities improvement districts.
- 36 Separation of grade districts.
- 37 Service authorities for freeway emergencies.
- 38 Sewer districts.
- 39 Sewer maintenance districts.
- 40 Small craft harbor districts.

1 Special municipal tax districts.
2 Stone and pome fruit pest control districts.
3 Storm drain maintenance districts.
4 Storm drainage districts.
5 Storm drainage maintenance districts.
6 Storm water districts.
7 Toll tunnel authorities.
8 Traffic authorities.
9 Transit development boards.
10 Transit districts.
11 Unified and union school districts' public libraries.
12 Vehicle parking districts.
13 Water agencies.
14 Water authorities.
15 Water conservation districts.
16 Water districts.
17 Water replenishment districts.
18 Water storage districts.
19 Watermaster districts.
20 Wine grape pest and disease control districts.
21 Zones, improvement zones, or service zones of any public body.
22 (2) Notwithstanding paragraph (1), a "public body" does not
23 include any of the following:
24 (A) A community redevelopment agency formed pursuant to
25 the Community Redevelopment Law (Part 1 (commencing with
26 Section 33000) of Division 24 of the Health and Safety Code).
27 (B) A community development commission, with respect to its
28 exercise of the powers of a community redevelopment agency.
29 (C) A joint powers authority that includes a community
30 redevelopment agency or a community development commission
31 as a member, with respect to its exercise of the powers of a
32 community redevelopment agency.
33 (3) "Public body" includes both of the following:
34 (A) The successor agency to the Redevelopment Agency of the
35 City and County of San Francisco, solely for the purpose of issuing
36 bonds or incurring other indebtedness pursuant to the provisions
37 of Section 34177.7 of the Health and Safety Code.
38 (B) A successor agency, as defined in subdivision (j) of Section
39 34171 of the Health and Safety Code, solely for the purpose of

1 issuing bonds or incurring other indebtedness pursuant to the
2 provisions of Section 34177.5 of the Health and Safety Code.

3 (b) “Bonds” means all instruments evidencing an indebtedness
4 of a public body incurred or to be incurred for any public purpose,
5 all leases, installment purchase agreements, or similar agreements
6 wherein the obligor is one or more public bodies, all instruments
7 evidencing the borrowing of money in anticipation of taxes,
8 revenues, or other income of that body, all instruments payable
9 from revenues or special funds of those public bodies, all
10 certificates of participation evidencing interests in the leases,
11 installment purchase agreements, or similar agreements, and all
12 instruments funding, refunding, replacing, or amending any thereof
13 or any indebtedness.

14 (c) “Hereafter” means any time subsequent to the effective date
15 of this act.

16 (d) “Heretofore” means any time prior to the effective date of
17 this act.

18 (e) “Now” means the effective date of this act.

19 SEC. 3. All public bodies heretofore organized or existing
20 under any law, or under color of any law, are hereby declared to
21 have been legally organized and to be legally functioning as those
22 public bodies. Every public body, heretofore described, shall have
23 all the rights, powers, and privileges, and be subject to all the duties
24 and obligations, of those public bodies regularly formed pursuant
25 to law.

26 SEC. 4. The boundaries of every public body as heretofore
27 established, defined, or recorded, or as heretofore actually shown
28 on maps or plats used by the assessor, are hereby confirmed,
29 validated, and declared legally established.

30 SEC. 5. All acts and proceedings heretofore taken by any public
31 body or bodies under any law, or under color of any law, for the
32 annexation or inclusion of territory into those public bodies or for
33 the annexation of those public bodies to any other public body or
34 for the detachment, withdrawal, or exclusion of territory from any
35 public body or for the consolidation, merger, or dissolution of any
36 public bodies are hereby confirmed, validated, and declared legally
37 effective. This shall include all acts and proceedings of the
38 governing board of any public body and of any person, public
39 officer, board, or agency heretofore done or taken upon the question
40 of the annexation or inclusion or of the withdrawal or exclusion

1 of territory or the consolidation, merger, or dissolution of those
2 public bodies.

3 SEC. 6. (a) All acts and proceedings heretofore taken by or
4 on behalf of any public body under any law, or under color of any
5 law, for, or in connection with, the authorization, issuance, sale,
6 execution, delivery, or exchange of bonds of any public body for
7 any public purpose are hereby authorized, confirmed, validated,
8 and declared legally effective. This shall include all acts and
9 proceedings of the governing board of public bodies and of any
10 person, public officer, board, or agency heretofore done or taken
11 upon the question of the authorization, issuance, sale, execution,
12 delivery, or exchange of bonds.

13 (b) All bonds of, or relating to, any public body heretofore issued
14 shall be, in the form and manner issued and delivered, the legal,
15 valid, and binding obligations of the public body. All bonds of, or
16 relating to, any public body heretofore awarded and sold to a
17 purchaser and hereafter issued and delivered in accordance with
18 the contract of sale and other proceedings for the award and sale
19 shall be the legal, valid, and binding obligations of the public body.
20 All bonds of, or relating to, any public body heretofore authorized
21 to be issued by ordinance, resolution, order, or other action adopted
22 or taken by or on behalf of the public body and hereafter issued
23 and delivered in accordance with that authorization shall be the
24 legal, valid, and binding obligations of the public body. All bonds
25 of, or relating to, any public body heretofore authorized to be issued
26 at an election and hereafter issued and delivered in accordance
27 with that authorization shall be the legal, valid, and binding
28 obligations of the public body. Whenever an election has heretofore
29 been called for the purpose of submitting to the voters of any public
30 body the question of issuing bonds for any public purpose, those
31 bonds, if hereafter authorized by the required vote and in
32 accordance with the proceedings heretofore taken, and issued and
33 delivered in accordance with that authorization, shall be the legal,
34 valid, and binding obligations of the public body.

35 SEC. 7. (a) This act shall operate to supply legislative
36 authorization as may be necessary to authorize, confirm, and
37 validate any acts and proceedings heretofore taken pursuant to
38 authority the Legislature could have supplied or provided for in
39 the law under which those acts or proceedings were taken.

1 (b) This act shall be limited to the validation of acts and
2 proceedings to the extent that the same can be effectuated under
3 the California Constitution and the United States Constitution.

4 (c) This act shall not operate to authorize, confirm, validate, or
5 legalize any act, proceeding, or other matter being legally contested
6 or inquired into in any legal proceeding now pending and
7 undetermined or that is pending and undetermined during the
8 period of 30 days from and after the effective date of this act.

9 (d) This act shall not operate to authorize, confirm, validate, or
10 legalize any act, proceeding, or other matter that has heretofore
11 been determined in any legal proceeding to be illegal, void, or
12 ineffective.

13 (e) This act shall not operate to authorize, confirm, validate, or
14 legalize a contract between any public body and the United States.

15 SEC. 8. Any action or proceeding contesting the validity of
16 any action or proceeding heretofore taken under any law, or under
17 color of any law, for the formation, organization, or incorporation
18 of any public body, or for any annexation thereto, detachment or
19 exclusion therefrom, or other change of boundaries thereof, or for
20 the consolidation, merger, or dissolution of any public bodies, or
21 for, or in connection with, the authorization, issuance, sale,
22 execution, delivery, or exchange of bonds thereof upon any ground
23 involving any alleged defect or illegality not effectively validated
24 by the prior provisions of this act and not otherwise barred by any
25 statute of limitations or by laches shall be commenced within six
26 months of the effective date of this act, otherwise each and all of
27 those matters shall be held to be valid and in every respect legal
28 and incontestable. This act shall not extend the period allowed for
29 legal action beyond the period that it would be barred by any
30 presently existing valid statute of limitations.

31 SEC. 9. Nothing contained in this act shall be construed to
32 render the creation of any public body, or any change in the
33 boundaries of any public body, effective for purposes of assessment
34 or taxation unless the statement, together with the map or plat,
35 required to be filed pursuant to Chapter 8 (commencing with
36 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
37 Code, is filed within the time and substantially in the manner
38 required by those sections.

39 SEC. 10. This act shall become operative on September 1,
40 2020.

1 SEC. 11. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to validate the organization, boundaries, acts,
6 proceedings, and bonds of public bodies as soon as possible, it is
7 necessary that this act take immediate effect.

O

Introduced by Committee on Governance and Finance (Senators McGuire (Chair), Beall, Hertzberg, Hurtado, Moorlach, Nielsen, and Wiener)

February 5, 2020

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

LEGISLATIVE COUNSEL'S DIGEST

SB 930, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Third Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Third Validating Act of 2020.
- 3 SEC. 2. As used in this act:
- 4 (a) "Public body" means all of the following:
- 5 (1) The state and all departments, agencies, boards,
- 6 commissions, and authorities of the state. Except as provided in
- 7 paragraph (2), "public body" also means all cities, counties, cities
- 8 and counties, districts, authorities, agencies, boards, commissions,

- 1 and other entities, whether created by a general statute or a special
- 2 act, including, but not limited to, the following:
- 3 Agencies, boards, commissions, or entities constituted or
- 4 provided for under or pursuant to the Joint Exercise of Powers Act
- 5 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
- 6 1 of the Government Code).
- 7 Affordable housing authorities.
- 8 Air pollution control districts of any kind.
- 9 Air quality management districts.
- 10 Airport districts.
- 11 Assessment districts, benefit assessment districts, and special
- 12 assessment districts of any public body.
- 13 Bridge and highway districts.
- 14 California water districts.
- 15 Citrus pest control districts.
- 16 City maintenance districts.
- 17 Community college districts.
- 18 Community development commissions in their capacity to act
- 19 as a housing authority for other community development purposes
- 20 of the jurisdiction in which the commission operates, except for
- 21 any action taken with respect to the commission's authority to act
- 22 as a community redevelopment agency.
- 23 Community facilities districts.
- 24 Community rehabilitation districts.
- 25 Community revitalization and investment authorities.
- 26 Community services districts.
- 27 Conservancy districts.
- 28 Cotton pest abatement districts.
- 29 County boards of education.
- 30 County drainage districts.
- 31 County flood control and water districts.
- 32 County free library systems.
- 33 County maintenance districts.
- 34 County sanitation districts.
- 35 County service areas.
- 36 County transportation commissions.
- 37 County water agencies.
- 38 County water authorities.
- 39 County water districts.
- 40 County waterworks districts.

