



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

375 - 11th Street, Oakland, CA 94607


Office of the Secretary: (510) 287-0440

Notice of Location Change

**REGULAR CLOSED SESSION
and
REGULAR BUSINESS MEETINGS
Thursday, August 24, 2021
Virtual**

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, a physical location will not be provided for these meetings. The Regular Closed Session Meeting scheduled for 11:00 a.m., and the Regular Business Meeting scheduled for 1:15 p.m., **will be conducted via webinar and teleconference only.**

Dated: August 19, 2021



Rischa S. Cole
Secretary of the District

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**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, August 24, 2021

11:00 a.m.

*****Virtual****

Location

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only**. A physical location will not be provided for this meeting.

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

ROLL CALL:

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

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *City of Oakland v. East Bay Municipal Utility District*
Alameda County Superior Court, Case No. RG19043863
 - b. *Contra Costa Transportation Authority v. East Bay Municipal Utility District*
Contra Costa County Superior Court, Case No. MSC20-00719
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
one matter.
3. Threat to public services or facilities pursuant to Government Code section 54957:
Conference with David A. Briggs, Director of Operations & Maintenance; Laura A. Acosta, Manager of Human Resources; Niger M. Edwards, Manager of Employee Relations; and Lisa Sorani, Manager of Employee Services.

ANNOUNCEMENT OF CLOSED SESSION AGENDA: (Continued)

4. Conference with Labor Negotiators Gregory Ramirez and Jeff Bailey from the Industrial Employers Distributors Association; Clifford C. Chan, General Manager; Sophia D. Skoda, Director of Finance; Laura A. Acosta, Manager of Human Resources; and Niger M. Edwards, Manager of Employee Relations, pursuant to Government Code Section 54957.6: Employee Organizations International Union of Operating Engineers, Local 39; American Federation of State, County and Municipal Employees, Locals 444 and 2019; and International Federation of Professional & Technical Engineers, Local 21.
5. Conference with Board designated representatives President Doug Linney and Director Lesa R. McIntosh regarding the compensation of the General Manager pursuant to Government Code section 54957.6.

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

REGULAR BUSINESS MEETING

1:15 p.m.

****Virtual****

Location

In accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

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

CONSENT CALENDAR: (Single motion and vote approving 10 recommendations, including 1 resolution.)

1. Approve the Regular Meeting Minutes of August 10, 2021.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in an amount not to exceed \$7,072,886 for construction of Pump Station M Rehabilitation and Force Main Investigation under Specification SD-398.
4. Authorize an amendment to the concession contract for the San Pablo Reservoir Recreation Area previously awarded under Board Motion No. 015-21 with Ortega National Parks, LLC to extend the contract term to December 31, 2026.
5. Authorize an agreement beginning on or after August 24, 2021 with TJKM Transportation Consultants in an amount not to exceed \$85,000 for a traffic and road improvement study of Pardee Dam Road.
6. Authorize agreements with Backstrom McCarley Berry & Co. LLC and Montague DeRose and Associates, LLC for municipal advisor services beginning on or after September 13, 2021 for five years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$2,940,000.
7. Authorize actions related to the rental of fully maintained and operated (FM&O) dump truck services.
 - 7a. Authorize amendments to the agreements previously authorized under Board Motion No. 211-20 with the following service providers to increase the aggregate amount of those agreements by \$3,700,000 to a total aggregate amount not to exceed \$14,250,000 and extend the term of the agreements to August 24, 2022 for the rental of FM&O dump truck services: Allied Materials, Inc.; Channa Trucking; CIA Trucking; Curbside Trucking LLC; JD Trucking Company; Darrah Trucking & Excavating, Inc.; Tri Valley Water Trucks, Inc., E.M. Blair Trucking; Gloria Washington Trucking, Inc.; Hills Trucking; Ibarra Trucking; Inder Trucking; Jackson Transportation; Just Because Trucking Inc.; Mae Trucking; Royal Trucking/Maintenance; S&L Enterprises; S&L Trucking LLC; Sky Rock, Inc.; S.M.G. Trucking; Sudden Sam's Trucking; Sunny Motors Transport, Inc.; Tom Aiken General Engineering; and Wide Area, Inc.
 - 7b. Authorize additional agreements for FM&O dump truck services, on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.
8. Authorize the General Manager to purchase 2,000 acre-feet of Central Valley Project water from Contra Costa Water District for an amount not to exceed \$875,000.
9. Approve the June 2021 and July 2021 Monthly Investment Transactions Reports.

CONSENT CALENDAR: (Continued)

10. Adopt Policy 2.27 – Lactation Accommodation and approve revisions to the following District policies: Policy 3.02 – California Environmental Quality Act Implementation; Policy 3.04 – Coordination of District Construction and Maintenance Work with Other Agencies; Policy 7.01 – Aqueduct and Distribution Pipeline Rights-of-Way; Policy 7.11 – Use of District Bay Area Facilities; Policy 7.15 – Climate Action; and Policy 8.04 – Establishing Wastewater Capacity Fees. (Resolution)

DETERMINATION AND DISCUSSION:

11. Take actions related to the declaration of a District emergency for repair of Mokelumne Aqueduct No. 2. (Resolution)
- 11.1. Ratify the General Manager's August 18, 2021 declaration of a District emergency in accordance with Policy 7.03 as a result of structural deterioration to Mokelumne Aqueduct No. 2 due to corrosion.
- 11.2. Authorize expenditure of sums as needed in response to such emergency.
12. General Manager's Report:
- Coronavirus Update
 - Los Vaqueros Reservoir Expansion Project Update
 - Capital Project Construction Update

REPORTS AND DIRECTOR COMMENTS:

13. Committee Reports:
- Planning
 - Redistrict Ad Hoc
 - Finance/Administration
14. Other Items for Future Consideration.
15. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 14, 2021.

Disability Notice

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

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 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, August 24	Redistricting Ad Hoc Committee	8:45 a.m. Virtual	<ul style="list-style-type: none"> Review Redistricting Guidelines and Next Steps
	Finance/Administration Committee	10:00 a.m. Virtual	<ul style="list-style-type: none"> Monthly Investment Transactions Reports Quarterly Financial Reports Water Infrastructure Finance and Innovation Act Loan Update Annual Internal Audit Report Adopt New Policy and Approve Revisions to Existing District Policies
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> Closed Session Regular Meeting
Monday, September 6	Labor Day		<i>District Offices Closed</i>
Tuesday, September 14	Planning Committee	TBD Virtual	
	Legislative/Human Resources Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, September 28	Redistricting Ad Hoc Committee	TBD Virtual	
	Finance/Administration Committee	TBD Virtual	
	Board of Directors	11:00 a.m. Virtual 1:15 p.m. Virtual	<ul style="list-style-type: none"> Closed Session Regular Meeting

2021 Board Committee Members

Finance/Administration	Patterson {Chair}, Coleman, Katz
Legislative/Human Resources	Coleman {Chair}, McIntosh, Patterson
Planning	Young {Chair}, McIntosh, Mellon
Sustainability/Energy	Young {Chair}, Katz, Mellon
Redistricting Ad Hoc	Coleman, Linney, Young



**Closed Session and Regular Business Meetings
Tuesday, August 24, 2021
11:00 a.m. and 1:15 p.m.**

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

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

Online

<https://ebmud.zoom.us/j/97065086667?pwd=eUdZSGh5SG82akZiRDF2UDg2b0IyUT09>

Webinar ID: 970 6508 6667

Passcode: 238500

By Phone

Telephone: 1 669 900 6833

Webinar ID: 970 6508 6667

Passcode: 238500

International numbers available: <https://ebmud.zoom.us/u/adMXn1VnPP>

Providing public comment

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

If you wish to provide public comment please:

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

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

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

MINUTES

Tuesday, August 10, 2021

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

Regular Closed Session Meeting

President Doug A. Linney called to order the Regular Closed Session Meeting of the Board of Directors at 11:02 a.m. He announced that in accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

ROLL CALL

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

Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Assistant General Counsel Fred S. Etheridge (Items 1 and 3c – both matters), Director of Engineering and Construction Olujimi O. Yolo (Items 1, 2a-c, and 3c – first matter), Engineering Manager David J. Rehnstrom (Items 1 and 3c - first matter), Manager of Water Conservation Alice E. Towey (Items 1 and 3c – first matter), Director of Water and Natural Resources Michael T. Tognolini (Items 1 and 3c – both matters), Manager of Risk Management Vladimir Bessarabov (Items 2a-c and 3a-b), Manager of Maintenance and Construction/Water Operations Michael R. Ambrose (Items 2a-c), Engineering Manager Carlton D. Chan (Items 2a-c), Environmental Affairs Officer Jose D. Setka (Item 3c – second matter), Engineering Manager Lena L. Tam (Item 3c – second matter), Assistant General Counsel Lourdes Matthew (Items 4 and 5), Director of Operations and Maintenance David A. Briggs (Item 4), Manager of Employee Services Lisa A. Sorani (Item 4), Manager of Employee Relations Niger M. Edwards (Items 4 and 5), Manager of Recruitment and Classification Richard G. Jung (Item 5), and Industrial Employers Distributors Association representatives Gregory Ramirez and Jeff Bailey (Item 5).

PUBLIC COMMENT

- Addressing the Board were the following: 1) Eric O. Larsen, President, AFSCME Local 444 commented on cost of living in the Bay Area, comparator agencies used in compensation studies for negotiations and said the union objects to the compensation studies. Mr. Larsen asked management to respond to the unions remaining proposals and to provide a meaningful wage package; 2) Ivette Rivera, EBMUD Gardener Foreman, read excerpts from the civil rights lawsuit filed against the District by former EBMUD attorneys Saji Pierce and Ayriel Bland; and 3) Barry Nelson, Golden State Salmon Association urged the Board to reject the

State's latest proposal for the Bay-Delta Voluntary Agreements and commented on potential impacts the proposed agreements would have on EBMUD.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

At 1:10 p.m., General Manager Clifford C. Chan informed Secretary of the District Rischa S. Cole that due to an extended Closed Session Meeting, the Regular Business Meeting would start at 1:30 p.m. At 1:25 p.m., General Manager Chan updated the meeting start time to 1:45 p.m. At 1:40 p.m. General Manager Chan updated the meeting start time to 2:00 p.m. At 2:00 p.m. General Manager Chan updated the meeting start time to 2:15 p.m. At 2:15 p.m. General Manager Chan updated the meeting start time to 2:30 p.m. President Doug A. Linney called to order the Regular Business Meeting of the Board of Directors at 2:31 p.m. He announced that in accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act, this meeting would be conducted by webinar and teleconference only. A physical location was not provided for this meeting.

ROLL CALL

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

BOARD OF DIRECTORS

President Linney led the Pledge of Allegiance.

PRESENTATION

General Manager Clifford C. Chan announced the District received the National Association of Clean Water Agencies' Platinum Peak Performance Award for 21 consecutive years of permit compliance for the Main Wastewater Treatment Plant's discharges. The Platinum Award recognizes wastewater agencies with 100 percent compliance with their discharge permit over a consecutive five-year period. Platinum Award status continues when 100 percent compliance is maintained beyond the initial award. This award represents the 16th consecutive Platinum Award for the District and celebrates 21 years of perfect permit compliance at the Main Wastewater Treatment Plant. General Manager Chan announced the following Wastewater Department staff representatives: Senior Chemist Sue Berg; Senior Civil Engineer Angela El-Telbany; Administrative Clerk Wilson Fong; Plant Maintenance Mechanic Randy Hernandez; Associate Civil Engineer Diana Lee; Wastewater Operator II Jason Lee; Senior Administrative Clerk Aaron McClain; Senior Environmental Health & Safety Specialist Colin Moy; and Instrument Maintenance Supervisor Andre Williams. The General Manager and the Board congratulated the Wastewater Department and thanked staff for their work.

ANNOUNCEMENTS FROM CLOSED SESSION

President Linney announced that the Board, in closed session this morning, by a unanimous vote of the Directors attending, authorized the General Counsel to initiate litigation in one matter. The action, defendants, and other particulars will be disclosed, upon inquiry, once the action is formally commenced. There were no other announcements required from closed session.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Ivette Rivera, EBMUD Gardener Foreman read excerpts from the civil rights lawsuit filed against the District by former EBMUD attorneys Saji Pierce and Ayriel Bland, and commented on the Board commendation for retired General Counsel Craig Spencer; and 2) Nick Lawrence shared concerns with a fire hydrant and the accompanying hose on Tappan Terrace in Orinda, commented on the canceled July 27 Regular Board meeting, and commented on the late start for today's Board meeting. Mr. Lawrence provided comments after the Board's vote on the Consent Calendar.

President Linney said the Board cannot comment on ongoing litigation; however the District takes any allegations of discrimination seriously. The District has thoroughly reviewed the facts and believes the allegations are unfounded. The District is deeply committed to diversity, equity, and inclusion and ensuring the District fosters a work environment where all employees feel respected, supported and valued.

Secretary of the District Rischa S. Cole responded to Mr. Lawrence's comments about noticing for the canceled July 27 meeting and said the EBMUD website was updated in real time to inform the public on the revised start times for this meeting. President Linney responded to Mr. Lawrence's request to attend a Board meeting in person, noting Board meetings are currently being conducted in accordance with the Governor's Executive Order N-08-21 which suspends portions of the Brown Act and offered apologies for the late start for today's meeting.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Patterson to approve the recommended actions for Items 1-14 on the Consent Calendar carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

1. **Motion No. 130-21** – Approved the Regular Meeting Minutes of July 13, 2021.
2. The following correspondence was filed with the Board: **1)** Presentation entitled "Coronavirus Update," dated August 10, 2021; **2)** Presentation entitled "Drought Update," dated August 10, 2021; **3)** Presentation entitled, "Racial Equity and Justice Project and Diversity, Equity, and Inclusion Strategic Plan Update," dated August 10, 2021; **4)** Presentation entitled "Excessive Use Penalty Ordinance," dated August 10, 2021; and **5)** Email dated July 26, 2021 from Nick Lawrence, Orinda resident to Board of Directors regarding Dangerous Condition of Public Property Still Exists on Tappan Terrace with a July 27, 2021 response from the Office of the Secretary.

3. **Motion No. 131-21** – Awarded a contract to the lowest responsive/responsible bidder, Lucero Manufacturing, for supplying flanged nipples for three years, beginning on or after August 11, 2021 with two options to renew for additional one-year periods for a total cost, after the addition of taxes, including option years, not to exceed \$3,676,345 under Request for Quotation No. 2108A.
4. **Motion No. 132-21** – Awarded a contract to the lowest responsive/responsible bidder, Cummins, Inc., for supplying one diesel generator for the Main Wastewater Treatment Plant Power Generation Station for a total cost, after the addition of taxes, not to exceed \$99,950 under Request for Quotation No. 2116.
5. **Motion No. 133-21** – Awarded a contract to the lowest responsive/responsible bidder, Chart Inc., for supplying three liquid carbon dioxide storage tank and vaporizer systems for the Orinda, Lafayette, and Walnut Creek Water Treatment Plants, beginning on or after August 13, 2021 for a total cost, after the addition of taxes and fees, not to exceed \$1,658,410 under Request for Quotation No. 2117.
6. **Motion No. 134-21** – Awarded a contract to the lowest responsive/responsible bidder, Cratus, Inc., in an amount not to exceed \$8,262,025 for construction of Summit Pressure Zone South Pipeline Replacement, Phase 1 under Specification 2173.
7. **Motion No. 135-21** – Awarded a contract to the lowest responsive/responsible bidder, NTK Construction, Inc., in an amount not to exceed \$2,378,000 for construction of the Digester Gas Flare Rehabilitation project under Specification SD-416.
8. **Motion No. 136-21** – Awarded a direct award contract to NuSpective, Inc. for supplying security log collection and analysis cloud software and implementation services for three years, beginning on or after August 10, 2021 for a total cost, after the addition of taxes, not to exceed \$375,505.
9. **Motion No. 137-21** – Authorized an agreement beginning on or after August 10, 2021 with Inspection Services, Inc. in an amount not to exceed \$4,000,000 for shop inspection support services for five years.
10. **Motion No. 138-21** – Authorized an agreement beginning on or after August 10, 2021 with Utilis, Inc. in an amount not to exceed \$665,000 for satellite remote leak detection services for five years.
11. **Motion No. 139-21** – Authorized an amendment to the agreement previously authorized under the General Manager's authority with Alpha Analytical Laboratories, Inc. to increase the agreement amount by \$247,425 in an aggregate amount, including option years, not to exceed \$300,000 and extend the agreement term to December 31, 2023 with two options to renew for additional one-year periods for supplemental analytical services.