1 Department of Water Resources and other agencies acting
2 pursuant to Part 3 (commencing with Section 11100) of Division
3 6 of the Water Code.
4 Distribution districts of any public body.
5 Districts acting pursuant to Section 53395.82 of the Government
6 Code.
7 Drainage districts.
8 Enhanced infrastructure financing districts.
9 Fire protection districts.
10 Flood control and water conservation districts.
11 Flood control districts.
12 Garbage and refuse disposal districts.
13 Garbage disposal districts.
14 Geologic hazard abatement districts.
15 Harbor districts.
16 Harbor improvement districts.
17 Harbor, recreation, and conservation districts.
18 Health care authorities.
19 Highway districts.
20 Highway interchange districts.
21 Highway lighting districts.
22 Housing authorities.
23 Improvement districts or improvement areas of any public body.
24 Industrial development authorities.
25 Infrastructure financing districts.
26 Integrated financing districts.
27 Irrigation districts.
28 Joint highway districts.
29 Levee districts.
30 Library districts.
31 Library districts in unincorporated towns and villages.
32 Local agency formation commissions.
33 Local health care districts.
34 Local health districts.
35 Local hospital districts.
36 Local transportation authorities or commissions.
37 Maintenance districts.
38 Memorial districts.
39 Metropolitan transportation commissions.
40 Metropolitan water districts.

- 1 Mosquito abatement and vector control districts.
- 2 Multifamily improvement districts.
- 3 Municipal improvement districts.
- 4 Municipal utility districts.
- 5 Municipal water districts.
- 6 Nonprofit corporations.
- 7 Nonprofit public benefit corporations.
- 8 Open-space maintenance districts.
- 9 Parking and business improvement areas.
- 10 Parking authorities.
- 11 Parking districts.
- 12 Permanent road divisions.
- 13 Pest abatement districts.
- 14 Police protection districts.
- 15 Port districts.
- 16 Property and business improvement areas.
- 17 Protection districts.
- 18 Public cemetery districts.
- 19 Public utility districts.
- 20 Rapid transit districts.
- 21 Reclamation districts.
- 22 Recreation and park districts.
- 23 Regional justice facility financing agencies.
- 24 Regional park and open-space districts.
- 25 Regional planning districts.
- 26 Regional transportation commissions.
- 27 Resort improvement districts.
- 28 Resource conservation districts.
- 29 River port districts.
- 30 Road maintenance districts.
- 31 Sanitary districts.
- 32 School districts of any kind or class.
- 33 School facilities improvement districts.
- 34 Separation of grade districts.
- 35 Service authorities for freeway emergencies.
- 36 Sewer districts.
- 37 Sewer maintenance districts.
- 38 Small craft harbor districts.
- 39 Special municipal tax districts.
- 40 Stone and pome fruit pest control districts.

1 Storm drain maintenance districts.
2 Storm drainage districts.
3 Storm drainage maintenance districts.
4 Storm water districts.
5 Toll tunnel authorities.
6 Traffic authorities.
7 Transit development boards.
8 Transit districts.
9 Unified and union school districts' public libraries.
10 Vehicle parking districts.
11 Water agencies.
12 Water authorities.
13 Water conservation districts.
14 Water districts.
15 Water replenishment districts.
16 Water storage districts.
17 Watermaster districts.
18 Wine grape pest and disease control districts.
19 Zones, improvement zones, or service zones of any public body.
20 (2) Notwithstanding paragraph (1), a "public body" does not
21 include any of the following:
22 (A) A community redevelopment agency formed pursuant to
23 the Community Redevelopment Law (Part 1 (commencing with
24 Section 33000) of Division 24 of the Health and Safety Code).
25 (B) A community development commission, with respect to its
26 exercise of the powers of a community redevelopment agency.
27 (C) A joint powers authority that includes a community
28 redevelopment agency or a community development commission
29 as a member, with respect to its exercise of the powers of a
30 community redevelopment agency.
31 (3) "Public body" includes both of the following:
32 (A) The successor agency to the Redevelopment Agency of the
33 City and County of San Francisco, solely for the purpose of issuing
34 bonds or incurring other indebtedness pursuant to the provisions
35 of Section 34177.7 of the Health and Safety Code.
36 (B) A successor agency, as defined in subdivision (j) of Section
37 34171 of the Health and Safety Code, solely for the purpose of
38 issuing bonds or incurring other indebtedness pursuant to the
39 provisions of Section 34177.5 of the Health and Safety Code.

(b) “Bonds” means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) “Hereafter” means any time subsequent to the effective date of this act.

(d) “Heretofore” means any time prior to the effective date of this act.

(e) “Now” means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under any law, or under color of any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of territory or the consolidation, merger, or dissolution of those public bodies.

SEC. 6. (a) All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds of any public body for any public purpose are hereby authorized, confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of public bodies and of any person, public officer, board, or agency heretofore done or taken upon the question of the authorization, issuance, sale, execution, delivery, or exchange of bonds.

(b) All bonds of, or relating to, any public body heretofore issued shall be, in the form and manner issued and delivered, the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued by ordinance, resolution, order, or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, those bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with that authorization, shall be the legal, valid, and binding obligations of the public body.

SEC. 7. (a) This act shall operate to supply legislative authorization as may be necessary to authorize, confirm, and validate any acts and proceedings heretofore taken pursuant to authority the Legislature could have supplied or provided for in the law under which those acts or proceedings were taken.

(b) This act shall be limited to the validation of acts and proceedings to the extent that the same can be effectuated under the California Constitution and the United States Constitution.

1 (c) This act shall not operate to authorize, confirm, validate, or
2 legalize any act, proceeding, or other matter being legally contested
3 or inquired into in any legal proceeding now pending and
4 undetermined or that is pending and undetermined during the
5 period of 30 days from and after the effective date of this act.

6 (d) This act shall not operate to authorize, confirm, validate, or
7 legalize any act, proceeding, or other matter that has heretofore
8 been determined in any legal proceeding to be illegal, void, or
9 ineffective.

10 (e) This act shall not operate to authorize, confirm, validate, or
11 legalize a contract between any public body and the United States.

12 SEC. 8. Any action or proceeding contesting the validity of
13 any action or proceeding heretofore taken under any law, or under
14 color of any law, for the formation, organization, or incorporation
15 of any public body, or for any annexation thereto, detachment or
16 exclusion therefrom, or other change of boundaries thereof, or for
17 the consolidation, merger, or dissolution of any public bodies, or
18 for, or in connection with, the authorization, issuance, sale,
19 execution, delivery, or exchange of bonds thereof upon any ground
20 involving any alleged defect or illegality not effectively validated
21 by the prior provisions of this act and not otherwise barred by any
22 statute of limitations or by laches shall be commenced within six
23 months of the effective date of this act, otherwise each and all of
24 those matters shall be held to be valid and in every respect legal
25 and incontestable. This act shall not extend the period allowed for
26 legal action beyond the period that it would be barred by any
27 presently existing valid statute of limitations.

28 SEC. 9. Nothing contained in this act shall be construed to
29 render the creation of any public body, or any change in the
30 boundaries of any public body, effective for purposes of assessment
31 or taxation unless the statement, together with the map or plat,
32 required to be filed pursuant to Chapter 8 (commencing with
33 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
34 Code, is filed within the time and substantially in the manner
35 required by those sections.



AGENDA NO.
MEETING DATE

12.
April 14, 2020

TITLE **ORDINANCE AMENDING RETIREMENT ORDINANCE NO. 40**

☐ MOTION ☐ RESOLUTION ☒ ORDINANCE

RECOMMENDED ACTION

Consider the introduction and first reading of an ordinance to amend the EBMUD Employees' Retirement System Ordinance (Retirement Ordinance) to update Section 5(d) of the Retirement Ordinance to allow a General Manager, who is not a member at the time of appointment, to become a member of the Retirement System.

SUMMARY

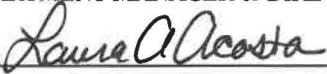
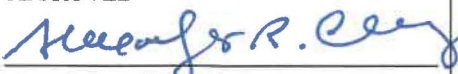
Section 5(d) of the Retirement Ordinance excludes an appointee to the General Manager position, who is not a member at the time of appointment, from becoming a member of the Retirement System. To remove this exclusion requires an amendment to the Retirement Ordinance to allow an appointee to the General Manager position, who was not previously a member of the Retirement System, to become a member upon appointment and be eligible to receive pension benefits provided by the Retirement Ordinance.

DISCUSSION

Prior to 1991, Section 5(d) of the Retirement Ordinance allowed an external appointee to the General Manager position to be eligible for membership and receive pension benefits provided by the Retirement Ordinance. Section 5(d) was amended in 1991 to exclude an appointee to the General Manager position, who is not a member at the time of appointment, from becoming a member of the Retirement System.

Since the 1991 amendment, there has been only one external appointee to the General Manager position who was appointed in the year the amendment was enacted. After the tenure of that external appointee, the two subsequent General Managers, which includes the current General Manager, have been District employees and already members of the Retirement System at the time of appointment.

In December 2019, the current General Manager announced his intent to retire from the District in 2020. The District has conducted its recruitment for his replacement and applicants for the position include internal and external candidates. To allow a General Manager, who is not a member at the time of appointment, to become a member of the Retirement System requires the amendment of Section 5(d) of the Retirement Ordinance.

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

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

SCHEDULE

If the Retirement Ordinance is to be amended, the first reading of this ordinance is to occur at the meeting of the Board of Directors on April 14, 2020. The final action is scheduled with the second reading at the meeting of the Board of Directors on April 28, 2020. The ordinance amendments take effect 30 days after the revised ordinance's passage, and the Municipal Utility District Act requires the amendments be published once a week for two successive weeks in a newspaper of general circulation published in the District.