12. **Motion No. 140-21** – Authorized an amendment to the agreement previously authorized under the General Manager’s authority with McCampbell Analytical, Inc. to increase the agreement amount by \$227,842 to a total amount not to exceed \$307,264 and extend the agreement term to September 30, 2022 for the laboratory analysis of samples for the Split-Plant Nutrient Reduction Pilot Study at the Main Wastewater Treatment Plant.
13. **Motion No. 141-21** – Authorized the Office of General Counsel to continue the employment of the law firm of Somach, Simmons & Dunn, P.C., for services of special counsel related to providing representation in litigation arising under the California Environmental Quality Act and/or the National Environmental Policy Act in an amount not to exceed \$50,000.
14. **Resolution No. 35240-21** – Authorizing the Execution of an Amendment to an Existing Interest Rate Swap Agreement and Other Matters in Connection Thereof.

DETERMINATION AND DISCUSSION

15. **Appointment of Special Assistant III in the Office of Diversity, Equity and Culture.**

General Manager Chan announced Derry L. Moten as the candidate for the Special Assistant III position and highlighted Mr. Moten’s work at the District over the past six years as well as his educational and professional background.

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

Resolution No. 35241-21 – Appointing Derry L. Moten as Special Assistant III, Office of Diversity, Equity and Culture. (*effective August 16, 2021*)

The Board congratulated Mr. Moten on his appointment and thanked him for his service to the District. Mr. Moten thanked the General Manager, the Senior Management Team and the Board and briefly spoke on the immediate and long-term goals for the Office of Diversity, Equity and Culture.

16. **Appointment of Assistant Attorney.**

General Counsel Derek T. McDonald announced Felicity Grisham as the candidate for the Assistant Attorney of the District with the title of Attorney III and highlighted her educational and professional background.

- Motion by Director Mellon, seconded by Director Coleman to approve the recommended action for Item 16 carried (7-0) by the following roll call vote: AYES (Coleman, Katz, McIntosh, Mellon, Patterson, Young, and Linney); NOES (None); ABSTAIN (None); ABSENT (None).

Resolution No. 35242-21 – Appointing Felicity Grisham to the Position of Assistant Attorney of the District, with the Title of Attorney III. (*effective September 13, 2021*)

The Board welcomed Ms. Grisham. Ms. Grisham thanked the Board and spoke about growing up in the EBMUD service area and a letter she wrote to the District as a child extolling the quality of the District's tap water.

17. Coronavirus Update.

Director of Operations and Maintenance David A. Briggs presented an overview of the county-level daily COVID-19 positive cases noting the uptick in cases in July. He reported the vaccination rate for District employees that have self-reported is currently 72 percent which is on par with Alameda County and slightly below Contra Costa County's 75 percent. The number of employees who have tested positive for COVID-19 to date is 110 with 21 reported in the past week; 11 were breakthrough infection in fully vaccinated employees. Mr. Briggs discussed the most recent State, Federal and local guidelines for vaccination and testing and highlighted changes to the District's COVID-19 guidelines. As of July 29, the District began requiring masks indoors for all individuals, vaccinated or not, including vendors, contractors, and visitors and masks outdoors for unvaccinated workers and those within 6 feet of others. The Safe Return to Workplace Plan for employees was paused on July 29 and occupancy in the Main Administration Building has not exceeded 25 percent. He reviewed vaccination policies at other public utilities, private companies, cities, and universities, noting many are actively considering or implementing changes to their policies. The District does not currently mandate vaccines but could change its policy in a few weeks and after the proper notifications have been made to begin mandating vaccinations or requiring proof of vaccination with the option to regularly test (similar to the State guidelines). The Federal paid COVID-19 leave program expired in June 2021 and the State program expires on September 30, 2021. No extensions or new State or Federal programs are expected at this time. The District will review its special COVID-19 leave program after September 30. General Manager Chan requested comments and direction from the Board regarding the District's vaccination policy and the option to 1) maintain the current policy and encourage employees to get vaccinated; 2) require mandatory vaccinations; or 3) implement a policy similar to State guidelines (require proof of vaccination or regular COVID-19 testing).

There was considerable Board discussion regarding the information presented and the District's vaccination policy. Board members discussed and commented on following the State guidelines with exceptions for employees with medical or religious exemptions; whether the District should be required to pay employees that remain unvaccinated; adopting a mandatory vaccination policy similar to State universities; incentives to encourage employee vaccinations; encouraging employee vaccinations until the Federal Drug Administration (FDA) approves a vaccine and then, at a time to be determined, require employee vaccinations; whether the District should provide paid leave and pay for weekly COVID-19 tests for employees that remain unvaccinated or require employees to use their own time and pay for their tests; how the District's special COVID-19 leave will be used for vaccinated and unvaccinated employees that either contract the virus at work or are required to quarantine because of exposure at work; policies for contractors and vendors; and meeting and conferring with the unions about the vaccination policy.

- Addressing the Board were the following: 1) Eric O. Larsen, President, AFSCME Local 444 expressed grave concerns regarding the COVID-19 pandemic and said the union objects to mandatory vaccinations for employees. He encouraged the Board to follow the State guidelines and continue educating employees; 2) Joey D. Smith, President, AFSCME Local 2019 concurred with Mr. Larsen and commented on the proposal to require regular testing; the

reasonableness of denying employees the use of earned sick leave; and the District's masking policy; 3) Michael Hartlaub, EBMUD Senior Civil Engineer expressed support and urged the Board to mandate vaccinations for employees; 4) Mark Foley, EBMUD Information Systems Administrator II and Bay Area Rapid Transit (BART) Board President commented on BART's program regarding employee vaccinations and said he is willing to provide an update on the program's success at a later meeting; 5) Sharla Sullivan, EBMUD Community Affairs Representative II commented the Board should consider incentivizing employees to get vaccinated similar to BART; 6) George Cleveland, Chief Steward, AFSCME Local 2019 commented on denying employees use of earned leave and encouraged the Board to review data from BART, incentivize employees to get vaccinated, and to meet and confer with the unions on this matter; and 7) Deborah Russell, EBMUD Associate Civil Engineer expressed support for a vaccine mandate once a vaccine is approved by the FDA.

There was additional Board discussion regarding incentives, the State guidelines, the District's obligation to employees and the public as a public employer and requiring vaccinations once a vaccine is approved by the FDA.

Director Coleman made a motion to implement a vaccination policy that continues encouraging employees to get vaccinated. Once the FDA approves a COVID-19 vaccine, employees without a medical or religious exemption would be required to be vaccinated. If an unvaccinated employee contracts COVID-19 at work or is required to quarantine due to exposure at work between now and the time the FDA approves a vaccine, the employee would be required to use their own leave (time). After the FDA approves a vaccine, if an employee is still not vaccinated and does not have a medical or religious exemption, that employee could potentially face termination. Unvaccinated employees will be required to pay for their own regular COVID-19 testing.

Director Coleman clarified that the recommendation on terminating an employee for not being vaccinated after the FDA has approved a vaccine would have to be discussed with the unions and legal ramifications would have to be considered.

There was additional Board discussion regarding the motion made by Director Coleman, following the State policy, and requiring mandatory vaccinations.

Director Young offered an amendment to the motion made by Director Coleman to implement a vaccination policy that adopts the State's guidelines, with the condition that employees who choose not to be vaccinated get tested weekly, at their own expense and on their own time. After September 30, when the State's COVID-19 leave program and the District's special COVID-19 leave ends, if unvaccinated employees contract COVID-19 at work or are required to quarantine because of exposure at work, they may use their existing sick leave; vaccinated employees who contract COVID-19 at work or are required to quarantine because of exposure at work will be offered an extension of the District's special COVID-19 leave; once a COVID-19 vaccine is approved for normal use, the District will require mandatory vaccinations for those employees without a religious or medical exemption.

President Linney asked for clarification on the motions put forth by Director Coleman and Director Young. Both Directors provided clarification on the motions. General Manager Chan offered to restate the motions put forth by the Directors for the record as follows:

Implement a vaccination policy that: 1) Require employees to provide proof of COVID-19 vaccination to the District; 2) If an employee does not provide proof of COVID-19 vaccination, require employee to take weekly COVID-19 tests on their own time and at their own cost and report results to the District (except for employees with a sincerely held religious belief or a qualified medical exemption); 3) After September 30, 2021, when the State COVID-19 leave program expires, fully vaccinated employees who contract or are required to quarantine due to a COVID-19 exposure at work, will have their leave covered by the District; unvaccinated employees who contract or are required to quarantine due to a COVID-19 exposure at work, will use their own leave (time); and 4) Once the FDA approves a COVID-19 vaccine (and not the emergency authorized use approval), the District will mandate employee COVID-19 vaccinations except for employees with a religious or medical exemption.

The Board discussed whether the District should continue providing paid leave for employees that remain unvaccinated and contract COVID-19 or are exposed to it at work after September 30 based on concerns that symptomatic employees may still report to work. They also discussed if the District should require employees to test more than once a week. General Manager Chan clarified the motion put forth by Director Young provides that employees that remain unvaccinated would be required to take weekly tests so if an employee tested positive, they would not report to work. In response to a question, Director of Operations and Maintenance David A. Briggs provided clarification on the City and County of San Francisco's vaccination policy. General Manager Chan asked the Board to consider making the District's vaccination policy effective September 6, 2021, to allow employees time to make decisions on vaccinations or weekly testing and for management to meet with the unions.

- Addressing the Board were the following: 1) Michael Morgan, EBMUD Water Distribution Plumber III and ratepayer commented opposition to mandatory vaccinations; and 2) Jeff Bandy, EBMUD Associate Civil Engineer and ratepayer expressed support for a vaccine mandate.

The Board agreed with the motion as restated by General Manager Chan including the General Manager's request to make the vaccination policy effective September 6, 2021.

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

Motion No. 142-21 – Authorized the General Manager to implement the following COVID-19 vaccination policy for the District effective September 6, 2021: 1) Require employees to provide proof of COVID-19 vaccination to the District; 2) If an employee does not provide proof of COVID-19 vaccination, require employee to take weekly COVID-19 tests on their own time and at their own cost and report results to the District (except for employees with a sincerely held religious belief or a qualified medical exemption); 3) After September 30, 2021, fully vaccinated employees who contract or are required to quarantine due to a COVID-19 exposure at work, will have their leave covered by the District; unvaccinated employees who contract or are required to quarantine due to a COVID-19 exposure at work, will use their own leave (time); and 4) Once the Federal Drug Administration approves a COVID-19 vaccine, the District will mandate employee COVID-19 vaccinations except for employees with a sincerely held religious belief or qualified medical exemption.

18. General Manager's Report.

2021 Drought Update

Director of Water and Natural Resources Michael T. Tognolini reported the District's Central Valley Project (CVP) water allocation remains at 33,250 acre-feet (AF) which is 25 percent of the District's CVP contract. Freeport diversions for the CVP water will begin on September 15, 2021. The District is working with Contra Costa Water District (CCWD) to transfer 2,000 acre-feet of CCWD's CVP allocation to EBMUD via Freeport in October and to divert and wheel 3,200 acre-feet of CCWD's CVP allocation to CCWD by November. Staff is working on the District's water transfer supply strategy and has initiated discussions with sellers to procure up to 50,000 acre-feet of supplemental supplies if conditions remain dry in 2022. Staff is anticipating a request from Marin Municipal Water District to wheel water as soon as 2022, based on their county's drought situation. He discussed recent State Water Resources Control Board actions to initiate curtailments by the end of August and reiterated that based on staff analysis, a water rights curtailment order would have minimal impact on the District's water supply.

Manager of Fisheries and Wildlife Michelle L. Workman discussed the District's cold water pool management strategy to support Chinook salmon and explained requirements in the District's joint settlement agreement under FERC. She reviewed actions to manage the District's cold water pool in Camanche Reservoir, strategies to move fish above Pardee during the drought, and how the District partnered with local stakeholders between 2014-2020 to develop a plan.

Manager of Water Conservation Alice E. Towey and Senior Public Information Representative Andrea A. Pook provided an update on the District's drought outreach activities and the "Make Every Drop Count" advertising campaign. Outreach has been expanded through digital radio applications and social media with ads produced by in-house staff that can be repurposed for many applications. The advertising campaign has been translated into Chinese, Spanish and Vietnamese and placed in local media targeting those communities. Ms. Pook noted ads will run on digital billboards at the MacArthur Maze and on Highway 880 in late August, the billboard at Oakport, and on transit shelters. Ms. Pook highlighted ads that began running late July on Pandora, the number of impressions from the District's social media posts, and staff interviews with the local media on drought. The next Water Wednesday Series speaker series webinar will be held August 18 with a presentation on fire, "The Other F-Word." Ms. Pook responded to Board questions regarding additional detail on who is participating in the Water Wednesday Series webinars and who is viewing the social media ads. Director Mellon commended the ads in the Castro Valley Forum.

Excessive Water Use Penalty Ordinance Amendment

Manager of Water Conservation Alice E. Towey presented an overview of the current ordinance and proposed amendments. The ordinance was enacted in 2015 during the last drought to discourage excessive discretionary use of water by single family residential (SFR) customers during a Stage 3 and 4 drought. She reviewed the requirements in SB 814 which was signed into law in 2016 and prohibits excessive water use by SFR customers whenever mandatory rationing is in effect, or when the Governor has declared a drought emergency based on local conditions. While the ordinance complies with SB 814 requirements in most respects, to comply with state law, the ordinance must be amended to define excessive water use in either gallons or CCF;

establish a method of identifying and discouraging such excessive water use; and provide for an associated penalty during Stage 2 droughts when mandatory rationing is in effect. She reviewed the recommended amendments to add a warning for the first billing cycle exceeding the threshold, without financial penalty; clarify customers are not in violation until a second exceedance, when a financial penalty is levied; and remove a specific dollar amount (currently \$2 per CCF) and establish a maximum penalty only at the level authorized by statute and authorize the Board to set the penalty during a given drought. The Board would have discretion to set the penalty at a different amount at each drought stage. The District evaluated the penalty thresholds for the various stages of droughts. Under the existing ordinance, the existing excessive water use thresholds are 60 CCF/month for Stage 3 and 40 CCF/month for Stage 4. Based on a review of 2020 billing data, setting the Stage 3 threshold at 59 CCF/month would affect approximately 2 percent of customers, while keeping the Stage 4 threshold at 40 CCF/month would affect approximately 5 percent of customers. For Stage 2 droughts, staff recommends a penalty threshold of 77 CCF/month, or approximately 1,920 gallons per day of water use. This recommendation is based on the review of billing data for SFR customers from 2020 and taking into consideration the average water use for a SFR household that was inefficient but not excessive. Based on a review of 2020 billing data, approximately 1 percent of customers would be affected by this threshold. Based on Board input, staff will amend the ordinance and conduct the first reading at the September 14, 2021 Board meeting. The second reading and Board consideration of adoption is scheduled for September 28, 2021. If the Board adopts the amended Ordinance, it will become effective 30 days later. Staff plans to reach out to high water users in advance of enacting the ordinance. Director Katz voiced concerns about the warning to customers being too late and asked staff to consider preemptively notifying customers if they are at risk of excessive use. Director Katz also asked to consider applying the Stage 3 drought thresholds during Stage 2 droughts.