SUSTAINABILITY

Economic

Pursuant to Government Code Section 7507, any changes to a Pension Plan must be actuarially evaluated to determine the impact of the change on the fund. On March 27, 2020, the Retirement System's actuary provided a report of the impact of the proposed amendment. The proposed amendment would not exceed 0.5% of the fund's future annual costs. Costs would also be incurred if an internal candidate is selected.

A copy of the actuarial report is attached and is available to the public upon request from the Secretary of the Retirement System.

ALTERNATIVE

Do not approve amendments to the Retirement Ordinance. This alternative would continue to exclude an appointee to the General Manager position, not already a member at the time of appointment, from membership in the Retirement System.

Attachments



Andy Yeung, ASA, MAAA, EA, FCA
Vice President & Actuary
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180 Howard Street, Suite 1100
San Francisco, CA 94105-6147
segalco.com

Via Email

April 3, 2020

Ms. Sophia Skoda
Director of Finance
East Bay Municipal Utility District
375 11th Street
Oakland, CA 94607-4240

**Re: East Bay Municipal Utility District Employees' Retirement System (EBMUDERS)
Amendment to Section 5(d) of Employees' Retirement System Ordinance to Permit
New General Manager if Appointed from Outside the District to Enroll in EBMUDERS**

Dear Sophia:

Under Section 5(d) of the Retirement Ordinance, a new General Manager (GM) appointed from outside the District is excluded from participating in EBMUDERS. We have been asked by your office to calculate the actuarial impact of amending Section 5(d) to remove this exclusion. To calculate the impact, we have estimated the cost to permit a new GM if appointed from outside the District to enroll in the Retirement System so that he/she will be eligible to receive pension and retiree health benefits based on service earned while an employee of the District.

Result

If the Retirement Ordinance were to remain unchanged, and an external candidate were appointed to the GM position, there would be a savings in the District's annual normal cost of \$53,044.

If the Retirement Ordinance is amended and the District appoints an external candidate, the increase in the District's annual normal cost is estimated to be either \$51,128 for a non-PEPRA individual with reciprocity, or \$10,878 for an individual with reciprocity subject to the PEPRA plan.

The proposed change to the Retirement Ordinance will not amount to an increase of 0.5% of the plan's future annual costs. As such, the actuary will not need to be present at the Board meeting in which the proposed change is adopted based on our understanding of the requirements of Section 7507 of the Government Code.

We believe it may be reasonable to apply the projected annual normal cost savings of \$53,044 to offset the increase in the projected annual normal cost of either \$51,128 for enrollment in the legacy (i.e., non-PEPRA) plan or \$10,878 for enrollment in the PEPRA plan. Accordingly, the net cost of the amendment to allow a new GM appointed from outside the District to receive pension and retiree health benefits is a reduction in the savings to either \$1,916 for enrollment in the legacy plan or \$42,166 for enrollment in the PEPRA plan.

Background

We understand based on our discussions that a change was made in the 1990s to Section 5(d) of the Ordinance to exclude a new GM if appointed from outside of the District to participate in EBMUDERS. However, if a new GM is appointed from within the District, that employee who has been covered by EBMUDERS before the promotion will continue to earn service for pension and retiree health benefits while serving as GM. The District is interested in the cost to amend the Ordinance to remove the exclusion from EBMUDERS that applies to an outside appointment.

Analysis

Since the current GM has been the result of a promotion from within the District,¹ strictly speaking, the amendment that is currently under consideration by the District will offset the savings that will otherwise take place (as the District no longer has to offer EBMUDERS benefits to the outside appointee without the new amendment). While there will be an increase in cost for the District to amend the Ordinance to remove the above exclusion for an outside appointment, there will be no change in cost for the District if after the amendment, the new GM is promoted from within the District.

For the above reason, our study is broken into three parts. In Part One, we first estimate the cost to the District to provide a new GM appointed from outside to receive EBMUDERS benefits. In Part Two, we estimate the savings to the District when the current GM retires and is no longer required to be covered for future service by EBMUDERS. In Part Three, we offset the savings in Part Two with the cost in Part One given that the current GM is covered under EBMUDERS.

Part One – Cost to the District to Provide a New GM Appointed from Outside to Receive EBMUDERS benefits

In order to calculate the cost to the District, we have to determine the level of benefits that the new GM will receive in EBMUDERS. The level of benefits will be dependent on the: (a) benefit formula, (b) age at hire, (c) salary at hire, (d) sex and (e) service that the new GM may have accrued at his/her prior employer that can be counted by EBMUDERS for meeting eligibility requirements such as when to receive an unreduced early retirement benefit from the pension plan.

Benefit Formula

For the pension plan, we have estimated the alternative cost of providing the new GM with a benefit formula under either the legacy (1980 formula) or PEPR (2013 formula) plan. Using the age and service profiles that we have developed below after consulting with your office, we assume that the new GM may join the District after leaving employment at another public agency in California that has an established reciprocal agreement with EBMUDERS. As a result, we have developed the cost under two alternative scenarios assuming that the new GM will join either of the two pension plans.

¹ We understand that since the Ordinance was changed in the 1990s, only one GM was hired from outside the District.

For the retiree health plan, even though there is no difference in the health subsidy available to members of the legacy plan or the PEPRA plan, the legacy members are assumed to retire earlier than the PEPRA members in the valuation because of the higher level of pension benefit offered by the legacy plan. As a result, we have also determined the health plan cost under two alternative scenarios assuming that the new GM will join either of the two pension plans.

Age at Hire

Under the Entry Age actuarial cost method used by EBMUDERS for funding purposes, the normal cost contribution rate will be higher for members who enter EBMUDERS at a higher age at hire (or entry age) and vice versa.

Based on the average age of 46 at the time of appointment for the last four GMs since the 1980s, we believe it is reasonable to use 46 as the approximate hire age for the new GM.

Salary at Hire

While the annual salary range for the new GM is assumed to be between \$302,000 to \$331,000 based on estimates provided by your office, the maximum salary that would be permitted for use in determining pension benefits in the legacy plan is limited to \$280,000 under the Internal Revenue Code (IRC) Section 401(a)(17) for new hires in calendar year 2019. Similarly, the maximum salary in the PEPRA plan is limited to \$124,180 under California Government Code (GC) Section 7522.10 for new hires in calendar year 2019. We have therefore limited the salary at hire for the corresponding plans based on the IRC or GC in our calculation.

Sex

In the funding valuation, we take into account the sex of each employee as there is a difference between how long a male/female is expected to live to collect pension and retiree health benefits after retirement, etc.

In this study, we have calculated the cost on a unisex basis by weighting 75% of the cost to provide pension and retiree health benefits for a male GM with 25% of the cost to provide benefits for a female GM. The 75%/25% weights have been determined based on the proportion of the District's current male/female active workforce.

Service with Reciprocal Employer

As discussed above in the benefit formula section, we have made an assumption that the new GM may join the District after leaving employment at another public agency in California that has an established reciprocal agreement with EBMUDERS. Any such service that the employee may have earned with the other reciprocal employer can be counted towards meeting eligibility requirements, such as when to receive an unreduced early retirement benefit from the pension plan.

For the purpose of this study, we assume under the alternative cost scenarios that if the new GM is going to be enrolled in the legacy plan, he/she would have worked about 11 years at another reciprocal employer based on the same average years of service accrued by the legacy

employees in the June 30, 2019 valuation when those legacy employees were at age 46.² If the new GM is going to be enrolled in the PEPRA, plan, we assume that he/she would have worked the maximum of about 6 years at another reciprocal employer based on the date of establishment of the PEPRA formula in California effective January 1, 2013.

After taking the above factors into consideration, the District's normal costs for the new GM are as follows:

| If Enrolled in Legacy Plan | Percent of Payroll* | Dollar Amount |
|----------------------------------|----------------------|---------------|
| (1) Normal Cost For Pension Plan | 17.87% | \$50,036 |
| (2) Normal Cost For Health Plan | 0.39% | \$1,092 |
| (3) = (1) Plus (2) | 18.26% | \$51,128 |
| If Enrolled in PEPRA Plan | Percent of Payroll** | Dollar Amount |
| (4) Normal Cost For Pension Plan | 8.01% | \$9,947 |
| (5) Normal Cost For Health Plan | 0.75% | \$931 |
| (6) = (4) Plus (5) | 8.76% | \$10,878 |

* Based on a projected salary of \$280,000 as of June 30, 2019, after it is limited by IRC Section 401(a)(17).

** Based on a projected salary of \$124,180 as of June 30, 2019 after it is limited by GC Section 7522.10.

Part Two – Savings to the District when the current GM Retires

In the June 30, 2019, the annual normal costs to provide pension and retiree health benefits for the current GM are as follows:

| Current GM Enrolled in Legacy Plan | Percent of Payroll* | Dollar Amount |
|------------------------------------|---------------------|---------------|
| (7) Normal Cost For Pension Plan | 14.67% | \$51,877 |
| (8) Normal Cost For Health Plan | 0.33% | \$1,167 |
| (9) = (7) Plus (8) | 15.00% | \$53,044 |

* Based on a projected salary of \$353,620 as of June 30, 2019.

² In the June 30, 2019 valuation, the average employee in the legacy plan was about age 52 with approximately 17 years of service which implied that they were about age 35 when first hired by the District. As a simplifying assumption, in the June 30, 2019 valuation, we assumed that the employees had not worked for a public agency with an established reciprocal agreement with EBMUDERS.

Note that the projected salary for the current GM is not limited by IRC Section 401(a)(17) because he was hired before January 1, 1996.

All of the normal cost rates shown above in Parts One and Two are payable at the end of each pay period.

Part Three – Net Cost

In this Part, we offset the savings in Part Two with the cost in Part One given that the current GM is covered under EBMUDERS.