Racial Equity and Justice (REJ) Project and Diversity, Equity, and Inclusion (DEI) Strategic Plan Update

Manager of Employee and Organizational Development Derry L. Moten presented an overview of completed actions for the REJ Project and DEI Strategic Plan. Under REJ Project Strategy 1, in conjunction with the District's Employee Assistance Program provider, staff conducted wellness sessions in acknowledgement of the toll the past year has had on employees. An additional session is planned for August 19. Staff is also researching vendors to assist with developing a bi-annual employee engagement/organizational health surveys, with an emphasis on the District's inclusion culture. Under REJ Project Strategy 2 external facilitators conducted additional focus groups with groups that were either under engaged or not engaged during The Winters Group Cultural Audit, including staff identifying as LGBTQIA+, Asian and Pacific Islander males, white males, and two or more races. The focus group data will be used to supplement the Cultural Audit. Under REJ Project Strategy 3, Core and Senior Management Team members have been analyzing data and working on the next steps for the community engagement process for the five pilot projects that will be used to inform the DEI Strategic Plan. These groups have been training with O&G Racial Equity, a contractor with The Winters Group to use community engagement as a tool for racial equity. Under REJ Project Strategy 4, in addition to analyzing and providing feedback on seven District policies, The Winters Group is reviewing the District's Civil Service Rules to identify potential barriers to the work of the Hiring and Recruitment and the Promotion and Retention pilot project teams. Staff has begun editing the policies and began developing a model for strategic review of District policies and

procedures which will be integrated into the DEI Strategic Plan, using the Government Alliance on Racial Equity (GARE) Racial Equity Toolkit. Next, Mr. Moten provided an update on development of the District's DEI Strategic Plan. He reported at its July 6, 2021 meeting, the State Water Resources Control Board (SWRCB) presented a draft resolution on racial equity. He reviewed key points in the resolution and said it is consistent with the District's activities regarding DEI. The framework for the SWRCB's Racial Equity Action Plan will be based on approaches recommended by GARE which also aligns with staff's approach to developing the DEI Strategic Plan. Staff will continue implementing recommendations for REJ Project Strategies 1, 6, 7 and 8; developing workplans for Strategies 2, 3, 4 and 5; and developing the DEI Strategic Plan.

Monthly Report – July 2021

General Manager Clifford C. Chan said information on District activities relating to PG&E Public Safety Power Shutoffs is included in the report and that the Board also received an information memo on this topic.

- At 4:49 p.m., President Linney advised Director Young informed him she had to leave the meeting.

REPORTS AND DIRECTOR COMMENTS

19. Committee Reports.

- Filed with the Board were the Minutes for the July 13, 2021 Planning and Legislative/Human Resources Committees.
- Planning Committee member Frank Mellon reported the Committee met earlier in the day (remotely) and received updates on Research and Innovation at EBMUD; Groundwater Sustainability Plan; Dam Safety Program Annual Report; and Dump Truck Services.
- The August 10, 2021 Legislative/Human Resources Committee meeting was cancelled.

20. Other Items for Future Consideration.

None.

21. Director Comments.

- Director Coleman reported attending the United States Army Corps of Engineers Change of Command Ceremony in Sausalito on July 15; presenting a drought update to the San Ramon City Council on July 30 (remotely); attending an East Bay Economic Development Alliance Committee Meeting on August 4 (remotely); attending the East Bay Regional Park District Lafayette-Moraga Trail Anniversary in Lafayette on August 5; and attending a meeting on legal preparation at EBMUD in Oakland on August 10. Director Coleman also reported meeting EBMUD employee Chris Farajian who is a Scout Master for Boy Scout Troop 205 out of Pleasant Hill and on a discussion with Central Contra Costa Sanitary District Board member Barbara Hockett regarding recycled water. He requested a meeting between the

District and Central Contra Costa Sanitary District to discuss options for the agencies to work together on recycled water.

- Director Patterson reported attending the Upper Mokelumne River Watershed Authority Board meeting at Pardee on July 23 and shared a full page ad in the Oakland Post that featured him and highlighted his civil rights work.
- Directors Katz, McIntosh, Mellon and Young, and President Linney had no reports.

ADJOURNMENT

President Linney adjourned the meeting at 4:57 p.m.

SUBMITTED BY:

Rischa S. Cole, Secretary of the District

APPROVED: August 24, 2021

Doug A. Linney, President of the Board



AGENDA NO. 3.
MEETING DATE August 24, 2021

TITLE PUMP STATION M REHABILITATION AND FORCE MAIN INVESTIGATION

TYPE	<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
ACTION	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc. (MCI), in an amount not to exceed \$7,072,886 for construction of Pump Station M (PS M) Rehabilitation and Force Main Investigation under Specification SD-398.


SUMMARY

PS M equipment and building elements are near the end of their useful life and need rehabilitation. This project will improve operational reliability, maintenance accessibility for below-grade equipment, and resiliency to flooding. Work on the force main, which is a pressurized sewer pipe that transports wastewater to the Alameda Interceptor, includes an underground utility investigation. This project was discussed at the March 9, 2021 Planning Committee meeting.

DISCUSSION

Located on Bay Farm Island in the City of Alameda (City), PS M collects wastewater from the Bay Farm area and pumps it through a force main to the Alameda Interceptor. The pump station was constructed by a private developer in 1976 within a floodplain and is in a residential area across from Earhart Elementary School. The City completed improvements to PS M prior to transfer of ownership to the District in 1990, and no major improvements have been performed since.

This project will replace wastewater pumps, mechanical piping, the ventilation system, the odor control system, electrical and controls equipment, and the building siding and roof, and includes street and site improvements. Electrical and controls equipment will be relocated above ground to reduce the risk of the pump station becoming inoperable due to site flooding and improve resilience to sea level rise. The standby electric generator will be replaced with a new unit that meets current regulatory standards, and new bypass piping and valve connections will be added to facilitate maintenance. The below-grade concrete structure will be rehabilitated and reinforced to improve seismic performance. Underground utility investigation will be performed at the San Leandro Channel shoreline area to locate utilities near the 70-year-old PS M force main to facilitate planning improvements. This project supports the District's

Funds Available: FY22/23, CIP2014073; Page 65	Budget Coding: 927/7999/2014261/5561	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Wastewater	Eileen M. White	 General Manager
Attachment(s): Bid Summary; P-035; P-061; Location Map; Integra Bid Rejection Letter		

Long-Term Infrastructure Investment Strategic Plan goal for meeting operational needs and reliability goals by effectively maintaining the infrastructure.

BID RESULTS

Bid documents were posted to the District's website and issued to 23 resource organizations and 50 prospective bidders. Seven bids were received, ranging from \$6,217,625 to \$11,083,000. The bid summary is attached. The engineer's estimate for this work is \$7,600,000.

The apparent low bid of \$6,217,625 was submitted by Integra Construction Services, Inc. (Integra). Integra's bid did not include all the information required on the Contract Equity Designation of Subcontractors form. As a result, staff determined Integra's bid to be non-responsive. A copy of the District's letter to Integra, dated July 15, 2021, is attached. Integra did not respond to the District within the allowed timeframe to appeal the determination. Therefore, award to the second lowest bidder, MCI, with a bid of \$7,072,886 is recommended.

The lowest responsive/responsible bidder, MCI, is licensed to perform work in California, and is not on the State Department of Industrial Relations (DIR) debarment list. MCI and its listed subcontractors are properly registered with the State DIR. In the past five years, MCI has not filed a Government Code Claim nor initiated any litigation against the District.

SUSTAINABILITY

Economic

Funding for this work is available in the FY22/23 adopted capital budget for the Interceptors and Pump Stations Project.

Social

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

Local 444 was notified of this contract on July 20, 2020 and did not raise any specific issues related to this contract.

Environmental

A California Environmental Quality Act Notice of Exemption was filed with the Alameda County Clerk on February 21, 2020.

This project will comply with the Federal Emergency Management Agency construction standards for floodproofing within a special flood hazard area.

This project will reduce the risk of sewer overflows by increasing the reliability of the pump station.

ALTERNATIVES

Do not perform the work. This alternative is not recommended because this project will ensure process reliability and continued operation of the wastewater pump station equipment.

Reject all bids and rebid the work. This alternative is not recommended because rebidding the work would create significant delays and increase project costs.

Perform the work with District forces. This alternative is not recommended because the District does not have the equipment or staff to perform this type of major capital improvement work.

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EAST BAY MUNICIPAL UTILITY DISTRICT

SPECIAL DISTRICT NO. 1

**SPECIFICATION SD-398
PUMP STATION M REHABILITATION AND FORCE MAIN INVESTIGATION**

July 14, 2021

BID SUMMARY

BIDDER		TOTAL BID
1.	Integra Construction Services, Inc.*	\$6,217,625
2.	Mountain Cascade, Inc.	\$7,072,886
3.	Con-Quest Contractors, Inc.	\$7,687,450
4.	Kiewit Infrastructure West Co.	\$8,047,800
5.	JMB Construction, Inc.	\$8,376,850
6.	McGuire and Hester	\$8,550,600
7.	A&B Construction	\$11,083,000

*** Apparent Low Bidder**

Number of Proposals sent to Contractor	27
Number of Proposals sent to Resource Orgs	23
Number of Proposals sent to MBEs	3
Number of Proposals sent to WBEs	2
Number of Proposals sent to SBs	2
Number of bids received	7

Engineer's Estimate: \$7,600,000



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE SPECIFICATION NO.: SD-398 Pump Station M Rehabilitation and Force Main Investigation						DATE: July 27, 2021					
CONTRACTOR: Mountain Cascade, Inc. Livermore, CA 94550					PERCENTAGE OF CONTRACT DOLLARS						
Local Business					Availability Group		Contracting Objectives		Participation		
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP			White Men		25%		94.4%		
		Ethnicity		Gender		White Women		9%		5.0%	
\$7,072,886 *		White		Men		Ethnic Minorities		25%		4.2%	
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: Mountain Cascade, Inc.		\$3,228,966		White		X		45.7%			
SUBS: James Long Construction Services, Inc.		\$203,000		White		X		2.9%			
Mission City Rebar		\$16,000		White		X		0.2%			
Chrisp Company		\$36,000		White		X		0.5%			
Pullman SST, Inc.		\$54,000		White		X		0.8%			
Con J. Franke Electric, Inc.		\$1,638,570		White		X		23.2%			
Mike Brown Electric Co.		\$75,000		White		X		1.1%			
Tap Master, Inc.		\$26,000		White		X		0.4%			
Bay Cities Fire Protection		\$26,000		White		X		0.4%			
Kings Roofing		\$11,350		White		X		0.2%			
TOTAL		\$7,072,886				94.4%		5.0%		4.2%	
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:		77		59		131		rowspan="3">267			
Percent of Total Employees:		28.8%		22.1%		49.1%					
MSA Labor Market %:		24.5%		21.6%		53.9%					
MSA Labor Market Location:		Alameda County									
COMMENTS											
Contract Equity Participation - 97.1% White Men participation and 2.9% White Women participation.											
*Total not to exceed: \$7,072,886											
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA				YES							

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

(Completed by District)

<p>TITLE</p> <p>Specification No.: SD-398</p> <p>Pump Station M Rehabilitation and Force Main Investigation</p>	<p>DATE</p> <p>July 27, 2021</p>
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CONTRACT EQUITY PARTICIPATION (cont. from page one)

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
SUBS:											
Farwest Corrosion Control Company	\$120,000	White	X		1.7%						
FD Thomas Inc.	\$260,000	Alaskan	X		3.7%		3.7%				
S & S Trucking	\$30,000	Hispanic	X				0.4%				
Tully Consulting Group	\$3,000	White		X		0.04%					
Herc Rentals	\$286,000	White	X		4.0%						
Bay Line Cutting & Coring	\$8,000	Hispanic	X				0.1%				
Titus Industrial Group, Inc.	\$150,000	White		X		2.1%					
G3 Engineering/KSB Inc.	\$419,000	White	X		5.9%						
Core & Main LP	\$482,000	White	X		6.8%						
Total	See page 1 for total										



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Pump Station M Rehabilitation and Force Main Investigation		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: SD-398		DATE: 7/27/2021	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM: LBE	Company Wide	4	134	3	4	145	51.2%	53.9%
Mountain Cascade, Inc. Desiree Arslanian 555 Exchange Ct. Livermore, CA 94551 925-373-8370		Manager/Prof	0	3	1	0	4	12.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	2	0	0	2	16.7%	
		Semi/Unskilled	4	129	2	4	139	58.6%	
		Bay Area	4	134	3	4	145	51.2%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Alameda County		# Employees-Co. Wide:		283	Bay Area:	283
S	WW: LBE	Company Wide	0	0	0	0	0	0.0%	31.6%
James Long Construction Services, Inc. Matt Tucker 8560 Younger Creek Drive Sacramento, CA 95828 916-379-9524		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	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	-	NA	39.9%
		Co. Wide MSA:	Sacramento		# Employees-Co. Wide:		11	Bay Area:	0
S	WM: L/SBE	Company Wide	INFORMATION NOT PROVIDED						
Mission City Rebar Robin Kumins 542 McGraw Avenue Livermore, CA 94551 925-449-6999		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM: LBE	Company Wide	INFORMATION NOT PROVIDED						
Chrisp Company Danny Azcueta 43650 Osgood Road Fremont, CA 94539 510-656-2840		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM	Company Wide	92	220	21	2	335	43.1%	47.4%
Pullman SST, Inc. Rick Bagby 6400 Goodyear Road Benicia, CA 94510 707-745-3800		Manager/Prof	4	6	9	0	19	20.9%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	86	212	12	2	312	46.3%	
		Semi/Unskilled	2	2	0	0	4	50.0%	
		Bay Area	0	55	0	0	55	100.0%	39.9%
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		777	Bay Area:	55
S	WM: LBE	Company Wide	3	22	3	0	28	32.9%	47.4%
Con J. Franke Electric, Inc. Shannon Martin 317 N. Grant Street Stockton, CA 95202 209-462-0717		Manager/Prof	0	2	0	0	2	15.4%	
		Technical/Sales	0	1	0	0	1	100.0%	
		Clerical/Skilled	3	19	3	0	25	36.2%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	12	2	0	16	64.0%	39.9%
		Co. Wide MSA:	San Joaquin		# Employees-Co. Wide:		85	Bay Area:	25

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Pump Station M Rehabilitation and Force Main Investigation		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: SD-398 DATE: 7/27/2021		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
S	WW: L/SBE	Company Wide	INFORMATION NOT PROVIDED						
Mike Brown Electrical Co. Justin Allred 561-A Mercantile Drive Cotati, CA 94931 707-792-8100		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM: LBE	Company Wide	INFORMATION NOT PROVIDED						
Tap Master, Inc. Mark Matthewson 1647 Willow Pass Road, #136 Concord, CA 94520 925-439-7975		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM	Company Wide	INFORMATION NOT PROVIDED						
Bay Cities Fire Protection Inc. Leon Kresheck 51 Foley Street Santa Rosa, CA 95401 707-549-8694		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM: LBE	Company Wide	INFORMATION NOT PROVIDED						
Kings Roofing Mike Shultz 6963 Power Inn Road Sacramento, CA 95828 650-832-1067		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WM: L/SBE	Company Wide	0	45	2	0	47	75.8%	53.9%
State Roofing Systems, Inc. Mary McAllister 15444 Hesperian Blvd. San Leandro, CA 94578 510-317-1477		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	14	2	0	0	0.0%	
		Clerical/Skilled	0	21	0	0	0	0.0%	
		Semi/Unskilled	0	10	0	0	10	100.0%	
		Bay Area	0	45	2	0	47	75.8%	39.9%
		Co. Wide MSA:	Alameda County		# Employees-Co. Wide: 62		Bay Area: 62		
S	WM	Company Wide	7	70	11	2	90	54.5%	27.3%
Farwest Corrosion Control Company Barbara Booth 12029 Regentview Avenue Downey, CA 90241 310-532-9524		Manager/Prof	0	6	0	0	6	18.2%	
		Technical/Sales	1	11	6	1	19	46.3%	
		Clerical/Skilled	2	27	5	1	35	68.6%	
		Semi/Unskilled	4	26	0	0	30	75.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide: 165		Bay Area: 0		