The net normal cost savings are as follows:

| | Dollar Amount |
|---|---------------|
| (10) If New GM is Enrolled in Legacy Plan, Equals (9) Minus (3) | \$1,916 |
| (11) If New GM is Enrolled in PEPRA Plan, Equals (9) Minus (6) | \$42,166 |

The above analysis was prepared under the supervision of Andy Yeung, ASA, MAAA, FCA, EA and Thomas Bergman, ASA, EA, MAAA. The undersigned is a member of the American Academy of Actuaries and meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Please give us a call if you have any questions.

Sincerely,



Andy Yeung, ASA, MAAA, FCA, EA
Vice President & Actuary

DNA/gxk

cc: Robert Hannay
Lisa Sorani
Lourdes Matthew

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5(d), "MEMBERSHIP IN RETIREMENT SYSTEM," TO ORDINANCE NO. 40, WHICH IS THE EMPLOYEES' RETIREMENT SYSTEM ORDINANCE

Introduced by Director

; Seconded by Director

BE IT ENACTED by the Board of Directors of the East Bay Municipal Utility District that Ordinance No. 40, which is entitled "AN ORDINANCE ESTABLISHING A RETIREMENT SYSTEM FOR EMPLOYEES OF EAST BAY MUNICIPAL UTILITY DISTRICT, PROVIDING FOR THE PAYMENT OF RETIREMENT ALLOWANCES TO MEMBERS OF THE RETIREMENT SYSTEM, FOR THE PAYMENT OF DEATH BENEFITS AND SURVIVORSHIP BENEFITS, AND FOR THE COST OF LIVING ADJUSTMENT, PRESCRIBING THE CONDITIONS UNDER WHICH SAID ALLOWANCES AND BENEFITS SHALL BE PAID, DETERMINING RATES OF CONTRIBUTION AND THE AMOUNTS OF RETIREMENT ALLOWANCES, DEATH BENEFITS AND SURVIVORSHIP BENEFITS, AND THE PERCENTAGE OF COST OF LIVING ADJUSTMENT, AND PROVIDING FOR THE ADMINISTRATION OF SAID RETIREMENT SYSTEM," as amended from time to time, is further amended as follows:

1. Section 5(d) of this Ordinance, entitled "Membership in Retirement System" shall be amended as follows:

(d) The following Employees shall not become Members of the Retirement System:

Employees serving on a part-time basis, provided, however, that Employees in Job Sharing Positions, and in Intermittent Positions on or after September 22, 2003, shall be Members of the Retirement System;

Persons employed under contract for a definite period and for the performance of specific duties;

Temporary construction, limited term and temporary employees; provided, however, that Members of the Retirement System shall retain such membership while serving as temporary construction, limited term and temporary employees; and provided further that every temporary construction employee who entered District Service prior to April 24, 1959, and whose District Service has been continuous from such date of entry, shall become a Member of the Retirement System on December 1, 1962, or if such employee elects to pay into the Retirement Fund the amount he or she would have contributed had he or she become a Member upon the completion of one year of District Service as a temporary construction employee, as provided in Section 5(i), he or she shall be deemed to have become a Member upon the completion of one year of District Service as a temporary construction employee;

~~An appointee to the office of General Manager pursuant to Public Utilities Code Section 11926 who is not a member of the Retirement System at the time of appointment to said office.~~

2. This Ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on April 14, 2020, at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on April 28, 2020, at which time the same was to be finally adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

ITEM 13

CORONAVIRUS UPDATE

WILL BE PROVIDED
AS AN ORAL REPORT

ITEM 13

WATER SUPPLY UPDATE

WILL BE PROVIDED
AS AN ORAL REPORT

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: April 14, 2020

MEMO TO: Board of Directors

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

SUBJECT: Monthly Report – March 2020

HIGHLIGHT

In March, as a result of the COVID-19 emergency, the District took numerous actions to protect public and employee safety. On March 5, the District activated its Communicable Disease Emergency Response Plan and working group and subsequently activated the District's Emergency Operations Team on March 16. Actions to protect the public include suspension of water service discontinuations and turning on water service to near 500 customers in need. In addition, recreation areas have been closed to provide needed social distancing. For employees, numerous actions articulated in daily communications to employees have been taken to reduce the potential for exposure to COVID-19 while still completing the essential work of the District.

WATER SUPPLY

San Ramon Valley recycled water customer retrofit update. On March 1, installation began on 4,000 feet of an 8-inch irrigation pipe that will serve the Canyon Lakes Golf Course. The work is expected to be completed by April 2020. The three required booster pumps are in the manufacturing process.

East Bayshore recycled water customer retrofit update. On March 9, to reduce health risk to potential coronavirus exposure, the District postponed the cross-connection test at Emme Apartments in Emeryville. In the interim, the Emme Apartments will continue to use potable water for outdoor irrigation.

Precipitation. The East Bay precipitation for March was 1.71 inches (44 percent of average), and the season total was 9.80 inches (41 percent of average). The Mokelumne precipitation for March was 8.48 inches (118 percent of average) and the season total is 26.84 inches (65 percent of average).

Water Releases

Camanche Reservoir. The average rate of Camanche release for March was 330 cfs (290 cfs generation, 5 cfs sluice, and 35 cfs through the hatchery), and the average flow below Woodbridge Dam was 216 cfs, both in accordance with the Joint Settlement Agreement "Normal & Above" criteria.

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

Water Storage

Mokelumne reservoirs storage is 95 percent of average. As of March 31, 2020, Pardee was at 560.0 feet or 100 percent of average, and Camanche was at 214.5 feet or 91 percent of average. Combined Pardee and Camanche reservoir storage was 461,000 acre-feet compared to 502,000 acre-feet last year.

East Bay reservoirs storage is 94 percent of average. As of March 31, 2020, USL was at 451.5 feet or 95 percent of average, San Pablo was at 304.6 feet or 90 percent of average, and Briones was at 570.7 feet or 97 percent of average. Total terminal reservoir storage was 131,000 acre-feet compared to 138,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft for March 2020 was 144 MGD. Walnut Creek, Moraga, and Briones Raw Water Pumping Plants remained out of service for the month.

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

| | March 2020 | March 2019 | March 2013 | Average of FY 2005-2007 |
|-----------------------|-----------------------|------------------------|------------------------|------------------------------------|
| East of Hills | 34 MGD | 24 MGD | 43 MGD | 33 MGD |
| West of Hills | 109 MGD | 104 MGD | 116 MGD | 129 MGD |
| Total | 143 MGD | 128 MGD | 159 MGD | 162 MGD |
| Max Day Production | 169 MGD (3/4/2020) | 140 MGD (3/18/2019) | 172 MGD (3/27/2013) | |

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

WATER QUALITY AND ENVIRONMENTAL PROTECTION

Grizzly Peak Fuel Break Project update. In March, the District removed approximately 200 eucalyptus trees to create a wildfire fuel break.

In March, staff completed 12 biological assessments in preparation for the expiration of the Mokelumne Routine Maintenance Agreement (RMA) in April 2020. Each biological assessment analyzed the impacts to local sensitive fish and wildlife species for a specific planned maintenance project, and outlined best management practices to avoid impacting sensitive species during project activities.

In March, the District received a Certificate of Excellence from Waters Environmental Resource Associates (WERA) for achieving 100 percent acceptable analytical results of 157 water quality analytes in organic, inorganic, and microbiology categories. WERA is an Environmental Laboratory Accreditation Program-approved proficiency testing study provider.

In March, staff completed the annual rainbow trout spawning survey on the East Bay creeks. The East Bay Habitat Conservation Plan requires the District to monitor rainbow trout populations to ensure they continue to thrive in the watershed. This year, dry conditions resulted in very limited spawning in East Bay creeks and it is expected that monitoring in the summer will show a decrease in the population.

In March, staff completed the annual California red-legged frog breeding survey on the East Bay watershed. The East Bay Habitat Conservation Plan requires the District to document breeding in the watershed. Staff found adult frogs at many locations throughout the watershed, indicating successful and widespread reproduction should occur throughout the watershed in the spring.

In March, staff conducted biological surveys for the Demonstration, Recharge, Extraction, Aquifer Management (DREAM) Project. The biological surveys checked the project area for Swainson's hawk and burrowing owls, species of special concern that have historically occurred in the project area. Neither these nor any other sensitive species were observed during the March biological surveys. There will be a minimum of 6 additional surveys, three each in April and May, to assess whether sensitive species have moved into the area since the last survey.

On March 4, the District received a Notice of Violation from the Bay Area Air Quality Management District (BAAQMD) due to the absence of low permeation hoses required for Phase II Enhanced Vapor Recovery monitoring for the Adeline Fueling Facility on Poplar Street. The hoses have since been replaced to correct the violation. On March 13, the District submitted a response letter to BAAQMD documenting the corrective actions.

On March 30, the District submitted its risk and resilience assessment (RRA) to the U.S. Environmental Protection Agency. The America's Water Infrastructure Act requires community drinking water systems to prepare and submit an RRA and emergency response plan (ERP). The District will incorporate findings from the RRA into its ERP by September 30, 2020.

All authorized discharges from the Main Wastewater Treatment Plant (MWWTP) were in compliance with the permit limits for the month of March. This is the 247th consecutive month the MWWTP experienced no exceedances.

The District received no odor reports from the public in March.

INFRASTRUCTURE INVESTMENT

Country Club, Schapiro & Berryman North Pumping Plants Rehabilitation, and Road 24 No. 1 Pumping Plant Demolition Project under Specification 2112 update. On March 13, the Schapiro Pumping Plant was rehabilitated and returned to normal operations. Rehabilitation of the pumping plant, which is part of a \$7 million project, included extensive mechanical and electrical upgrades, rebuilding of existing pumps and installation of new variable frequency drive motors and controls.