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Pump Station M Rehabilitation and Force Main Investigation		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Spec. No.: SD-398	DATE: 7/27/2021	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9	
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	EMM: AN - L/SBE	Company Wide	1,468	1,993	498	726	4,685	34.9%	15.0%
F.D. Thomas, Inc. Ganinna Fischer 217 Bateman Drive Central Point, OR 97502 907-339-6251		Manager/Prof	647	478	254	139	1,518	25.1%	
		Technical/Sales	69	78	52	65	264	26.7%	
		Clerical/Skilled	386	1,081	139	362	1,968	44.4%	
		Semi/Unskilled	366	356	53	160	935	47.9%	
		Bay Area	0	0	0	0	-	NA	39.9%
		Co. Wide MSA:	Oregon # Employees-Co. Wide: 13,424 Bay Area: 0						
S	EMM: H - L/SBE	Company Wide	INFORMATION NOT PROVIDED						
S & S Trucking Michael Sanchez 477 Roland Way Oakland, CA 94621 916-836-6136		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WW	Company Wide	INFORMATION NOT PROVIDED						
Tully Consulting Group Robin Tully 1650 N. Lincoln Street, Suite A Dixon, CA 95620 707-693-1926		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	PHC	Company Wide	0	0	0	0	0	0.0%	33.4%
Herc Rentals Inc. 27500 Riverview Center Blvd. Bonita Springs, FL 34134 800-654-6659		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	0	0	0	0	0.0%	
				Bay Area	0	0	0	0	0
		Co. Wide MSA:	Florida # Employees-Co. Wide: 16 Bay Area: 0						
S	EMM: H - SBE	Company Wide	INFORMATION NOT PROVIDED						
Bay Line Cutting & Coring Luis Arreguin 501 Cesar Chavez Street, Suite 101 B San Francisco, CA 94124 415-508-1800		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
S	WW: SBE	Company Wide	0	6	0	0	6	100.0%	15.1%
Titus Industrial Group, Inc. Jeane'e Titus 1450 NW Gardner Road Prineville, OR 97754 541-389-1975		Manager/Prof	0	3	0	0	3	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	2	0	0	2	100.0%	
				Bay Area	0	0	0	0	0
		Co. Wide MSA:	Oregon # Employees-Co. Wide: 6 Bay Area: 0						

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Pump Station M Rehabilitation and Force Main Investigation			Ethnic Minority Percentages From U.S. Census Data						
					B	H	A/PI	AI/AN	TOTAL
			National		10.5	10.7	3.7	0.7	27.3
Spec. No.: 2125		DATE: 7/27/2021	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
S	WM	Company Wide	5	11	4	0	20	21.1%	27.3%
KSB, Inc. Susan Brooks 4415 Sarellen Road Henrico, VA 23231		Manager/Prof	4	7	2	0	13	22.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	4	2	0	7	26.9%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	NA	
804-565-8358		Co. Wide MSA:	Virginia	# Employees-Co. Wide:			95	Bay Area:	0
S	WM	Company Wide	-	1	1	0	2	12.5%	48.4%
Core and Main, LP David Mueck 1560 Linda Vista Drive San Maracos, CA 92078		Manager/Prof	0	0	1	0	1	10.0%	
		Technical/Sales	0	1	0	0	0	16.7%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	
254-749-4578		Co. Wide MSA:	California	# Employees-Co. Wide:			16	Bay Area:	0
P	WM: SBE	Company Wide	0	29	1	0	30	69.8%	39.9%
Con-Quest Contractors, Inc. Alexander Laukianoff 290 Toland Street San Francisco, CA 94124		Manager/Prof	0	1	1	0	2	18.2%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	3	0	0	3	42.9%	
		Semi/Unskilled	0	25	0	0	25	100.0%	
		Bay Area	0	29	1	0	30	69.8%	
415-206-0524 ext.215		Co. Wide MSA:	9 Bay Area Counties	# Employees-Co. Wide:			43	Bay Area:	43
P	WM	Company Wide	3	82	18	4	107	37.3%	48.4%
Kiewit Infrastructure Neal Murphy 4650 Business Center Drive Fairfield, CA 94534		Manager/Prof	0	24	16	0	40	28.4%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	3	36	2	4	45	39.1%	
		Semi/Unskilled	0	22	0	0	22	71.0%	
		Bay Area	3	82	7	4	96	34.3%	
707-439-7300		Co. Wide MSA:	California	# Employees-Co. Wide:			287	Bay Area:	280

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Pump Station M Rehabilitation and Force Main Investigation		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
		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		
Spec. No.: 2125	DATE: 7/27/2021	Number of Ethnic Minority Employees							
R=Recmmd			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WW	Company Wide	2	37	1	0	40	54.1%	48.4%
JMB Construction, Inc. Margaret Burke 132 South Maple Avenue South San Francisco, CA 94080 650-267-5300		Manager/Prof	0	1	0	0	1	6.3%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	6	0	0	6	27.3%	
		Semi/Unskilled	2	30	1	0	33	91.7%	
		Bay Area	2	37	1	0	40	54.1%	39.9%
		Co. Wide MSA:	California				# Employees-Co. Wide: 74	Bay Area: 74	
P	WM: LBE	Company Wide	5	243	8	3	259	62.0%	48.4%
McGuire and Hester Michael Hester 2810 Harbor Bay Parkway Alameda, CA 94502 510-632-7676		Manager/Prof	0	21	1	0	22	23.9%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	67	3	2	73	51.0%	
		Semi/Unskilled	4	155	4	1	164	89.6%	
		Bay Area	5	206	7	2	220	68.1%	39.9%
		Co. Wide MSA:	California				# Employees-Co. Wide: 418	Bay Area: 323	
P	WM: LBE	Company Wide	3	85	7	0	95	79.8%	48.4%
Andrew M. Jordan, Inc dba A&B Construction Pete Buss 1350 4th Street Berkeley, CA 94710 415-726-3071		Manager/Prof	0	3	3	0	6	46.2%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	2	78	3	0	83	83.0%	
		Semi/Unskilled	1	4	1	0	6	100.0%	
		Bay Area	3	85	7	0	95	79.8%	39.9%
		Co. Wide MSA:	California				# Employees-Co. Wide: 119	Bay Area: 119	
P	WM: L/SBE	Company Wide	1	4	1	0	6	46.2%	53.9%
Integra Construction Services, Inc. Alexander Giammona 4133 Mohr Avenue, Suite D Pleasanton, CA 94566 925-596-5032		Manager/Prof	1	2	1	0	4	57.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	0	1	2	40.0%	
		Semi/Unskilled	0	1	0	0	1	100.0%	
		Bay Area	1	4	1	0	6	46.2%	39.9%
		Co. Wide MSA:	Alameda				# Employees-Co. Wide: 13	Bay Area: 13	

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)

LOCATION MAP
Pump Station M, Bay Farm Island, Alameda





EILEEN M. WHITE
DIRECTOR OF WASTEWATER
(510) 287-1149
eileen.white@ebmud.com

July 15, 2021

Mr. Alexander Giammona, President
Integra Construction Services, Inc.
4133 Mohr Avenue, Suite D
Pleasanton, CA 94566

RE: Rejection of Bid for SD-398 Pump Station M Rehabilitation and Force Main Investigation
from Integra Construction Services, Inc.

Dear Mr. Giammona:

The East Bay Municipal Utility District (District) received a bid from Integra Construction Services, Inc., at 1:30 PM on July 14, 2021 for the SD-398 Pump Station M Rehabilitation and Force Main Investigation. After review, we regret to inform you that the bid has been rejected as non-responsive.

Per California Public Contract Code Section 4104, and as enforced in the District's contract documents, bidders must submit two types of information on subcontractors with their bids. The first is the contractor's name, location of business, contractor's license number, and Department of Industrial Relations (DIR) registration number. The second is the portion of the work to be done by each subcontractor, which must be listed by the type of work to be performed and the estimated dollar amount of that work for each listed subcontractor. In the Designation of Subcontractors (Form P-046) submitted with your bid, the required information is incomplete or omitted. Required missing information of the subcontractors, including the business address, contractor's license number, DIR registration number, and estimated dollar amount, cannot be accepted after the bid opening.

District staff intends to recommend that the Board reject the bid from Integra Construction Services, Inc. at the August 24, 2021, Board of Director's Meeting. If you choose to appeal this decision, you have five (5) workdays from receipt of this letter to submit your appeal to the Secretary of the District and set forth your grounds in accordance with Article 27 of Specification Section 00 21 13 of the Instructions to Bidders.

Sincerely,

A handwritten signature in blue ink that reads 'Eileen M. White'.

Eileen M. White, P.E.

EMW:JKW:ale



AGENDA NO. 4.
MEETING DATE August 24, 2021

**TITLE SAN PABLO RESERVOIR RECREATION AREA CONCESSION CONTRACT
 AMENDMENT**

TYPE	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
ACTION	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION

Authorize an amendment to the concession contract for the San Pablo Reservoir Recreation Area previously awarded under Board Motion No. 015-21 with Ortega National Parks, LLC (Ortega) to extend the contract term to December 31, 2026.

SUMMARY

The contract expires on December 31, 2021. The District wishes to extend the contract through December 31, 2026.

DISCUSSION

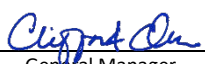
Pursuant to the terms of the contract, the District shall have the right to grant reasonable extensions of time as a contract modification. The contract expires December 31, 2021. Due to the financial impacts of the COVID-19 pandemic on the operations at the San Pablo Reservoir Recreation Area and the slow economic recovery throughout the region and State, the District finds there is a benefit to extend the contract for another five years. If exercising a five-year extension option is approved, the concession contract for the San Pablo Reservoir Recreation Area will remain in full force and effect under the terms and conditions set forth and will expire on December 31, 2026.

This amendment supports the District's Customer and Community Services Strategic Plan goal.

SUSTAINABILITY

Economic

The proposed action has no fiscal impact to the District or the customers of the San Pablo Reservoir Recreation Area facilities.

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Water and Natural Resources	Michael T. Tognolini	 General Manager
Attachment(s): N/A		

Social

The proposed action has no impact to the District, its employees, concession employees, or customers of the San Pablo Recreation Area.

Environmental

The proposed action does not change or alter environmental conditions at the San Pablo Recreation Area.

ALTERNATIVE

Do not authorize an amendment to the contract. This alternative is not recommended because it could result in the disruption or cessation of recreation services for visitors, recreation area/facility closures, and elimination of recreation-related revenues for EBMUD and surrounding communities.



AGENDA NO. 5.
MEETING DATE August 24, 2021

TITLE PARDEE DAM ROAD STUDY

TYPE	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input checked="" type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
ACTION	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION

Authorize an agreement beginning on or after August 24, 2021 with TJKM Transportation Consultants (TJKM) in an amount not to exceed \$85,000 for a traffic and road improvement study of Pardee Dam Road.

SUMMARY

This agreement provides for an assessment of current road and traffic conditions and recommendations along Pardee Dam Road. This information will be used to develop a safety improvement plan for future implementation by the District.

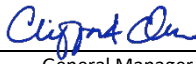
DISCUSSION

Pardee Dam Road is 4.13 miles long, connects Campo Seco Road in Calaveras County to Stoney Creek Road in Amador County, and is widely used by District staff and the public. The study completed under this agreement will evaluate Pardee Dam Road conditions, signage, striping, speed limits, safety barriers, lane widths, drainage, and traffic patterns that affect safety of the public and District staff who use the road. The last major improvement project on Pardee Dam Road was completed in the late 1960s. This project supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

CONSULTANT SELECTION

A request for proposals was sent to 15 firms, including 11 small business enterprise firms with expertise in traffic safety and planning. Three firms submitted proposals and a short list of three firms was established. TJKM was selected based on its experience on similar projects, thorough implementation plan and schedule, and cost.

Work under this agreement is subject to the payment of current prevailing wages according to determinations for each craft as established by the Director of the Department of Industrial Relations (DIR) of the State of California. The consultant, TJKM, is licensed to perform work in California, and is not on the State DIR debarment list. TJKM is properly registered with the State DIR.

Funds Available: FY22, CIP#2001367; Page #83	Budget Coding: 762-Various-7999-5312	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Operations and Maintenance	David A. Briggs	 General Manager
Attachment(s): P-035; P-061		

SUSTAINABILITY

Economic

Funding for this work is available in the FY22/23 adopted capital budget for the Pardee Center Capital Maintenance and Improvement Project.

Social

This agreement will provide a plan identifying potential improvements to a critical road used by public motorists, bicyclists, emergency responders, and District staff. Safety of the existing pedestrian/equestrian trail crossing will also improve.

ALTERNATIVE

Defer the study and safety improvement plan. This alternative is not recommended because it has been almost 60 years since traffic safety was studied for this roadway. The study will assess current conditions and provide improvement recommendations.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Pardee Dam Road Study						DATE: July 14, 2021							
CONTRACTOR: TJKM Transportation Consultants Pleasanton, CA 94588					Local Business					PERCENTAGE OF CONTRACT DOLLARS			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		0.0%		Participation			
Ethnicity		Gender		White Women		6%		0.0%		0.0%			
\$85,000 *		Asian		Men		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: TJKM Transportation Consultants		\$85,000	Asian	X				100.0%					
SUBS: None													
TOTAL		\$85,000				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:		7		4		28		39					
Percent of Total Employees:		17.9%		10.3%		71.8%							
MSA Labor Market %:		39.0%		33.7%		27.3%							
MSA Labor Market Location:		District of Columbia											
COMMENTS													
Contract Equity Participation - 100.0% Ethnic Minority participation.													
*Total not to exceed: \$85,000													
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: Pardee Dam Road Study		Ethnic Minority Percentages From U.S. Census Data						
			B	H	A/PI	AI/AN	TOTAL	
		National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE: 7/14/2021	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT
								MSA %
RP	EMM: A/PI - LBE	Company Wide	0	7	21	0	28	71.8%
TJKM Transportation Consultants Nayan Amin 4305 Hacienda Drive, Suite 550 Pleasanton, CA 94588 925-463-0611		Manager/Prof	0	5	21	0	26	76.5%
		Technical/Sales	0	0	0	0	0	0.0%
		Clerical/Skilled	0	2	0	0	2	40.0%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	0	6	18	0	24	75.0%
		AA Plan on File:	NA		Date of last contract with District:		7/9/2020	
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		39 Bay Area: 32	
P	WM: LBE	Company Wide	3	21	15	0	39	37.1%
Sandis Civil Engineers Surveyors Planners Melissa Johnson 636 9th Street Oakland, CA 94607 408-636-0903		Manager/Prof	1	6	13	0	20	38.5%
		Technical/Sales	0	1	0	0	1	12.5%
		Clerical/Skilled	2	14	2	0	18	41.9%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	3	6	15	0	24	22.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide:		105 Bay Area: 105	
P	WM	Company Wide	7	25	84	8	124	23.2%
GHD, Inc. Kelsey Shannon 943 Reserve Drive Roseville, CA 95678 425-563-6550		Manager/Prof	5	12	59	1	77	22.6%
		Technical/Sales	0	7	16	3	0	0.0%
		Clerical/Skilled	2	6	9	4	21	33.3%
		Semi/Unskilled	0	0	0	0	0	0.0%
		Bay Area	1	15	17	3	36	23.2%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		534 Bay Area: 155	

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. 6.
MEETING DATE August 24, 2021

TITLE MUNICIPAL ADVISOR SERVICES

TYPE	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input checked="" type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
ACTION	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION

Authorize agreements with Backstrom McCarley Berry & Co. LLC (BMcB) and Montague DeRose and Associates, LLC (MDA) for municipal advisor services beginning on or after September 13, 2021 for five years with two options to renew for additional one-year periods, in an aggregate amount, including option years, not to exceed \$2,940,000.

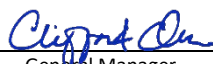
SUMMARY

The consultants selected will serve as the District's municipal advisors. Municipal advisor services include supporting the issuance of new revenue bonds, reviewing outstanding debt for refunding and de-risking opportunities, evaluating and supporting the procurement of liquidity agreements, and performing various other necessary tasks to support the management of the District's debt.

DISCUSSION

The District has approximately \$3 billion debt outstanding, and the most recent budget anticipates the need to issue \$870 million in Water revenue bonds and \$100 million in Wastewater revenue bonds through Fiscal Year 2026. In addition, the District may have opportunities to refund or otherwise restructure outstanding debt. Municipal advisor services are needed to provide advice related to all aspects of new and existing debt management, including providing highly specialized financial advice related to the pricing and structuring of bonds, monitoring the District's interest-rate swap agreements, and negotiating on the District's behalf with banks and other financial institutions.

Hiring municipal advisors ensures compliance with District Policy 4.27 - Debt Management, which explicitly names roles for the District's financial advisors. Municipal advisors are regulated by the Municipal Securities Rulemaking Board (MSRB) and the Securities and Exchange Commission (SEC). Municipal advisors must register and meet other regulatory requirements in order to provide advice to municipal entities related to financial products or securities, including revenue bonds. Unlike other professionals involved in a bond sale or other debt-related transactions, a municipal advisor represents the issuer and has an explicit fiduciary duty to the issuer per the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).

Funds Available: FY22/23	Budget Coding: Various	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	 General Manager
Attachment(s): P-035, P-061		

The agreements have an initial term of five years, and the District has two one-year optional extensions. The District's municipal advisors will be paid for work on an hourly basis at rates that have been negotiated to be within market standards. In addition, the District may negotiate compensation caps in advance for certain work, such as when issuing bonds or renewing liquidity agreements. For municipal advising work in connection with a bond issue, municipal advisor fees are usually paid from proceeds of the issue. All other fees are usually paid from the respective Water or Wastewater debt-related budgets, depending on the services provided. These agreements support the District's Long-Term Financial Stability Strategic Plan goal.

CONSULTANT SELECTION

A request for proposals (RFP) was posted on the District's website and sent to 77 municipal advisor firms registered with the SEC and located in California. Eight firms submitted proposals. BMcB and MDA were selected based on firm and staff qualifications, the quality of the proposals, answers to required questions, and proposed fees.

Existing agreements for these services are set to expire September 13, 2021. These agreements were the result of an RFP process in 2009 and were last extended for two years in September 2019. The two recommended consultants are the same as the current consultants, which reflects the firms' strong technical expertise and substantial experience with large municipal utilities in California. Contracting with two firms will provide the District with skilled and capable firms that could each provide the broad range of services needed by the District. Staff expects MDA will provide primary support for the District's long-term debt, while BMcB will provide primary support on the District's short-term commercial paper program. Staff will meet with both consultants on an on-going basis to ensure the District is following the best industry advice in managing its debt program.

SUSTAINABILITY

Economic

The FY22/23 adopted operating budget includes funding for the first two years of these multi-year agreement. Funding for the additional years will be considered as part of the associated budget development process.

ALTERNATIVE

Select a different combination of consultants. This alternative is not recommended because the proposed consultants provide the best combination of experience, qualifications, quality of proposal and pricing to meet the District's needs based on the District's competitive RFP process.



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Professional Services Agreement Municipal Advisor Services						DATE: August 11, 2021						
CONTRACTOR: Various Firms (See Below)			Small Businesses		PERCENTAGE OF CONTRACT DOLLARS							
					Availability Group		Contracting Objectives		Participation			
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		65.5%				
		Ethnicity	Gender	White Women		6%		0.0%				
\$420,000 /yr.*		See Below	-	Ethnic Minorities		25%		34.5%				
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: Backstrom McCarley Berry & Co. LLC		\$145,000	Black	X				34.5%				
Montague DeRose and Associates, LLC		\$275,000	White	X		65.5%						
SUBS: None												
TOTAL		\$420,000				65.5%	0.0%	34.5%	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: 65.5% White Men participation and 34.5% Ethnic Minority participation.												
Contract Duration: Five-Year Contract with 2 One-Year Renewal Options												
*Total not to exceed: \$2,940,000												
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: Municipal Advisor Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
Professional Services Agreement	DATE: 8/11/2021	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMM: B - SBE	Company Wide	7	1	3	0	11	78.6%	44.0%
Backstrom McCarley Berry & Co. LLC Vincent McCarley 115 Sansome Street, Mez. A San Francisco, CA 94104 415-857-6101		Manager/Prof	7	1	3	0	11	78.6%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	4	0	3	0	7	70.0%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		14	Bay Area:	10
RP	WM: SBE	Company Wide	2	0	2	0	4	33.3%	48.4%
Montague DeRose and Associates Douglas Montague 2801 Townsgate Road, Suite 221 Westlake Village, CA 91361 805-496-2211		Manager/Prof	2	0	2	0	4	36.4%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	0	0	0	2	40.0%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		12	Bay Area:	5
P	WM	Company Wide	0	3	4	0	7	38.9%	27.3%
Fieldman, Rolapp & Associates, Inc. Michelle Seabrook 19900 MacArthur Blvd., Suite 1100 Irvine, CA 92612 949-660-7324		Manager/Prof	0	1	4	0	5	35.7%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	2	0	0	2	50.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Total USA		# Employees-Co. Wide:		18	Bay Area:	3
P	WM	Company Wide	INFORMATION NOT PROVIDED						
Clean Energy Capital Securities LLC Shannon Keen 600 California Street, 11th Floor San Francisco, CA 94108 281-685-0445		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
P	WM: LBE	Company Wide	0	1	2	0	3	15.0%	48.4%
Urban Futures, Inc. Jeff Schmeh 1470 Maria lane, Suite 315 Walnut Creek, CA 94596 714-923-3542		Manager/Prof	0	1	2	0	3	15.8%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	1	0	1	11.1%	39.9%
		Co. Wide MSA:	California		# Employees-Co. Wide:		20	Bay Area:	9

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

AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Municipal Advisor Services			Ethnic Minority Percentages From U.S. Census Data						
				B	H	A/PI	AI/AN	TOTAL	
			National	10.5	10.7	3.7	0.7	27.3	
Professional Services Agreement		DATE:	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
		8/11/2021	Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
P	WM: SBE	Company Wide	1	0	2	0	3	27.3%	48.4%
Sperry Capital Inc. Bryant Jenkins Three Harbor Drive, Suite 101 Sausalito, CA 94965 650-996-5075		Manager/Prof	1	0	2	0	3	27.3%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	0	1	1	0	37.5%	39.9%
		Co. Wide MSA:	California	# Employees-Co. Wide: 11			Bay Area: 8		
P	WM	Company Wide	17	15	16	0	48	25.8%	13.4%
PFM Financial Advisors LLC Michael Aileo 1735 Market 43rd Floor Philadelphia, PA 215-567-6100		Manager/Prof	12	12	13	0	37	25.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	5	3	3	0	11	28.9%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Pennsylvania	# Employees-Co. Wide: 186			Bay Area: 0		
P	WM: L/SBE	Company Wide	2	1	2	0	5	29.4%	48.4%
KNN Public Finance, LLC David Brodsky 2054 University Avenue, Suite 300 Berkeley, CA 94704 510-208-8205		Manager/Prof	1	1	1	0	3	23.1%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	0	1	0	2	50.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	2	1	2	0	5	38.5%	39.9%
		Co. Wide MSA:	California	# Employees-Co. Wide: 17			Bay Area: 13		

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)

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AGENDA NO. 7a.-7b.
MEETING DATE August 24, 2021

TITLE AMEND DUMP TRUCK SERVICES AGREEMENTS

TYPE	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
ACTION	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION


- A. Authorize amendments to the agreements previously authorized under Board Motion No. 211-20 with the service providers listed below to increase the aggregate amount of those agreements by \$3,700,000 to a total aggregate amount not to exceed \$14,250,000 and extend the term of the agreements to August 24, 2022 for the rental of fully maintained and operated (FM&O) dump truck services.

Allied Materials, Inc.	Gloria Washington Trucking, Inc.	S&L Enterprises
Channa Trucking	Hills Trucking	S&L Trucking LLC
CIA Trucking	Ibarra Trucking	Sky Rock, Inc.
Curbside Trucking LLC	Inder Trucking	S.M.G. Trucking
JD Trucking Company	Jackson Transportation	Sudden Sam's Trucking
Darrah Trucking & Excavating, Inc.	Just Because Trucking Inc.	Sunny Motors Transport, Inc.
Tri Valley Water Trucks, Inc.	Mae Trucking	Tom Aiken General Engineering
E.M. Blair Trucking	Royal Trucking/Maintenance	Wide Area, Inc.

- B. Authorize additional agreements for FM&O dump truck services, on an as-needed basis, with service providers that meet District standards and offer pricing at or below the range in the proposed agreements with the service providers above to increase flexibility and ensure service provider availability. The Board of Directors will be notified of additional qualified service providers by means of the General Manager's monthly report.

SUMMARY

The District uses FM&O dump truck services to haul trench soils and asphalt from job site locations and/or to haul backfill material and hot asphalt to job site locations. These resources are needed to supplement internal hauling resources during peak workload periods, during occasional long-haul projects, and to backfill planned and unplanned staff absences. This item was presented at the August 10, 2021 Planning Committee meeting.

Funds Available: FY22/23, CIP# 000554, Page 21	Budget Coding: Various/Variouse	Contract Equity Forms? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Maintenance and Construction	Michael R. Ambrose	 General Manager
Attachment(s): P-035; P-061		

DISCUSSION

The District uses dump trucks primarily for constructing and repairing pipelines and appurtenances to maintain, upgrade, modify, and expand the District's water distribution system. The type and number of dump trucks required on any given day varies and depends on available District resources, excavated volume, planned activity (e.g., pipe installation versus service transfers), and length of haul required. This variability is best resourced by contractors.

Spending on FM&O dump truck services is expected to decrease during FY22 compared to FY21 as additional District positions are backfilled (including two new Heavy Transport Operator positions for FY22). The unit costs for dump trucks vary by the size and type of truck. This work supports the District's Long-Term Infrastructure Investment Strategic Plan goal.

SERVICE PROVIDER SELECTION

A request for proposals was posted on the District's website and sent to three resource organizations and 80 potential proposers. Twenty-four service providers submitted proposals. Service providers were selected based on a market survey that solicited input from competing companies in the industry as well as large users, such as Caltrans. Based on this information, the District established fair hourly rates (currently between \$112/hour and \$143/hour depending on the size of truck) and invited all qualified service providers willing to accept that rate to sign up and participate in the program. The District includes as many service providers as it estimates demand will support on its active service provider list. Service providers on this list will be assigned work opportunities on a rotational basis to ensure a fair and equitable distribution of the total workload. New service providers are put on a standby list and will be added to the active list as demand increases, service providers drop off, or service providers are released for poor performance.

SUSTAINABILITY

Economic

Funding for this work is available in the FY22/23 adopted operating and capital budgets of the Pipeline Rebuild Project.

Social

Local 444 was notified of these amendments on June 16, 2021. The District and Local 444 met to discuss these amendments on June 3, 2021, July 1, 2021, and August 5, 2021. Local 444 opposes contracting the core work of its represented classifications. The District's reasons for contracting, as explained above, are consistent with the District's criteria for contracting out work.

Environmental

The use of FM&O dump truck services helps maintain efficient main break repair and pipeline replacement projects and reduces impacts to areas adjacent to District job sites.

ALTERNATIVES

Do not amend agreements for dump truck services. This alternative is not recommended because it could delay repairs and construction of projects pending availability of District operators and equipment. Without these resources, customers could experience delays in leak response, service installations, pipeline replacements, applicant work, and other District capital projects.

Conduct a competitive bid process. This alternative is not recommended because no single company has sufficient resources to address all the District's requirements and needs. It would also reduce the District's ability to provide business opportunities to local Small Business Enterprise companies. In addition, a market survey was conducted to ensure the District will be compensating vendors consistent with the market.

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CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE <div style="display: flex; justify-content: space-between;"> <div> General Services Agreement - Amendment Dump Truck Services </div> <div> DATE July 13, 2021 </div> </div>													
CONTRACTOR: Various Firms (See below)			PERCENTAGE OF CONTRACT DOLLARS										
			Availability Group		Contracting Objectives		Participation						
BID/PROPOSER'S PRICE:		FIRM'S OWNERSHIP		White Men		25%		12.6%					
		Ethnicity	Gender	White Women		2%		4.2%					
\$3,700,000 *		See below		-		Ethnic Minorities		25%		83.2%			
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:													
Allied Materials, Inc.			\$154,167	White		X		4.2%					
Channa Trucking			\$154,167	Asian	X				4.2%				
CIA Trucking			\$154,167	Asian	X				4.2%				
Curbside Trucking LLC			\$154,167	Black	X				4.2%				
JD Trucking Company			\$154,167	Black		X			4.2%				
Darrah Trucking & Excavating, Inc.			\$154,167	White	X		4.2%						
Tri Valley Water Trucks, Inc.			\$154,167	Hispanic		X			4.2%				
E. M. Blair Trucking			\$154,167	Black	X				4.2%				
Gloria Washington Trucking, Inc.			\$154,167	Black		X			4.2%				
Hills Trucking			\$154,167	Black	X				4.2%				
Ibarra Trucking			\$154,167	Hispanic	X				4.2%				
Inder Trucking			\$154,167	Asian	X				4.2%				
Total			\$3,700,000				12.6%	4.2%	83.2%	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													
Percent of Total Employees													
MSA Labor Market %													
MSA Labor Market Location													
See Attached P-061 Forms													
COMMENTS													
Contract Equity Participation - 12.6% White Men participation, 4.2% White Women participation and 83.2% Ethnic Minority participation. Contract Duration: One Year *Total not to exceed: \$14,250,000 = \$10,550,000 (Multiple previous amendments) + \$3,700,000 (Amendment)													
Workforce Profile & Statement of Nondiscrimination Submitted						Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended			
NA						NA							



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE <div style="display: flex; justify-content: space-between;"> <div> General Services Agreement - Amendment Dump Truck Services </div> <div style="text-align: right;"> DATE July 13, 2021 </div> </div>											
CONTRACT EQUITY PARTICIPATION (Continued from page 1)											
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:											
Jackson Transportation	\$154,167	Black	X					4.2%			
Just Because Trucking Inc.	\$154,167	Hispanic	X					4.2%			
Mae Trucking	\$154,167	Black	X					4.2%			
Royal Trucking / Maintenance	\$154,167	Black	X					4.2%			
S & L Enterprises	\$154,167	Black	X					4.2%			
S & L Trucking LLC	\$154,167	White	X		4.2%						
Sky Rock, Inc.	\$154,167	Asian	X					4.2%			
S.M.G. Trucking	\$154,167	Asian	X					4.2%			
Sudden Sam's Trucking	\$154,167	Black	X					4.2%			
Sunny Motors Transport, Inc.	\$154,167	Asian	X					4.2%			
Tom Aiken General Engineering	\$154,167	White	X		4.2%						
Wide Area, Inc.	\$154,167	Black	X					4.2%			
Total	See page 1 for total										



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Dump Truck Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
General Services Agreement - Amendment		DATE: 11/4/2020	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WW: SBE	Company Wide	0	1	0	0	1	100.0%	47.6%
Allied Materials, Inc. Tammi Swafford 1850 Regency Pkwy. Dixon, CA 95620 707-479-6208		Manager/Prof	0	1	0	0	1	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	1	0	0	1	100.0%	
		Co. Wide MSA:	Solano				# Employees-Co. Wide: 1	Bay Area: 1	
RP	EMM: A/PI - L/SBE	Company Wide	0	0	1	0	1	100.0%	38.5%
Channa Trucking Charnjit Singh 2973 Pilar Ridge Drive Bay Point, CA 94565 925-567-6291		Manager/Prof	0	0	1	0	1	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	
		Co. Wide MSA:	Contra Costa				# Employees-Co. Wide: 33	Bay Area: 1	
RP	EMM: A/PI - L/SBE	Company Wide	0	-	0	0	0	0.0%	
CIA Trucking 1108 E. Leland Road, Apt. 183 Pittsburg, CA 94565		Manager/Prof					0	0.0%	
		Technical/Sales					0	0.0%	
		Clerical/Skilled					0	0.0%	
		Semi/Unskilled					0	0.0%	
		Bay Area	0	1	0	0	1	100.0%	
		Co. Wide MSA:	# Employees-Co. Wide: 1				Bay Area: 1		
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	53.9%
Curbside Trucking LLC Keith Butler 4200 Park Blvd., #105 Oakland, CA 94602		Manager/Prof	0	0	0	0	0	0.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	1	0	0	0	1	100.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	100.0%	
		Co. Wide MSA:	Oakland				# Employees-Co. Wide: 1	Bay Area: 1	
RP	EMW: B - L/SBE	Company Wide	INFORMATION NOT PROVIDED						
JD Trucking Company Gloria J. Davis 312 Hunter Ave. Oakland, CA 94603 510-938-7785		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
RP	WM: L/SBE	Company Wide	0	4	2	0	6	50.0%	39.9%
Darrah Trucking & Excavating, Inc. Debbie Robbins 4495 Pacheco Blvd. Martinez, CA 94553 510-993-9363		Manager/Prof	0	0	1	0	1	25.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	0	0	1	100.0%	
		Semi/Unskilled	0	3	1	0	4	57.1%	
		Bay Area	0	4	2	0	6	50.0%	
		Co. Wide MSA:	Alameda				# Employees-Co. Wide: 12	Bay Area: 12	