In March, the District submitted the dam breach inundation maps to the Division of Safety of Dams (DSOD) for the Almond, Briones, Central, Dunsmuir, Danville, Piedmont, San Pablo, and Upper San Leandro reservoirs and the Sobrante Clearwell. As required by the California Code of Regulations, DSOD will publish all submitted inundation maps on their website on a quarterly basis. The District's Dam Safety Program public webpage will include a link to the DSOD's website once the maps are published; staff will provide appropriate outreach at that time. Maps for remaining jurisdictional open-cut reservoir dams (Argyle #2, Leland, Maloney, Moraga, and North) will be submitted by May 1, 2020. Maps for Pardee and Camanche will be submitted by September 30, 2020.

In March, the District submitted a work plan to clean the Camanche relief wells at the main dam to the Federal Energy Regulatory Commission as recommendation from the Part 12D inspection.

In March, staff completed two pipeline replacement projects in Oakland. The Helen Street area project replaced cast iron and asbestos cement pipe with approximately 11,000 feet of 6- and 8-inch polyvinyl chloride pipe. The Skyline Boulevard area project replaced cast iron and mortar-lined coated steel pipe with approximately 4,900 feet of 16-inch mortar-lined plastic coated steel pipe.

In March, staff completed a pipeline replacement project on Downer Avenue in Richmond. The project replaced cast iron pipe with approximately 800 feet of 8-inch polyvinyl chloride pipe.

In March, staff began a pipeline replacement project in the Glen Road area in Lafayette. The project will replace mortar-lined coated steel pipe with approximately 2,190 feet of 12-inch mortar-lined plastic coated steel pipe. This project is expected to be completed by April 2020.

In March, staff began a pipeline replacement project in the Dover Avenue area in San Pablo. The project will replace cast iron and asbestos cement pipe coated steel with approximately 1,240 feet of 6-inch mortar-lined plastic coated steel pipe. This project is expected to be completed by May 2020.

In March, staff began a pipeline replacement project in the Lincoln Avenue area in Walnut Creek. The project will replace cast iron and asbestos cement pipe with approximately 1,715 feet of 6- and 8-inch polyvinyl chloride pipe. This project is expected to be completed by July 2020.

On March 30, the District submitted dam safety surveillance and monitoring reports for the Pardee and Camanche facilities to the Federal Energy Regulatory Commission (FERC). The reports are required annually by FERC regulations and include field observations, instrumentation evaluations, and a statement concluding that the facilities are considered safe for continued operation.

Construction of the North Interceptor Relief Sewer – Virginia Street Relief Structure Project in Berkeley was completed under SD-401. This \$3 million project involved construction of two vault structures and a 330-linear foot connector pipeline in the City of Berkeley. This was the final segment of the Pump Station Q Force Main/Gravity Interceptor Reverse Flow Project required by the East Bay Regional Wet Weather Consent Decree.

Mains repaired in March totaled 48. The attached table lists the mains repaired by staff in March, sorted by city and street. The table indicates the source of the leaks in three categories: non-surfacing leaks discovered by leak detection technologies, breaks caused by contractors or other agencies, and all other main breaks. The associated map shows the location of the main repairs.

CUSTOMER AND COMMUNITY SERVICES

In March, staff conducted two environmental education field trips. On March 3, a total of 40 Cub Scouts gathered at Sleepy Hollow School in Orinda and learned how watershed rangers protect our drinking water. Also on March 3, a total of 25 high school biology students from Tokay High School in Lodi explored vernal pools and ponds adjacent to the Mokelumne River Day Use area as well as the construction of the McIntire Pond, which will provide amphibian habitat.

On March 1, the District hosted the Oakland Strokes' Faultline Faceoff rowing regatta at San Pablo Reservoir. Over 19 crew teams participated. Approximately 3,500 people attended.

On March 7, staff participated in the Alameda County Science Fair held in Hayward. Staff presented the special award “Excellence in Water, Wastewater, and Recycled Water Research.”

On March 7, the District provided awards to volunteers who, in the past year, committed at least 20 hours of service to the Mokelumne Volunteer Program.

On March 20, staff met with the City of Orinda to coordinate construction activities. The agencies shared information on upcoming work focused on maintenance, construction and paving.

Media. On March 10, staff issued a press release on completed infrastructure work from November 2019 through January 2020; it ran in the Berkeley Tri-City Post. On March 17, staff issued a press release on the District’s response to the Coronavirus pandemic, highlighting the safety of our water, changes in access to recreation areas and some trails, as well as livestreaming of upcoming Board of Directors’ meetings.

Media coverage included Coronavirus stories related to recreation areas and trails (KGO7, Bay Nature, KCBS); and a Coronavirus story on suspension of water shutoffs (KQED). In addition, the Lamorinda Weekly mentioned the District in a piece on construction by the Town of Moraga near the Moraga slide.

Social Media:

| Social Platform | Popular Topic | Impression Generation | # Followers | Increase Over Last Month |
|------------------------|---|--------------------------------------|--------------------|---------------------------------|
| Twitter | EBMUD suspends shutoffs for Coronavirus | 13,000 | 3,041 | 57 |
| Facebook | Critical construction continues during shelter-in-place for Coronavirus | 5,600 | 1,228 | 80 |
| LinkedIn | Profile of water treatment operator | 55 | 5,140 | 73 |
| Nextdoor | Coronavirus reassurance about tap water | Distribution to entire service area. | | |

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

- Administration Building HVAC Upgrade Project (Oakland)
- Carisbrook Reservoir and Skyline Pumping Plant Replacement Project (Oakland)
- Lafayette Nordstrom Lane and Glen Road Pipeline Replacement Project (Lafayette)
- Lincoln Cluster Pipeline Replacement Project (Walnut Creek)
- Orinda Water Treatment Plant Disinfection Improvements Project (Orinda)
- Panoramic Hill Improvements Project (Berkeley/Oakland)
- Westside Pumping Plant Replacement Project (Orinda)

Contract Equity

Staff participated in the following business community event:

- March 5 – San Francisco Public Utilities Commission, *LBE Cooperative Opportunity and Discussion* – 16 attended

Water Conservation

On March 2, 9, and 16, the District held sessions for the Qualified Water Efficient Landscaper (QWEL) certification training in Oakland. The QWEL certification provides landscape professionals education on sustainable landscaping with a focus on irrigation system troubleshooting, maintenance, and audits. The District is planning a Spanish-version QWEL training in the fall of 2020. Approximately 35 people attended.

On March 6, staff presented to a sixth grade science class at the Contra Costa Jewish Day School in Lafayette for Fix a Leak Week. The presentation focused on the District's watershed, water treatment, and water conservation basics. Students also learned how to conduct an audit of their school's bathrooms and science lab. Home Water Survey Kits were distributed as extra credit homework assignments. Approximately 15 people attended.

On March 10, the District hosted the WaterSmart Certification awards ceremony in Oakland. The District presented 13 new WaterSmart Certification awards and seven re-certifications to organizations throughout the service area. The awards were presented to businesses and institutions that completed the certification process in 2019, which required implementing water efficiency measures in their business practices, completing technology retrofits, and educating their employees. Approximately 25 people attended.

WORKFORCE PLANNING AND DEVELOPMENT

Due to the emerging Coronavirus pandemic, associated shelter-in-place orders, staff safety and wellness concerns and guidance on social distancing, many events were cancelled or postponed by the event organizers.

Tuition Reimbursement

| | March 2020 | FY20 Total |
|------------------|------------|------------|
| # of Employees | 10 | 163 |
| # of Classes | 13 | 197 |
| Total Reimbursed | \$9,856 | \$150,226 |

Employment Information

| | March 2020 | FY20 Total |
|-----------------------|------------|------------|
| Retirements – Regular | 12 | 58 |
| Retirements – Vested | 1 | 7 |
| Hires/Rehires | 23 | 201 |
| Other Separations | 6 | 61 |

FINANCIAL STABILITY

On March 10, the District submitted reimbursement documents related to the San Ramon Valley Recycled Water Program Pump Station R3000 to the United States Army Corps of Engineers, under the 1992 Water Resources Development Act. The total reimbursement requested for the real-estate related expenses on the Project is \$63,655 which includes property purchase price, administrative labor, mapping and survey, appraisal, and contracting fees.

On March 13, the Department of Water Resources announced the Proposition 68 Planning - Round 3 final funding list. The District was awarded the requested amount of \$758,467; the 15.01 percent local cost share obligation between EBMUD and Hayward is \$134,000.

The estimated earned revenue from Mokelumne power sales for March was \$293,875. The District sold renewable power and related Renewable Energy Credits (RECs) to Marin Clean Energy (MCE). Sales of RECs generated \$28,780 from MCE and \$86,874 from Clean Future. Resource Adequacy capacity sales to 3Phases Renewables, Inc. and Shell earned \$119,150. Earned revenue through March is estimated at \$4.2 million or 84 percent of the FY20 budgeted \$5.0 million. Forecasted revenue for FY20 is \$5.5 million.

The estimated earned revenue from Power Generation Station's surplus power sales for March was \$67,164. The District sold renewable power and related Renewable Energy Credits (RECs) to the Port of Oakland. Sale of RECs generated \$13,896 from Port of Oakland. Earned revenue through March is estimated at \$664,549 or 65 percent of the FY20 budgeted \$1.0 million.