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Dump Truck Services</div>		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
General Services Agreement - Amendment DATE: 11/4/2020		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	EMW: H - L/SBE	Company Wide	0	3	1	1	5	41.7%	39.9%
Tri Valley Water Trucks, Inc. Seth Bolyard 7665 Hawthorn Ave. Livermore, CA 94550 925-373-0603		Manager/Prof	0	1	0	0	1	50.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	1	1	1	3	30.0%	
		Semi/Unskilled	0	1	0	0	0	0.0%	
		Bay Area	0	3	1	1	5	41.7%	39.9%
		Co. Wide MSA:	9 Bay Area Counties		# Employees-Co. Wide: 12		Bay Area: 12		
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	38.5%
E.M. Blair Trucking Ronald Blair 2914 Johnson Ave. Richmond, CA 94804 510-772-7312		Manager/Prof	1	0	0	0	1	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	100.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 1		Bay Area: 1		
RP	EMW: B - L/SBE	Company Wide	4	0	0	0	4	100.0%	38.5%
Gloria Washington Trucking, Inc. Gloria Washington 525 DeCarlo Ave. Richmond, CA 94801 415-298-9431		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	4	0	0	0	4	100.0%	
		Bay Area	4	0	0	0	4	100.0%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 4		Bay Area: 4		
RP	EMM: B - L/SBE	Company Wide	INFORMATION NOT PROVIDED						
Hills Trucking Abraham Hill 2337 Babcock Lane Tracy, CA 95337 510-693-7827		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							
RP	EMM: H	Company Wide	0	1	0	0	1	100.0%	47.6%
Ibarra Trucking Robert Ibarra 280 Beston Way Vallejo, CA 94591 415-286-0615		Manager/Prof	0	1	0	0	1	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Solano		# Employees-Co. Wide: 1		Bay Area: 0		
RP	EMM: AI/AN	Company Wide	INFORMATION NOT PROVIDED						
Inder Trucking Harinderpal Singh Sidhu 3 Karly Court American Canyon, CA 94503 925-250-5001		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:							

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Dump Truck Services</div>		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
General Services Agreement - Amendment DATE: 11/4/2020		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	EMM: B Jackson Transportation Alfred Jackson 1744 Keesler Circle Suisun City, CA 94585 510-213-2642	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	INFORMATION NOT PROVIDED						
RP	EMM: H - L/SBE Just Because Trucking Inc. Gerardo Velazquez 9 Sunrise Hill Road Orinda, CA 94563	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	0	1	0	0	1	100.0%	47.6%
		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
			0	1	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	# Employees-Co. Wide: 1					Bay Area: 0	
RP	EMM: B - L/SBE Mae Trucking Kevin Moffett 268 Heron Dr. Pittsburg, CA 94565 925-427-9240	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	1	0	0	0	1	100.0%	38.5%
		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	1	0	0	0	1	100.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	100.0%	39.9%
		Co. Wide MSA:	Contra Costa # Employees-Co. Wide: 1					Bay Area: 1	
RP	EMM: B - L/SBE Royal Trucking / Maintenance Vaughn Royal P.O. Box 14785 Oakland, CA 94614 510-455-0642	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	1	0	0	0	1	100.0%	53.9%
		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	1	0	0	0	1	100.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	100.0%	39.9%
		Co. Wide MSA:	Alameda # Employees-Co. Wide: 1					Bay Area: 1	
RP	EMM: B - L/SBE S & L Enterprises Stanley K. Warren 79 Covington Dr. Pittsburg, CA 94565 925-980-7717	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	1	0	0	0	1	100.0%	46.2%
		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	1	0	0	0	1	100.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	100.0%	39.9%
		Co. Wide MSA:	Alameda/Contra Costa # Employees-Co. Wide: 1					Bay Area: 1	
RP	WM: LBE S & L Trucking LLC Donna Leach 2226 Jacqueline Dr. Pittsburg, CA 94565 925-458-3465	Company Wide Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	0	0	0	0	0	0.0%	38.5%
		Manager/Prof Technical/Sales Clerical/Skilled Semi/Unskilled Bay Area Co. Wide MSA:	0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
			0	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	39.9%
		Co. Wide MSA:	Contra Costa # Employees-Co. Wide: 1					Bay Area: 1	

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Dump Truck Services		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
		National	10.5	10.7	3.7	0.7	27.3		
General Services Agreement - Amendment		DATE: 11/4/2020	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
			Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	EMM: A/IA - LBE	INFORMATION NOT PROVIDED							
Sky Rock Inc.									
Amritpal Singh									
1852 W. 11th Street, #167									
Tracy, CA 95376									
925-200-7881									
RP	EMM: A/PI - LBE	Company Wide	0	0	0	1	1	100.0%	53.9%
S.M.G. Trucking Sapinder S. Grewal 1610 Lawndale Ave. San Leandro, CA 94579 510-715-7479		Manager/Prof	0	0	0	1	1	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	0	0	0	1	1	100.0%	
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 1		Bay Area: 1		
RP	EMM: B - L/SBE	Company Wide	1	1	0	0	2	100.0%	53.9%
Sudden Sam's Trucking Samuel E. Johnson 272 Euclid Ace., #105 Oakland, CA 94610 510-385-8594		Manager/Prof	1	1	0	0	2	100.0%	
		Technical/Sales	0	0	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	50.0%	
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 2		Bay Area: 2		
RP	EMM: AI/AN - LBE	Company Wide	0	1	0	7	8	100.0%	38.5%
Sunny Motors Transport, Inc. Sanveer Garcha 1438 Santa Teresa Dr. Pittsburg, CA 94565 925-822-4836		Manager/Prof	0	0	0	2	2	100.0%	
		Technical/Sales	0	1	0	0	0	0.0%	
		Clerical/Skilled	0	0	0	0	0	0.0%	
		Semi/Unskilled	0	0	0	5	0	0.0%	
		Bay Area	0	1	0	7	8	100.0%	
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 8		Bay Area: 8		
RP	WM: L/SBE	Company Wide	0	0	0	0	0	0.0%	38.5%
Tom Aiken General Engineering Tom Aiken 95 Pastor Lane Knightsen, CA 94548 925-628-6408		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	0	0	0	0	0.0%	
		Bay Area	0	0	0	0	0	0.0%	
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide: 1		Bay Area: 1		
RP	EMM: B - L/SBE	Company Wide	1	0	0	0	1	100.0%	53.9%
Wide Area, Inc. Ronald Camese 1485 Bayshore Blvd. Oakland, CA 94614 510-593-3072		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	1	0	0	0	0	0.0%	
		Bay Area	1	0	0	0	1	100.0%	
		Co. Wide MSA:	Alameda		# Employees-Co. Wide: 1		Bay Area: 1		

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



AGENDA NO. 8.
MEETING DATE August 24, 2021

TITLE AUTHORIZE PURCHASE OF 2,000 ACRE-FEET OF CENTRAL VALLEY PROJECT WATER FROM CONTRA COSTA WATER DISTRICT

TYPE	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input type="checkbox"/> OTHER
ACTION	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION

Authorize the General Manager to purchase 2,000 acre-feet (AF) of Central Valley Project (CVP) water from Contra Costa Water District (CCWD) for an amount not to exceed \$875,000.

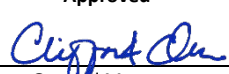
SUMMARY

A 2013 agreement with CCWD provides EBMUD with an option to purchase 2,000 AF of water from CCWD before December 31, 2025. With ongoing dry hydrologic conditions and low CVP allocations, staff recommends exercising this option. To do so, EBMUD would request CCWD to transfer 2,000 AF of CCWD's 2021 CVP allocations to EBMUD. This authorization, if approved, would pay for the cost of the water purchase acquired through the CVP water transfer.

DISCUSSION

In September 2013, a wheeling agreement with CCWD was approved under Board Motion No. 130-13 to allow the use of EBMUD's facilities to wheel 2,000 AF of water that CCWD purchased from Woodbridge Irrigation District (WID). In return, CCWD reimbursed EBMUD for energy costs and provided EBMUD with an option to purchase 2,000 AF from CCWD before December 31, 2025. Due to the current low water supply availability because of the dry hydrologic conditions and only 25 percent CVP allocations for municipal and industrial contractors like EBMUD, staff proposes to call in the option to purchase 2,000 AF of water from CCWD.

EBMUD and CCWD are both CVP contractors. The 2,000 AF of water would be made available by CCWD to EBMUD through a CVP transfer. CCWD will use 2,000 AF of previously stored CVP water in Los Vaqueros Reservoir in lieu of CCWD taking that quantity of water from its 2021 CVP contract allocation, thereby allowing the 2,000 AF of CCWD's unused 2021 CVP water to be transferred to EBMUD for diversion. EBMUD will divert the transferred water at the Freeport Regional Water Authority (FRWA) Intake and convey the transferred water to EBMUD's service area through existing facilities.

Funds Available: FY22	Budget Coding: 875-WSO-1014230-4719-5242	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Water and Natural Resources	Michael T. Tognolini	 General Manager
Attachment(s): N/A		

This transfer of CVP water, is scheduled to occur in October 2021 and requires the approval of the U.S. Bureau of Reclamation (Reclamation). Reclamation will be reimbursed by EBMUD for staff time spent reviewing the transfer application and preparing the environmental assessment required for approving the transfer. State Water Resources Control Board approvals are not necessary for this transfer. This transfer supports the District's Long-Term Water Supply Strategic Plan goal.

SUSTAINABILITY

Economic

The total cost for purchasing CCWD's CVP water will not exceed \$875,000 and will be funded from EBMUD's operating reserves. This cost includes reimbursement of CCWD's actual costs related to transferring, purchasing, pumping, and storing the 2,000 AF of CVP water. The total includes cost reimbursement to Reclamation for reviewing and approving the transfer.

Social

EBMUD's CVP contract is a dry-year only contract, and in qualifying years, such as 2021, EBMUD's CVP supply is a critical and vital component of EBMUD's water supply reliability. The proposed transfer will partially alleviate the water supply impacts of the 75 percent reduction in EBMUD's CVP supply in 2021.

Environmental

This project is exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines as follows:

1. Categorically Exempt under Sections 15301 for Existing Facilities: This project consists of no new construction. Conveyance of the transferred CVP water would instead occur through existing facilities and would not exceed the normal capacity of those facilities.
2. Public Resources Code Section 21080 (b)(3) and CEQA Guidelines Section 15269(a): This project is needed under a Declared Emergency.
3. Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c): This project involves specific actions necessary to prevent or mitigate the drought emergency.
4. "Common Sense" Exemption under CEQA Guidelines section 15061(b)(3): There is no possibility of this project having a significant effect on the environment since the water will be conveyed through existing facilities and will not exceed the normal capacity.

A CEQA Notice of Exemption will be filed with the State Clearinghouse, Alameda County, Contra Costa County, Sacramento County, and San Joaquin County.

Reclamation will prepare and approve environmental assessments required under the National Environmental Policy Act.

This project will benefit the Mokelumne fisheries and wildlife since 20 percent of supplemental water supplies purchased by the District will be allocated to in-stream flows in the Mokelumne River pursuant

to the gainsharing provision in the 1998 Joint Settlement Agreement between the District, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife.

ALTERNATIVE

Delay or do not proceed with the purchase. This alternative is not recommended because the water purchase is necessary to partially alleviate the water supply impacts of the 75 percent reduction in EBMUD's 2021 CVP allocation.

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AGENDA NO. 9.
MEETING DATE August 24, 2021

TITLE MONTHLY INVESTMENT TRANSACTIONS REPORTS

TYPE	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
ACTION	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION

Approve the June 2021 and July 2021 Monthly Investment Transactions Reports.

SUMMARY

In accordance with Policy 4.07 – Investment Policy, staff prepares a monthly transactions report for the Finance/Administration Committee to review and for the Board to consider each month. The June 2021 and July 2021 reports are being submitted to the Board for consideration. These reports were reviewed at the August 24, 2021 Finance/Administration Committee meeting.


DISCUSSION

Pursuant to Policy 4.07, staff generates a monthly report of investment transactions (buys, sales, deposits, withdrawals) as well as transactions that occur as a feature of the securities held (interest, calls, maturities). Information on portfolio performance, balances, and other factors are presented in the quarterly investment report.

In June 2021, the portfolio increased from \$658.8 million to \$674.4 million. Net transactions increased the total by \$15.5 million. Interest received added approximately \$7,673 to the portfolio. Deposits into short-term liquidity funds totaled \$12.6 million, and \$26.2 million was withdrawn. The District purchased \$68.0 million in securities, and \$68.0 million in securities matured. No securities were called or sold. Net transactions at the District's commercial bank resulted in an increase of \$29.1 million.

In July 2021, the portfolio increased from \$674.4 million to \$710.6 million. Net transactions increased the total by \$36.1 million. Interest received added approximately \$76,197 to the portfolio. Deposits into short-term liquidity funds totaled \$32.7 million, and \$11.4 million was withdrawn. The District did not purchase any securities, and \$34.0 million in securities matured. No securities were called or sold. Net transactions at the District's commercial bank resulted in an increase of \$48.9 million.

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Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Sophia D. Skoda	 General Manager
Attachment(s): June 2021 and July 2021 Monthly Investment Transactions Reports		

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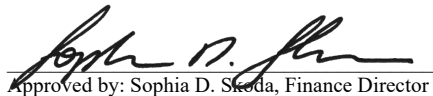
Monthly Investment Transactions Report

June 2021

This report is presented to the Board pursuant to Government Code Section 53607 and in accordance with the District's Investment Policy 4.07.

The attached report details transactions in the District's portfolio as follows:

- **Monthly Investment Transactions Summary** **Page 1**
- **Monthly Investment Activity** **Page 2**
 - Buys **Page 3**
 - Deposits **Page 4**
 - Matured **Page 5**
 - Calls **Page 6**
 - Sales **Page 7**
 - Withdrawals **Page 8**
- **Monthly Interest Activity** **Page 9**
 - Interest Received (Transferred to Wells Fargo) **Page 10**
 - Interest Received (Reinvested) **Page 11**


Approved by: Sophia D. Skoda, Finance Director

08/05/2021
Date

SDS:AMM:lm



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Transactions Summary
June 2021

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	555,079,957.80	(15,000,000.00)	6,223.32	540,086,181.12
007 - Wastewater Consolidated	74,577,581.48	-	1,170.25	74,578,751.73
049 - Ferc Partnership	2,000,000.00	-	-	2,000,000.00
009 - BACWA	2,262,600.00	-	-	2,262,600.00
015 - DERWA	1,000,000.00	-	-	1,000,000.00
002 - FRWA	1,000,000.00	-	-	1,000,000.00
014 - IICP	150,500.00	-	-	150,500.00
010 - UMRWA	64,000.00	-	-	64,000.00
003 - Employees Retirement	893,805.20	1,395,000.00	-	2,288,805.20
099 - Wells Fargo**	21,778,441.13	29,148,683.02	279.48	50,927,403.63
Total	658,806,885.61	15,543,683.02	7,673.05	674,358,241.68

* Portfolio balance presented at face value.

**Wells Fargo's month-end available balance per bank statement. Gross amount; not allocated by fund and not included in balances above.

Leanne Maloney

Prepared by: Leanne Maloney, Accountant III

Kirk E Hutchins

Reviewed by: Kirk Hutchins, Accounting Supervisor

Andrea Miller

Approved by: Andrea M. Miller, Controller

7/29/21

Date

7/30/21

Date

8/2/21

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
June 2021

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	68,000,000.00	-	(68,000,000.00)	-	-	(15,000,000.00)	-	(15,000,000.00)
007 - Wastewater Consolidated	-	-	-	-	-	-	-	-
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	12,560,000.00	-	-	-	(11,165,000.00)	-	1,395,000.00
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
Investment Activity Total	68,000,000.00	12,560,000.00	(68,000,000.00)	-	-	(26,165,000.00)	-	(13,605,000.00)
099 - Wells Fargo	(68,000,000.00)	(12,560,000.00)	68,000,000.00	-	-	26,165,000.00	15,543,683.02	29,148,683.02
Total	-	-	-	-	-	-	15,543,683.02	15,543,683.02

*Non-investment transactions are net receipts and expenditures in Wells Fargo resulting from activities other than investment and interest transactions detailed in this report.