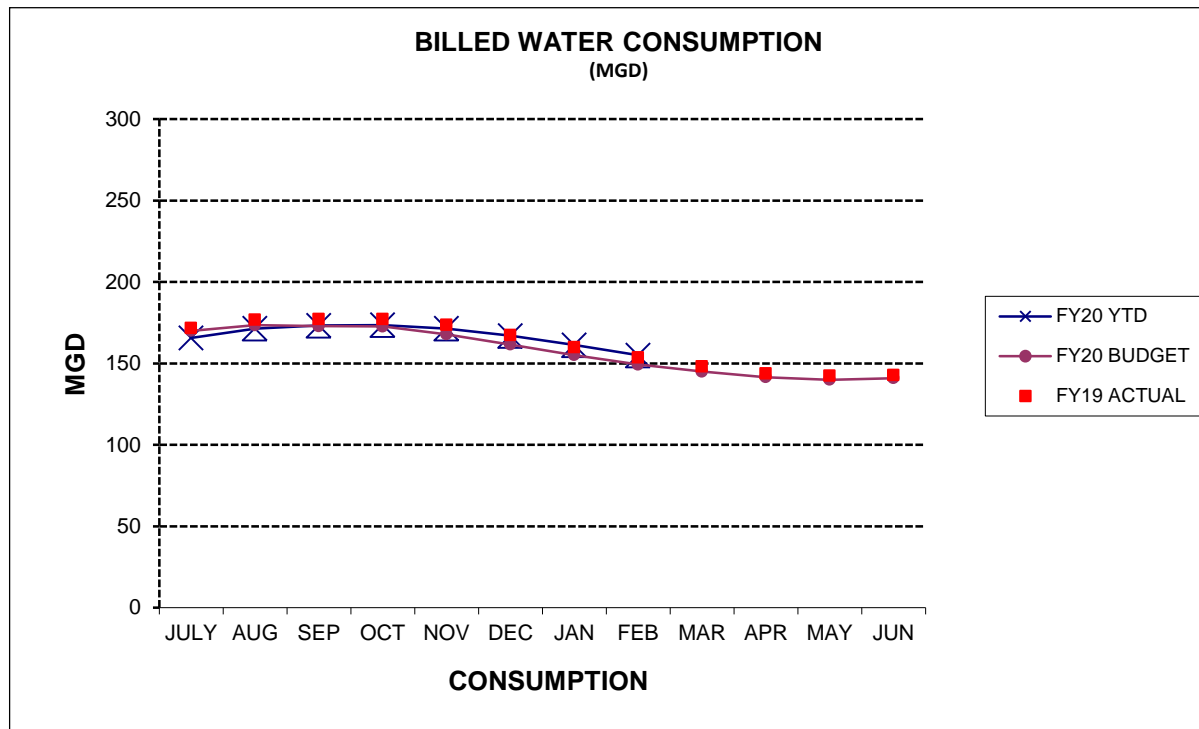
There was one service agreement from \$30,001 to \$80,000 and no construction contracts from \$80,001 to \$100,000 approved by the General Manager in March 2020. There were no material or supply contracts from \$80,001 to \$100,000 approved by the General Manager in March 2020.

| VENDOR NAME | DATE AWARDED | CEP STATUS | ITEM (S) PURCHASED | PROJECT | CONTRACT TERM | VALUE |
|----------------------------|--------------|------------|---|---------------------------|---------------|----------|
| MTS Training Academy, Inc. | 3/11/20 | Black Male | Provide Class B commercial driver's license training for probationary Water Distribution Plumbers | Pipeline Training Academy | N/A | \$80,000 |

Water Sales (Consumption)

The following consumption information is the average water consumption in million gallons per day (MGD) for the first eight months of FY20. Budgeted average daily water consumption for FY20 is 141 MGD, and consumption is generally higher in the first half of the fiscal year due to outdoor watering. The table below shows the average billed water consumption information by customer class with a comparison to FY19 for the same time period. FY20 water consumption to date is slightly higher compared to FY19 due to less precipitation in January and February.

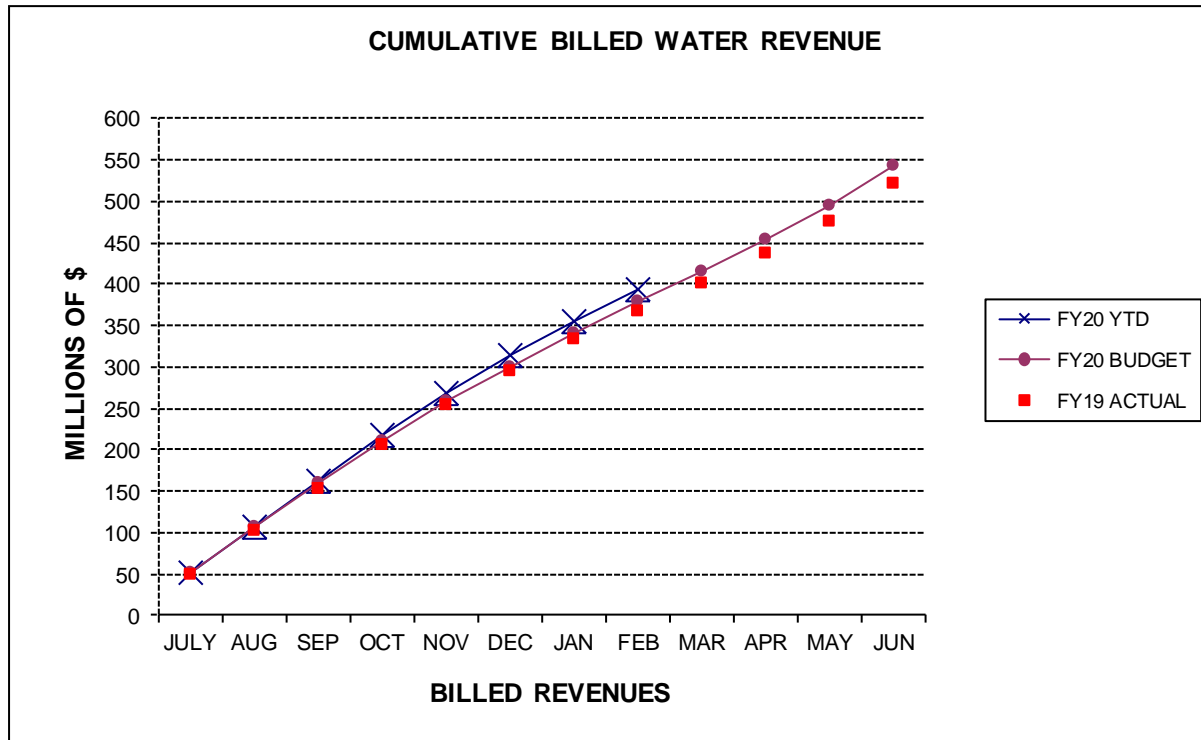
| Fiscal Year-to-Date Billed Water Consumption | | | |
|---|-------------------|-------------------|----------------------------------|
| Usage Type | FY20 (MGD) | FY19 (MGD) | Year-over-Year (% change) |
| Residential | 80.5 | 79.2 | 1.6% |
| Commercial | 50.8 | 50.4 | 0.8% |
| Industrial | 16.2 | 17.0 | -4.7% |
| Public Authority | 7.5 | 6.9 | 8.7% |
| Total Billed Water Consumption | 155.0 | 153.5 | 1.0% |



Source: Customer Information System

Water Sales (Revenue)

Water revenue billed through February was \$392.8 million or 6.9% more than the FY19 revenue through February of \$367.5 million. Total FY20 water revenue through February was \$15 million, 4.0%, greater than the budgeted water revenue of \$377.8 million.



Source: Customer Information System

Alameda and Contra Costa counties have been under a “shelter-in-place” emergency declaration since March 17, 2020. This emergency declaration has limited the activities of the businesses, industries, schools and public agencies within the service area and could have an impact on water consumption and revenue in the upcoming months. At this time it is not possible to separate out effects of weather versus “shelter-in-place” on March water use to date. Staff will continue to monitor water production.

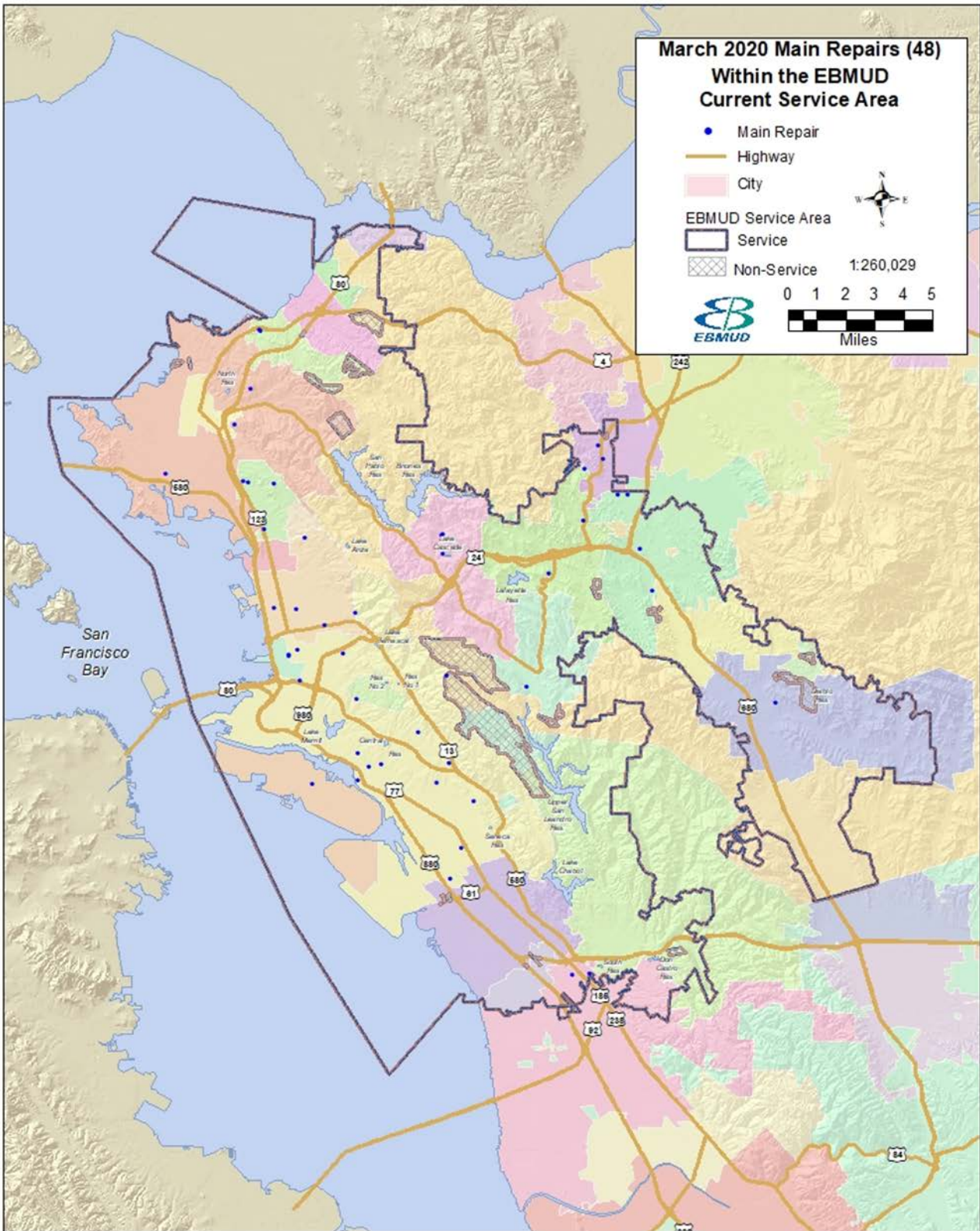
| MARCH 2020 MAIN BREAK REPAIRS | | | | | | | | | | |
|-------------------------------|-----|-----------------|-----|------------------------|---------------|----------------|----------------------|---------------|--------------|----------|
| City | Pre | Street | Suf | Pipe Material | Pipe Diameter | Year Installed | Est Water Loss (Gal) | Identified On | Completed On | KPI Met? |
| ALAMEDA | | WOOD | ST | CAST IRON | 4.00 | 1939 | 11,520 | 2/26/2020 | 3/4/2020 | Y |
| BERKELEY | | 7TH | ST | CAST IRON | 6.00 | 1927 | 0 | 3/20/2020 | 3/25/2020 | Y |
| BERKELEY | | AVIS | RD | CAST IRON | 4.00 | 1940 | 14,400 | 3/8/2020 | 3/12/2020 | Y |
| BERKELEY | | FULTON | ST | CAST IRON | 6.00 | 1940 | 0 | 3/10/2020 | 3/10/2020 | Y |
| BERKELEY | | SACRAMENTO | ST | NON METALLIC / PLASTIC | 8.00 | 1936 | 5,760 | 3/6/2020 | 3/9/2020 | Y |
| BERKELEY | | STONEWALL | RD | ASBESTOS CEMENT | 6.00 | 1957 | 30,240 | 3/5/2020 | 3/11/2020 | Y |
| DANVILLE | | GATETREE | CT | ASBESTOS CEMENT | 6.00 | 1979 | 27,000 | 3/27/2020 | 3/27/2020 | Y |
| EL CERRITO | | CUTTING | BL | CAST IRON | 8.00 | 1938 | 43,200 | 3/20/2020 | 3/25/2020 | Y |
| EL CERRITO | | DEVONSHIRE | DR | CAST IRON | 6.00 | 1927 | 2,250 | 3/23/2020 | 3/24/2020 | Y |
| EL CERRITO | | JUNCTION | AVE | CAST IRON | 6.00 | 1931 | 900 | 3/10/2020 | 3/11/2020 | Y |
| EL CERRITO | | KEARNEY | ST | CAST IRON | 4.00 | 1938 | 1,440 | 3/3/2020 | 3/3/2020 | Y |
| EMERYVILLE | | SAN PABLO | AVE | CAST IRON | 6.00 | 1927 | 1,350 | 3/3/2020 | 3/3/2020 | Y |
| EMERYVILLE | | VALLEJO | ST | CAST IRON | 6.00 | 1933 | 18,000 | 3/12/2020 | 3/13/2020 | Y |
| HAYWARD | | LOCUST | ST | CAST IRON | 4.00 | 1934 | 11,520 | 2/27/2020 | 3/5/2020 | Y |
| HAYWARD | | MORVA | CT | CAST IRON | 2.00 | 1947 | 34,560 | 3/19/2020 | 3/30/2020 | N |
| LAFAYETTE | | CERRO ENCANTADO | | CAST IRON | 4.00 | 1932 | 8,640 | 2/28/2020 | 3/4/2020 | Y |
| LAFAYETTE | | RELIEZ VALLEY | RD | CAST IRON | 6.00 | 1941 | 900 | 3/21/2020 | 3/21/2020 | Y |
| LAFAYETTE | | WITHERS | AVE | CAST IRON | 4.00 | 1941 | 2,880 | 3/19/2020 | 3/20/2020 | Y |
| MORAGA | | AUGUSTA | DR | STEEL | 12.00 | 1985 | 90 | 3/21/2020 | 3/21/2020 | Y |
| OAKLAND | | 16TH | AVE | ASBESTOS CEMENT | 6.00 | 1958 | 2,880 | 3/4/2020 | 3/5/2020 | Y |
| OAKLAND | E | 22ND | ST | CAST IRON | 6.00 | 1928 | 0 | 3/2/2020 | 3/3/2020 | Y |
| OAKLAND | | 60TH | ST | CAST IRON | 4.00 | 1910 | 0 | 3/6/2020 | 3/6/2020 | Y |
| OAKLAND | | A | ST | CAST IRON | 6.00 | 1935 | 4,500 | 3/16/2020 | 3/16/2020 | Y |
| OAKLAND | | BARNER | AVE | CAST IRON | 2.00 | 1927 | 27,360 | 3/2/2020 | 3/20/2020 | Y |
| OAKLAND | | COLLEGE | AVE | CAST IRON | 10.00 | 1931 | 0 | 2/20/2020 | 3/12/2020 | Y |
| OAKLAND | | FOOTHILL | BL | CAST IRON | 6.00 | 1927 | 3,600 | 3/8/2020 | 3/9/2020 | Y |
| OAKLAND | | KING | ST | CAST IRON | 8.00 | 1950 | 0 | 3/16/2020 | 3/23/2020 | Y |
| OAKLAND | | KNIGHT | ST | STEEL | 8.00 | 2015 | 11,520 | 2/25/2020 | 3/3/2020 | Y |
| OAKLAND | | NORMANDIE | AVE | CAST IRON | 4.00 | 1934 | 9,000 | 3/8/2020 | 3/8/2020 | Y |

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

| MARCH 2020 MAIN BREAK REPAIRS | | | | | | | | | | |
|-------------------------------|-----|-----------------|-----|------------------------|---------------|----------------|----------------------|---------------|--------------|----------|
| City | Pre | Street | Suf | Pipe Material | Pipe Diameter | Year Installed | Est Water Loss (Gal) | Identified On | Completed On | KPI Met? |
| OAKLAND | | OUTLOOK | AVE | CAST IRON | 6.00 | 1953 | 14,400 | 3/11/2020 | 3/20/2020 | Y |
| OAKLAND | | PINE HILLS | DR | ASBESTOS CEMENT | 8.00 | 1963 | 4,320 | 3/22/2020 | 3/24/2020 | Y |
| OAKLAND | | REINHARDT | DR | ASBESTOS CEMENT | 6.00 | 1970 | 17,280 | 3/7/2020 | 3/10/2020 | Y |
| OAKLAND | | VALLEJO | ST | CAST IRON | 6.00 | 1933 | 25,920 | 3/21/2020 | 3/26/2020 | Y |
| ORINDA | | CAMINO SOBRANTE | | CAST IRON | 6.00 | 1934 | 4,500 | 3/29/2020 | 3/29/2020 | Y |
| ORINDA | | MINER | RD | NON METALLIC / PLASTIC | 8.00 | 1981 | 0 | 3/12/2020 | 3/12/2020 | Y |
| ORINDA | | MINER | RD | NON METALLIC / PLASTIC | 12.00 | 1958 | 8,640 | 3/23/2020 | 3/25/2020 | Y |
| PIEDMONT | | SYLVAN | WAY | ASBESTOS CEMENT | 6.00 | 1968 | 0 | 3/16/2020 | 3/17/2020 | Y |
| PINOLE | | BETTY | AVE | CAST IRON | 4.00 | 1953 | 1,350 | 3/1/2020 | 3/1/2020 | Y |
| PINOLE | E | MEADOW | AVE | ASBESTOS CEMENT | 8.00 | 1953 | 1,350 | 3/1/2020 | 3/1/2020 | Y |
| PLEASANT HILL | | BUTTNER | RD | CAST IRON | 6.00 | Unknown | 1,800 | 3/18/2020 | 3/19/2020 | Y |
| PLEASANT HILL | | TWINVIEW | DR | ASBESTOS CEMENT | 6.00 | 1964 | 34,560 | 3/12/2020 | 3/19/2020 | Y |
| RICHMOND | S | 4TH | ST | STEEL | 12.00 | 1958 | 1,350 | 3/5/2020 | 3/6/2020 | Y |
| RICHMOND | | GRANADA | RD | CAST IRON | 6.00 | 1946 | 11,520 | 3/1/2020 | 3/2/2020 | Y |
| SAN PABLO | | ALPINE | RD | STEEL | 8.00 | 1999 | 720 | 3/16/2020 | 3/17/2020 | Y |
| WALNUT CREEK | | 1ST | AVE | ASBESTOS CEMENT | 6.00 | 1964 | 0 | 2/27/2020 | 3/4/2020 | Y |
| WALNUT CREEK | N | CALIFORNIA | BL | CAST IRON | 6.00 | 1953 | 0 | 11/27/2019 | 3/3/2020 | N |
| WALNUT CREEK | | HARMONY | LN | ASBESTOS CEMENT | 6.00 | 1953 | 63,000 | 3/4/2020 | 3/5/2020 | Y |
| WALNUT CREEK | | TICE VALLEY | BL | ASBESTOS CEMENT | 8.00 | 1956 | 12,960 | 3/10/2020 | 3/18/2020 | Y |
| Total | | | | | | | 477,180 | | | |

| | |
|---|-----------|
| Non-surfacing leaks discovered by leak detection technologies | 3 |
| Breaks caused by contractors or other agencies | 0 |
| Other main breaks | 45 |
| Total water main repairs | 48 |