Samuel Feldman-Crough
Principal Mgmt Analyst
on behalf of

Aug 4, 2021

Reviewed by: Damien Charléty, Principal Mgmt Analyst

Date
August 4, 2021

Approved by: Robert L. Hannay, Treasury Manager

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
June 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Buys										
001 - Water System Consolidated	US Treasuries	T-Bill 0 7/27/2021	912796J34	6/28/2021	6/29/2021	7/27/2021	34,000,000.00	33,998,942.22	0.00	33,998,942.22
001 - Water System Consolidated	US Treasuries	T-Bill 0 8/24/2021	912796K32	6/28/2021	6/29/2021	8/24/2021	34,000,000.00	33,997,884.44	0.00	33,997,884.44
Total							68,000,000.00			

68,000,000.00 67,996,826.66 0.00 67,996,826.66



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
June 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Deposits										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	6/25/2021	6/25/2021	N/A	4,180,000.00	4,180,000.00	0.00	4,180,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	6/10/2021	6/10/2021	N/A	4,192,000.00	4,192,000.00	0.00	4,192,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	6/1/2021	6/1/2021	N/A	4,188,000.00	4,188,000.00	0.00	4,188,000.00
Total							12,560,000.00			

12,560,000.00	12,560,000.00	0.00	12,560,000.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
June 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Matured										
001 - Water System Consolidated	US Treasuries	T-Note 1.375 5/31/2021	912828R77	5/31/2021	5/31/2021	5/31/2021	34,000,000.00	34,000,000.00	0.00	34,000,000.00
001 - Water System Consolidated	US Treasuries	T-Note 2 5/31/2021	912828WN6	5/31/2021	5/31/2021	5/31/2021	34,000,000.00	34,000,000.00	0.00	34,000,000.00
Total							68,000,000.00			

CUSIP# 912828R77 for \$34MM & CUSIP# 912828WN6 for \$34MM both Matured 5/31 transferred to WFB 6/1 . Total maturities for 5/31 total \$68MM

68,000,000.00	68,000,000.00	0.00	68,000,000.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
June 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Calls										

No Transactions this Period

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
June 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Sales										

No Transactions this Period

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
June 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Withdrawals										
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	6/18/2021	6/18/2021	N/A	15,000,000.00	15,000,000.00	0.00	15,000,000.00
					Total		15,000,000.00			
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	6/29/2021	6/29/2021	N/A	11,165,000.00	11,165,000.00	0.00	11,165,000.00
					Total		11,165,000.00			
							26,165,000.00	26,165,000.00	0.00	0.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
June 2021

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	6,445.26	(221.94)	6,223.32
007 - Wastewater Consolidated	1,227.79	(57.54)	1,170.25
049 - Ferc Partnership	-	-	-
009 - BACWA	-	-	-
015 - DERWA	-	-	-
002 - FRWA	-	-	-
014 - IICP	-	-	-
010 - UMRWA	-	-	-
003 - Employees Retirement	-	-	-
065 - Water S2008A DSRF	-	-	-
068 - Water 2010A DSRF	-	-	-
Interest Transactions Total	7,673.05	(279.48)	7,393.57
099 - Wells Fargo	-	279.48	279.48
Total	7,673.05	-	7,673.05

*Coupon and other interest received; reinvestment unavailable.

**Coupon and other interest payments reinvested in specific portfolio.

Leanne Maloney

Prepared by: Leanne Maloney, Accountant III

Kirk E Hutchins

Reviewed by: Kirk Hutchins, Accounting Supervisor

Andrea Miller

Approved by: Andrea M. Miller, Controller

7/29/21

Date

7/30/21

Date

8/2/21

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
June 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Transferred to Wells Fargo)										
001 - Water System Consolidated	Money Market Mutual Funds	Fidelity Investments MM	MM4022	6/30/2021	6/30/2021	N/A	0.00	0.00	221.94	221.94
								Total		221.94
007 - Wastewater Consolidated	Money Market Mutual Funds	Fidelity Investments MM	MM4022	6/30/2021	6/30/2021	N/A	0.00	0.00	57.54	57.54
								Total		57.54
							0.00	0.00	279.48	279.48



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
June 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Reinvested)										
001 - Water System Consolidated	Local Government Investment Pool	CalTRUST LGIP	CALTRUST923C	6/30/2021	6/30/2021	N/A	0.00	0.00	575.54	575.54
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	6/30/2021	6/30/2021	N/A	0.00	0.00	4,497.34	4,497.34
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	MM3767	6/30/2021	6/30/2021	N/A	0.00	0	567.12	567.12
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley IMM	0852	6/30/2021	6/30/2021	N/A	0.00	0.00	583.32	583.32
									Total	6,223.32
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	6/30/2021	6/30/2021	N/A	0.00	0.00	873.43	873.43
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	MM3767	6/30/2021	6/30/2021	N/A	0.00	0.00	146.34	146.34
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley IMM	0852	6/30/2021	6/30/2021	N/A	0.00	0.00	150.48	150.48
									Total	1,170.25
							0.00	0.00	7,393.57	7,393.57

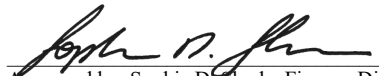
Monthly Investment Transactions Report

July 2021

This report is presented to the Board pursuant to Government Code Section 53607 and in accordance with the District's Investment Policy 4.07.

The attached report details transactions in the District's portfolio as follows:

- **Monthly Investment Transactions Summary** **Page 1**
- **Monthly Investment Activity** **Page 2**
 - Buys **Page 3**
 - Deposits **Page 4**
 - Matured **Page 5**
 - Calls **Page 6**
 - Sales **Page 7**
 - Withdrawals **Page 8**
- **Monthly Interest Activity** **Page 9**
 - Interest Received (Transferred to Wells Fargo) **Page 10**
 - Interest Received (Reinvested) **Page 11**


Approved by: Sophia D. Skoda, Finance Director

08/10/2021
Date

SDS:AMM:lm



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Transactions Summary
July 2021

Portfolio	Beginning Balance*	Monthly Net Transaction Activity	Monthly Interest Activity	Ending Balance
001 - Water System Consolidated	540,086,181.12	(34,000,000.00)	6,008.10	506,092,189.22
007 - Wastewater Consolidated	74,578,751.73	-	1,209.34	74,579,961.07
049 - Ferc Partnership	2,000,000.00	-	-	2,000,000.00
009 - BACWA	2,262,600.00	-	-	2,262,600.00
015 - DERWA	1,000,000.00	-	-	1,000,000.00
002 - FRWA	1,000,000.00	-	-	1,000,000.00
014 - IICP	150,500.00	-	-	150,500.00
010 - UMRWA	64,000.00	-	-	64,000.00
003 - Employees Retirement	2,288,805.20	21,231,000.00	7,440.95	23,527,246.15
099 - Wells Fargo**	50,927,403.63	48,891,215.15	61,538.83	99,880,157.61
Total	674,358,241.68	36,122,215.15	76,197.22	710,556,654.05

* Portfolio balance presented at face value.

**Wells Fargo's month-end available balance per bank statement. Gross amount; not allocated by fund and not included in balances above.

Leanne Maloney

Prepared by: Leanne Maloney, Accountant III

Marina Hughes

Reviewed by: Marina Hughes, Accounting Supervisor

Andrea Miller

Approved by: Andrea M. Miller, Controller

8/5/21

Date

8/6/21

Date

8/6/21


Date

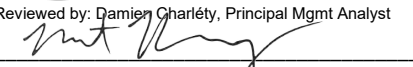


EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
July 2021

Portfolio	Buys	Deposits	Matured	Calls	Sales	Withdrawals	Non-Investment Transactions*	Net Transaction Activity
001 - Water System Consolidated	-	-	(34,000,000.00)	-	-	-	-	(34,000,000.00)
007 - Wastewater Consolidated	-	-	-	-	-	-	-	-
049 - Ferc Partnership	-	-	-	-	-	-	-	-
009 - BACWA	-	-	-	-	-	-	-	-
015 - DERWA	-	-	-	-	-	-	-	-
002 - FRWA	-	-	-	-	-	-	-	-
014 - IICP	-	-	-	-	-	-	-	-
010 - UMRWA	-	-	-	-	-	-	-	-
003 - Employees Retirement	-	32,671,000.00	-	-	-	(11,440,000.00)	-	21,231,000.00
065 - Water S2008A DSRF	-	-	-	-	-	-	-	-
068 - Water 2010A DSRF	-	-	-	-	-	-	-	-
Investment Activity Total	-	32,671,000.00	(34,000,000.00)	-	-	(11,440,000.00)	-	(12,769,000.00)
099 - Wells Fargo	-	(32,671,000.00)	34,000,000.00	-	-	11,440,000.00	36,122,215.15	48,891,215.15
Total	-	-	-	-	-	-	36,122,215.15	36,122,215.15

*Non-investment transactions are net receipts and expenditures in Wells Fargo resulting from activities other than investment and interest transactions detailed in this report.


 Samuel Feldman-Crough
 Principal Mgmt Analyst
 on behalf of

 Reviewed by: Damien Charléty, Principal Mgmt Analyst


 Approved by: Robert L. Hannay, Treasury Manager

Aug 6, 2021

 Date
 8/9/2021

 Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
July 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Buys										

No Transactions this Period

0.00 0.00 0.00 0.00



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
July 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Deposits										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/9/2021	7/9/2021	N/A	4,199,000.00	4,199,000.00	0.00	4,199,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/23/2021	7/23/2021	N/A	4,472,000.00	4,472,000.00	0.00	4,472,000.00
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/29/2021	7/29/2021	N/A	24,000,000.00	24,000,000.00	0.00	24,000,000.00
Total							32,671,000.00			

32,671,000.00	32,671,000.00	0.00	32,671,000.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
July 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Matured										
001 - Water System Consolidated	US Treasuries	T-Bill 0 7/27/2021	912796J34	7/27/2021	7/27/2021	7/27/2021	34,000,000.00	34,000,000.00	0.00	34,000,000.00
Total							34,000,000.00			

34,000,000.00	34,000,000.00	0.00	34,000,000.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
July 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Calls										

No Transactions this Period

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
July 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Sales										

No Transactions this Period

0.00	0.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Investment Activity
July 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Withdrawals										
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/30/2021	7/30/2021	N/A	11,440,000.00	11,440,000.00	0.00	11,440,000.00
Total							11,440,000.00			

11,440,000.00	11,440,000.00	0.00	0.00
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EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
July 2021

Portfolio	Total Interest Received	Interest Transferred to Wells Fargo*	Net Interest Activity (Reinvested)**
001 - Water System Consolidated	54,421.00	(48,412.90)	6,008.10
007 - Wastewater Consolidated	9,044.49	(7,835.15)	1,209.34
049 - Ferc Partnership	1,633.54	(1,633.54)	-
009 - BACWA	1,847.91	(1,847.91)	-
015 - DERWA	817.08	(817.08)	-
002 - FRWA	817.08	(817.08)	-
014 - IICP	123.11	(123.11)	-
010 - UMRWA	52.06	(52.06)	-
003 - Employees Retirement	7,440.95	-	7,440.95
065 - Water S2008A DSRF	-	-	-
068 - Water 2010A DSRF	-	-	-
Interest Transactions Total	76,197.22	(61,538.83)	14,658.39
099 - Wells Fargo	-	61,538.83	61,538.83
Total	76,197.22	-	76,197.22

*Coupon and other interest received; reinvestment unavailable.

**Coupon and other interest payments reinvested in specific portfolio.

Leanne Maloney

Prepared by: Leanne Maloney, Accountant III

Marina Hughes

Reviewed by: Marina Hughes, Accounting Supervisor

Andrea Miller

Approved by: Andrea M. Miller, Controller

8/5/21

Date **8/5/21**

Date **8/6/21**

Date



EAST BAY MUNICIPAL UTILITY DISTRICT
Monthly Interest Activity
July 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Transferred to Wells Fargo)										
001 - Water System Consolidated	Money Market Mutual Funds	Fidelity Investments MM	MM4022	7/30/2021	7/30/2021	N/A	0.00	0.00	229.34	229.34
001 - Water System Consolidated	LAIF	LAIF LGIP	LGIP1001	7/23/2021	7/23/2021	N/A	0.00	0.00	48,183.56	48,183.56
								Total		48,412.90
002 - FRWA	LAIF	LAIF LGIP	LGIP1001	7/23/2021	7/23/2021	N/A	0.00	0.00	817.08	817.08
								Total		817.08
007 - Wastewater Consolidated	Money Market Mutual Funds	Fidelity Investments MM	MM4022	7/30/2021	7/30/2021	N/A	0.00	0.00	59.46	59.46
007 - Wastewater Consolidated	LAIF	LAIF LGIP	LGIP1001	7/23/2021	7/23/2021	N/A	0.00	0.00	7,775.69	7,775.69
								Total		7,835.15
009 - BACWA	LAIF	LAIF LGIP	LGIP1001	7/23/2021	7/23/2021	N/A	0.00	0.00	1,847.91	1,847.91
								Total		1,847.91
010 - UMRWA	LAIF	LAIF LGIP	LGIP1001	7/23/2021	7/23/2021	N/A	0.00	0.00	52.06	52.06
								Total		52.06
014 - IICP	LAIF	LAIF LGIP	LGIP1001	7/23/2021	7/23/2021	N/A	0.00	0.00	123.11	123.11
								Total		123.11
015 - DERWA	LAIF	LAIF LGIP	LGIP1001	7/23/2021	7/23/2021	N/A	0.00	0.00	817.08	817.08
								Total		817.08
049 - Ferc Partnership	LAIF	LAIF LGIP	LGIP1001	7/23/2021	7/23/2021	N/A	0.00	0.00	1,633.54	1,633.54
								Total		1,633.54
							0.00	0.00	61,538.83	61,538.83



EAST BAY MUNICIPAL UTILITY DISTRICT

Monthly Interest Activity

July 2021

Portfolio Name	Asset Class	Description	CUSIP/Ticker	Trade Date	Settlement Date	Maturity Date	Face Amount/Shares	Principal	Interest/Dividends	Total
Interest Received (Reinvested)										
001 - Water System Consolidated	Local Government Investment Pool	CalTRUST LGIP	CALTRUST923C	7/30/2021	7/30/2021	N/A	0.00	0.00	494.04	494.04
001 - Water System Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	7/30/2021	7/30/2021	N/A	0.00	0.00	4,325.26	4,325.26
001 - Water System Consolidated	Money Market Mutual Funds	Federated MM	MM3767	7/30/2021	7/30/2021	N/A	0.00	0	586.04	586.04
001 - Water System Consolidated	Money Market Mutual Funds	Morgan Stanley IMM	0852	7/30/2021	7/30/2021	N/A	0.00	0.00	602.76	602.76
								Total		6,008.10
007 - Wastewater Consolidated	Local Government Investment Pool	CAMP LGIP	CAMP6035	7/30/2021	7/30/2021	N/A	0.00	0.00	902.62	902.62
007 - Wastewater Consolidated	Money Market Mutual Funds	Federated MM	MM3767	7/30/2021	7/30/2021	N/A	0.00	0.00	151.22	151.22
007 - Wastewater Consolidated	Money Market Mutual Funds	Morgan Stanley IMM	0852	7/30/2021	7/30/2021	N/A	0.00	0.00	155.50	155.50
								Total		1,209.34
003 - Employees Retirement	LAIF	LAIF LGIP	LGIP1005	7/15/2021	7/15/2021	N/A	0.00	0.00	7,440.95	7,440.95
								Total		7,440.95
							0.00	0.00	14,658.39	14,658.39



AGENDA NO. 10.
MEETING DATE August 24, 2021

TITLE ADOPT A LACTATION ACCOMMODATION POLICY AND APPROVE REVISIONS TO EXISTING DISTRICT POLICIES

TYPE	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
ACTION	<input type="checkbox"/> MOTION	<input checked="" type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION

Adopt Policy 2.27 – Lactation Accommodation and approve revisions to the following District policies:

- Policy 3.02 – California Environmental Quality Act Implementation
- Policy 3.04 – Coordination of District Construction and Maintenance Work with Other Agencies
- Policy 7.01 – Aqueduct and Distribution Pipeline Rights-of-Way Maintenance
- Policy 7.11 – Use of District Bay Area Facilities
- Policy 7.15 – Climate Action
- Policy 8.04 – Establishing Wastewater Capacity Fees

SUMMARY


Staff recommends adopting a policy to accommodate employees who desire to express milk for their infant child (Policy 2.27 – Lactation Accommodation) and revise several existing policies. Adopting the new policy codifies the District’s support of workplace accommodation and approving revisions to existing policies ensures District operations and business practices remain consistent with Board objectives and priorities.