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



Customer Account Delinquency Information

March 2020

(Data collection began September 1, 2017)

| CUSTOMER ASSIST. PROGRAM (CAP) ENROLLMENT | October | November | December | January | February | March | Totals |
|---|---------|----------|----------|---------|----------|-----------|---------|
| New CAP Participants | 123 | 149 | 133 | 157 | 214 | 191 | 4,653 |
| CAP Renewals | 175 | 119 | 154 | 170 | 189 | 158 | 4,645 |
| CAP Departures | 195 | 180 | 175 | 174 | 198 | 191 | 4,463 |
| Total Active CAP Participants w/Active Accounts | 6,925 | 6,958 | 6,969 | 6,990 | 7,097 | 7,195 | |
| PAYMENT PLANS | October | November | December | January | February | March | Totals |
| Approved Payment Plans | 5,514 | 4,951 | 5,136 | 5,476 | 4,555 | 4,207 | 155,905 |
| Payment Plans Established After Service Interruptions | 30 | 33 | 72 | 79 | 13 | 1 | 1,320 |
| SERVICE INTERRUPTIONS - RESIDENTIAL | October | November | December | January | February | March | Totals |
| 15-day Final Collection Notices | 15,742 | 13,802 | 18,563 | 13,603 | 13,945 | 16,744 | 486,073 |
| 48-hr Service Interruptions Notices | 9,624 | 8,035 | 9,383 | 7,946 | 7,754 | 7,627 | 255,760 |
| Service Interruption Orders Created | 3,419 | 2,413 | 3,655 | 3,206 | 2,451 | Suspended | 82,689 |
| Service Interruptions Completed (Actual) | 712 | 574 | 1,104 | 1,155 | 436 | Suspended | 22,712 |
| CAP Enrolled Service Interruptions | 20 | 10 | 31 | 42 | 1 | Suspended | 802 |
| WATER THEFT | October | November | December | January | February | March | Totals |
| No. of Incidents | 10 | 18 | 11 | 25 | 11 | 12 | 367 |
| No. of 2nd or 3rd Occurrences | 2 | 2 | 1 | 3 | 1 | 3 | 41 |
| No. Water Theft Penalties Issued | 9 | 8 | 7 | 15 | 6 | 6 | 227 |
| No. of Appeals Received | 1 | 1 | 1 | - | - | - | 10 |
| No. of 1st Appeals Approved | - | 1 | - | - | - | - | 5 |
| No. of 1st Appeals Denied | 1 | - | 1 | - | - | - | 7 |
| Multi-Family Liens ¹ | October | November | December | January | February | March | Totals |
| Liens Filed | 126 | 146 | 0 | 129 | 230 | Suspended | 3,959 |
| Released | 45 | 21 | 10 | 44 | 30 | 32 | 2,356 |
| Transferred to Alameda Cty. | - | - | - | - | - | - | 1,356 |
| Transferred to Contra Costa Cty. | - | - | - | - | - | - | 303 |
| Total/Month | 171 | 167 | 10 | 173 | 260 | 32 | 7,974 |

¹ Liens filed monthly represents delinquent accounts 4-6 months in arrears.

| BAD DEBT - WRITE OFFS | October | November | December | January | February | March | Totals |
|-------------------------------------|------------|------------|------------|------------|------------|------------------|--------------|
| Total Referred to Collection Agency | \$ 201,901 | \$ 185,937 | \$ 208,196 | \$ 207,245 | \$ 160,981 | TBD ² | \$ 4,847,031 |
| Write-Off % to Billed Revenue | 0.31% | 0.33% | 0.40% | 0.42% | 0.36% | TBD ² | |

² Information not available until the 20th of the month is normally one month behind, CBA to July/August/September numbers in October 2019.

Notes: - 48-hr notices stopped mailing 3/23 and DNP's have been suspended so residential shutoff information (DNP's created and DNP's completed) will be omitted for now

| Water Theft Type/City | Alameda | Alamo | Albany | Berkeley | Castro Valley | Crockett | Danville | El Cerrito | El Sobrante | Hayward | Hercules |
|-----------------------|---------|-------|--------|----------|---------------|----------|----------|------------|-------------|---------|----------|
| Meter | 2 | 1 | 2 | 12 | 2 | 2 | 1 | 2 | 1 | 6 | 4 |
| Illegal Connection | - | - | - | - | - | - | - | - | - | - | - |
| Hydrant | - | - | - | - | - | - | - | - | - | - | - |
| Total | 2 | 1 | 2 | 12 | 2 | 2 | 1 | 2 | 1 | 6 | 4 |

| Water Theft Type/City | Oakland | Piedmont | Pinole | Richmond | Rodeo | San Lorenzo | San Leandro | San Pablo | San Ramon | Total as of 9/1/2017 |
|-----------------------|---------|----------|--------|----------|-------|-------------|-------------|-----------|-----------|----------------------|
| Meter | 237 | 1 | 5 | 69 | 7 | 1 | 5 | 3 | 2 | 365 |
| Illegal Connection | 2 | - | - | - | - | - | - | - | - | 2 |
| Hydrant | - | - | - | - | - | - | - | - | - | 0 |
| Total | 239 | 1 | 5 | 69 | 7 | 1 | 5 | 3 | 2 | 367 |

During the coronavirus pandemic, the Restoral for Service Interruptions for Non-Payment report and Water Service Discontinuation due to non-payment data will not be included in the Monthly Report until the District reenacts its water service discontinuation due to non-payment practices.

DATE: April 9, 2020

MEMO TO: Board of Directors

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

FROM: Rischa S. Cole, Secretary of the District *RC*

SUBJECT: Finance/Administration Committee Minutes – March 24, 2020

Chair William B. Patterson called to order the Finance/Administration Committee meeting at 10:16 a.m. in the Training Resource Center. Directors John A. Coleman and Andy Katz were present at roll call. All Committee members participated in the meeting via teleconference. Staff present included General Manager Alexander R. Coate, General Counsel Craig S. Spencer, Director of Finance Sophia D. Skoda, Internal Auditor Supervisor Barry N. Gardin, Treasury Manager Robert L. Hannay (via teleconference), Special Assistant to the General Manager Kelly A. Zito, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Semi-Annual Internal Audit Report. Internal Auditor Supervisor Barry N. Gardin provided an update on the results and/or status of the following projects included in the Fiscal Year 2020 annual internal audit plan: laboratory services; applicant and outside agency invoicing and receivables; information technology vulnerability assessment; equipment rentals; consumption revenue finding resolution; business classification codes; and recommendation implementation follow-up which is an evaluation of a random selection of recommendations made to address findings from previously completed audits. He reported that during this period, no material findings, control weaknesses, risks, or other significant issues requiring Board action or attention have been noted. Director of Wastewater Eileen M. White responded to Board questions on whether labs similar to the District's lab are being asked to perform tests for COVID-19 and if the District's lab is making hand sanitizer to address the current supply shortage. Ms. White confirmed the District's lab is capable and staff is prepared to make hand sanitizer. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) to accept the report.

Review of Revisions to District Policies. Internal Auditor Supervisor Barry N. Gardin reviewed the proposed revisions to five District policies: Policy 2.03 – Performance Management; Policy 4.14 – Reimbursement of Director Expenses; Policy 7.03 – Emergency Preparedness/Business Continuity; Policy 8.03 – New Wastewater Service Connections During Restricted Periods; and Policy 9.05 – Non-Potable Water. Mr. Gardin and Controller Scott Klein (via teleconference) responded to questions regarding the expense report submission deadlines outlined in Policy 4.14 and clarified the deadline is 60 days after expenses are paid or incurred. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) to forward the revised policies to the Board for consideration.

Monthly Investment Transactions Report. Director of Finance Sophia D. Skoda reviewed the report for February 2020 which will be presented to the Board for consideration at its meeting in the afternoon. Ms. Skoda reported the District's investments are currently earning approximately 1.7 percent in interest. The Committee raised no questions. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) to forward the report to the Board for consideration.

Coronavirus Disease 2019 (COVID-19) Impact on Variable Rate Debt Market. Treasury Manager Robert L. Hannay provided an update on COVID-19's impact in some financial markets and in turn, on the District's variable rate portfolio. The District's variable rate portfolio (which makes up roughly 14 percent of the District's total outstanding debt), includes \$336 million of outstanding Water System commercial paper (CP) (after the recent Board-approved \$24 million pay down), \$15 million of outstanding Wastewater System extendable commercial paper (ECP), and \$105 million of outstanding variable rate demand bonds (VRDBs) with related swaps. Mr. Hannay explained the variable rate debt portfolio is exposed to short-term market volatility because District VRDBs are remarketed weekly and CP and ECP are generally remarketed every 30 to 90 days. If volatility in the short-term market continues, the remarketing rates could be significantly higher than usual. Mr. Hannay discussed recent short-term market rate activity, how District debt is remarketed, and confirmed the District is prepared in the event its debt fails to be remarketed. In the FY20 and FY21 budgets, the District used a conservative interest rate assumption of 3 percent for VRDBs, CP and ECP. The District's variable rates for the fiscal-year-to-date have been well below this, providing cushion for a short period of higher rates. He reported the District is actively managing internal liquidity and can use cash if needed to support its variable rate debt portfolio. However, if high rates persist for a long period of time, the potential, ensuing budgetary impacts would need to be reassessed. Mr. Hannay responded to Committee questions regarding the current state of the stock market and how remarketing agents are addressing the impacts of the short-term market volatility. General Manager Coate advised staff would provide an update at the next Finance/Administration Committee meeting. It was moved by Director Coleman, seconded by Director Katz, and carried (3-0) to accept the report.

Adjournment. Chair Patterson adjourned the meeting at 10:50 a.m.

ARC/RSC