The new lactation accommodation policy and the revisions to existing District policies were reviewed at the August 24, 2021 Finance/Administration Committee meeting.

DISCUSSION

Policy 2.27 - Lactation Accommodation

The purpose of this new policy is to provide accommodation for lactating employees in accordance with State and Federal law including the California Fair Employment and Housing Act.

Funds Available: N/A	Budget Coding: N/A	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Finance	Barry N. Gardin	 General Manager
Attachment(s): Policies 2.27, 3.02, 3.04, 7.01, 7.11, 7.15, and 8.04; Resolution		

Policy Recommended for Revision

1. Policy 3.02 – California Environmental Quality Act Implementation

This policy is modified to codify the District’s commitment to promoting equity and inclusivity by requiring staff to seek community input and develop measures that promote fair treatment, accessibility, and protection for all people regardless of race, age, culture, socioeconomic status, or geographical location.

2. Policy 3.04 – Coordination of District Construction and Maintenance Work with Other Agencies

This policy is modified to incorporate infrastructure as part of coordination efforts with other utilities and public agencies whose construction or maintenance activities are affected by the District.

3. Policy 7.01 – Aqueduct and Distribution Pipeline Rights-of-Way Maintenance

This policy is modified to add protection against flooding and unauthorized use of vehicles and heavy equipment to the considerations for maintaining the integrity of the raw water aqueducts, and to include underground and above ground facilities as areas to be protected and incorporate use by other public agencies.

4. Policy 7.11 – Use of District Bay Area Facilities

This policy is modified to eliminate the specific times for allowing public use.

5. Policy 7.15 – Climate Action

This policy is modified to update objectives to include global support of action to respond to the impacts of climate change and encourage collaboration with other utilities to develop sustainable solutions.

6. Policy 8.04 – Establishing Wastewater Capacity Fees

This policy is modified to: clarify fees are based on estimated costs; account for increases in volume and strength for new or existing wastewater connections; and provide for the potential of credits for new services.

SUSTAINABILITY

Economic

Policies 3.04 and 8.04 promote economic sustainability by coordinating efforts with other agencies affected by District construction and maintenance activities and establish fees to recover cost to provide capacity in the District’s wastewater facilities.

Social

Policies 2.27, 3.02 and 7.11 promote social responsibility by providing reasonable break time and adequate space for lactating employees, supporting the District's initiative to promote equity and inclusivity, and providing meeting spaces for employee groups and the local community.

Environmental

Policies 7.01 and 7.15 promote environmental stewardship by supporting action to respond to the impacts of climate change and protecting the integrity of the raw water aqueducts and distribution pipeline rights-of-way.

ALTERNATIVE

Do not adopt and update these policies. This alternative is not recommended because it would leave in place policies that do not reflect current operating practices and are not consistent with Board directives.

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Policy 2.27

EFFECTIVE 24 AUG 21

LACTATION ACCOMMODATION

SUPERSEDES NEW

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Recognize lactating employees' rights to request lactation accommodation in the workplace, and to provide such accommodation by providing a reasonable amount of break time and a suitable lactation location to any employee who desires to express breast milk for their infant child, subject to any exemption allowed under applicable law.

Lactation Location The District will make available lactation locations throughout its worksites. Each lactation location will be private (shielded from view and free from intrusion from co-workers and the public) and located as close to employee's work area as possible. The District will take measures to ensure the location is safe, clean and free of toxic or hazardous materials; has a surface to place a breast pump and other personal items; has a place to sit; and has access to electricity or alternative devices (such as extension cords or charging stations) allowing the operation of an electric or battery-powered breast pump.

No lactation location will be a bathroom or restroom. An employee's private office may be used as a lactation location for that employee if it otherwise meets the requirements of the lactation space described above. Multi-purpose rooms, i.e. conference or meeting rooms, may be used as a lactation space if the requirements are met; however, use of the room for lactation takes priority over other uses for the time it is in use for lactation purposes. For these common rooms, the doors will be secured or signage may be placed to maintain privacy and avoid inadvertent entry during use as a lactation space.

The District will also provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's work area. If a refrigerator cannot be provided, the District will provide another cooling device suitable for storing milk, e.g. an employer-provided cooler.

**Request for
Lactation
Accommodation**

Employees who desire lactation accommodations shall contact the District's Human Resources Regulatory Coordinator (HRRC) to request accommodations. An employee's request may be provided orally, by email, or in writing, and need not be submitted on a specific form. The request for lactation accommodation shall be submitted to the HRRC at least forty-eight (48) hours in advance of the employee's need for the accommodation. The District will engage in an interactive process to determine when and where lactation breaks will occur. If possible, the break time should run concurrently with the normally scheduled break time. Any break time to express breast milk that does not run concurrently with the normally scheduled break time shall be unpaid.

If the District is unable to provide requested/additional break time or location that complies with this policy, a written response will be provided by the HRRC.

Remedy

Employees have a right to file a complaint with the California Labor Commissioner if the employee believes they have been denied reasonable break time or adequate space to express milk, or have been otherwise denied rights related to lactation accommodation. Employees may find further information on the Labor Commissioner's website located at:
https://www.dir.ca.gov/dlse/Lactation_Accommodation.htm.

Authority

California Fair Employment and Housing Act, Government Code 12926
California Family Rights Act, Government Code Section 12945
California Labor Code Section 1030-1034
Fair Labor Standards Act – 29 U.S.C 207.r.1
Patient Protection and Affordable Care Act – Section 4207 (Reasonable Break Time for Nursing Mothers)

Resolution No. XXXXX-21, August 24, 2021

References

Policy 2.02 – Accommodation for Individuals with Disabilities in the Workplace
Policy 2.09 – Family and Medical Leave (FMLA)/California Family Rights Act (CFRA)
Policy 2.25 – Equal Employment Opportunity (EEO)
Policy 2.26 – Prevention of Workplace Harassment
Procedure 201 – Accommodation for Individuals with Disabilities in the Workplace
Procedure 227 – Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals



Policy 3.02R

EFFECTIVE [24 AUG 21](#)

~~24 NOV 15~~

SUPERSEDES [24 NOV 15](#)

~~24 JAN 12~~

CALIFORNIA ENVIRONMENTAL QUALITY ACT IMPLEMENTATION

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Adopt and comply with the objectives and criteria of the California Environmental Quality Act (CEQA) and CEQA Guidelines, and develop implementation procedures that are consistent with the District's CEQA compliance objectives.

Public Involvement

Encourage and support broad public involvement, both formal and informal, consistent with existing District practices, so that the District may receive, evaluate, and appropriately address all public comments on the environmental issues regarding a proposed project. [In support of the District's efforts to promote equity and inclusivity, as appropriate and in accordance with CEQA, District staff will seek community input and follow a fair and open process involving the public by actively engaging with communities and encouraging feedback for projects from all stakeholders.](#)

Entitlements and Applicant Projects

For a permit, lease, or other entitlement for use, and annexations, District staff will require applicants to provide the information deemed necessary by the District to evaluate the environmental impact of the proposed project.

Require applicants to reimburse the District for costs related to preparing and filing appropriate environmental documentation, including Environmental Impact Reports and Negative Declarations.

District Driven Projects

District staff will:

- Prepare or ensure preparation of the appropriate level of environmental documentation and ensure that it is reviewed internally by all relevant District stakeholders [during the early planning stages and throughout the process.](#)
 - Ensure that environmental documentation is made available for review by relevant local, state and federal agencies consistent with the CEQA statutes and Guidelines, including availability for public review, as appropriate, in accordance with CEQA.
 - [Ensure all aspects of the environmental review process, including the selection of the appropriate level of environmental review and the development of mitigation measures, are implemented in a way that promotes equity and affords fair treatment, accessibility, and protection for all people, regardless of race, age, culture, socioeconomic status, or geographic location.](#)
 - Obtain administrative and/or Board of Directors' approval for the CEQA document prior to approving the project and initiating final design and construction
-

Authority

Resolution No. 32959-96, January 23, 1996
As amended by Resolution No.33262-01, September 11, 2001
As amended by Resolution No. 33027-02 September 24, 2002
As amended by Resolution 33756-10, February 23, 2010
As amended by Resolution 33864-12, January 24, 2012
As amended by Resolution 34059-15, November 24, 2015
[As amended by Resolution No. 35190-20, June 23, 2020](#)
[As amended by Resolution No. XXXXX-21 August 24, 2021](#)

References

Policy 7.05 – Sustainability and Resilience
Procedure 311 – Preparation and Review of Environmental Documents



Policy 3.02

EFFECTIVE 24 AUG 21

SUPERSEDES 24 NOV 15

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As amended by Resolution No. XXXXX-21 August 24, 2021

References

Policy 7.05 – Sustainability and Resilience
Procedure 311 – Preparation and Review of Environmental Documents



Policy 3.04R

EFFECTIVE [24 AUG 21](#)

~~26-SEP-17~~

SUPERSEDES [26 SEP 17](#)

~~28-SEP-04~~

COORDINATION OF DISTRICT CONSTRUCTION AND MAINTENANCE WORK WITH OTHER AGENCIES

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Cooperate with other utilities and public agencies that will be affected by District construction and maintenance activities;

Cooperate with regulatory agencies to meet requirements for District construction and maintenance activities;

Cooperate with other utilities and public agencies whose construction or maintenance activities will affect District facilities [and infrastructure](#);

Anticipate the need for such cooperation as far in advance as possible and encourage other utilities and public agencies to do likewise; and

Minimize the financial and construction impacts to District ratepayers and the general public.

Engineering Studies/ Programs

Cooperate in engineering studies and programs of mutual interest and benefit. Share project information to promote well-coordinated construction projects and opportunities for partnership or cost sharing.

District Facilities/ [Infrastructure](#)

To minimize cost, duplication of work, and environmental and construction impacts and inconvenience to other agencies, construction and/or maintenance on District facilities [and infrastructure](#) will begin prior to or in conjunction with the work of other agencies whenever feasible. To ensure resource stewardship, appropriate regulatory approvals and adoption of best practices will be obtained through review by relevant District stakeholders in the planning phase.

Other Agencies Projects

Work cooperatively with other utilities and public agencies to provide adequate notice to each other of capital or maintenance projects to allow for permitting and regulatory approval, planning, engineering, installation and/or replacement of affected facilities in a coordinated manner.

Authority

Resolution No. 27811, July 27, 1976
As amended by Resolution No. 32885-94, October 25, 1994
As amended by Resolution No. 33429-04, June 8, 2004
As amended by Resolution No. 33443-04, September 28, 2004
As amended by Resolution No. 35061-17, September 26, 2017
[As amended by Resolution No. XXXXX-21, August 24, 2021](#)



Policy 3.04

EFFECTIVE 24 AUG 21

SUPERSEDES 26 SEP 17

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As amended by Resolution No. 33443-04, September 28, 2004
As amended by Resolution No. 35061-17, September 26, 2017
As amended by Resolution No. XXXXX-21, August 24, 2021



Policy 7.01R

EFFECTIVE [24 AUG 21](#)
[24 SEP 19](#)
SUPERSEDES [24 SEP 19](#)
[24 NOV 15](#)

AQUEDUCT AND DISTRIBUTION PIPELINE RIGHTS-OF-WAY MAINTENANCE

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Maintain the integrity of the raw water aqueducts and the distribution pipeline rights-of-way (fee-owned and easement established) ~~in order~~ to ensure:

- Safety and reliability of water supply, and the rights and obligations of the District;
- Protection against fire;
- Protection against erosion;
- Protection against flooding;
- Protection against trespassing by individuals, unauthorized access by vehicles and equipment, or and unauthorized encroachment; and
- Fast recovery from emergencies.

Rights-of-Way Use Restrictions

Protect against trespassing by use of control measures such as gates across rights-of-way to ensure ~~both~~ operational capabilities maintained; property requirements ~~requirements and the rights of other property owners~~ are met; and underground and above-ground facilities are protected.

With prior District approval, allow use of the rights-of-way for public trail purposes by public agencies provided such use will lessen maintenance work performed by the District with due regard for District liability, safety of pipelines, and maintenance of access roads. The use of District aqueduct rights-of-way by public agencies may be allowed under the terms of a properly authorized written agreement.

Where possible, secure relinquishment of surface rights from their present owners in exchange for other rights requested by those owners where such exchanges are in the best interests of the District.

~~Allow the use of District aqueduct rights-of-way by others only under the terms of a written agreement.~~

Prohibit uses incompatible with the District's property rights, operation and maintenance of the aqueducts and distribution pipelines, or that potentially impact the District's assets. These prohibitions generally include but are not limited to:

- Use of District aqueduct or distribution pipeline properties by others as a condition to meet city/county zoning requirements or to obtain any land use permit, approval, or entitlement affecting properties not owned by the District.
- Third party building or portions of buildings constructed on aqueduct or distribution pipeline property.
- Unauthorized non-District vehicular parking by others over aqueducts or distribution pipelines.
- Interference with gravity drainage of District aqueduct or distribution pipeline property. Drainage facilities shall be provided outside District property to assure adequate drainage is maintained.

Aqueduct and Distribution Pipeline Rights-of-Way Maintenance

NUMBER 7.01

PAGE NO.: 2

EFFECTIVE DATE: [24 AUG 21](#)
~~24 SEP 19~~

Raw Water Aqueduct Integrity

Plan for and implement the repair, refurbishment, and replacement of the aqueducts including a secure Delta tunnel.

Ensure that all uses of aqueduct rights-of-way accommodate [repairs and](#) future construction of replacement aqueducts, additional aqueducts, and potential improvements to the aqueducts.

Ensure construction from any proposed third party project that passes under, over, or through a fee-owned or easement established aqueduct right-of-way is evaluated in detail for potential impacts, and mitigations are identified and implemented to the level of no significant impact.

Authority

Resolution No. 14,620, January 26, 1951
As amended by Resolution No. 33027-02, September 24, 2002
As amended by Resolution No. 33443-04, September 28, 2004
As amended by Resolution No. 33564-06, November 14, 2006
As amended by Resolution No. 33780-10, September 14, 2010
As amended by Resolution No. 33871-12, April 24, 2012
As amended by Resolution No. 34059-15, November 24, 2015
As amended by Resolution No. 35156-19, September 24, 2019
[As amended by Resolution No. XXXXX-21. August 24, 2021](#)

References

Policy 9.06 – Bay-Delta Protection
Procedure 718 – Authorized Uses of Pipeline Rights-of-Way



Policy 7.01

EFFECTIVE 24 AUG 21

SUPERSEDES 24 SEP 19

AQUEDUCT AND DISTRIBUTION PIPELINE RIGHTS-OF-WAY MAINTENANCE

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Maintain the integrity of the raw water aqueducts and the distribution pipeline rights-of-way (fee-owned and easement established) to ensure:

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Aqueduct Integrity**

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As amended by Resolution No. XXXXX-21. August 24, 2021

References

Policy 9.06 – Bay-Delta Protection
Procedure 718 – Authorized Uses of Pipeline Rights-of-Way



Policy 7.11R

EFFECTIVE [24 AUG 21](#)
[22 SEP 15](#)
SUPERSEDES [22 SEP 15](#)
[24 FEB 09](#)

USE OF DISTRICT BAY AREA FACILITIES

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Recognize the importance of responding to the meeting space needs of employee groups and the local community by allowing limited use of designated District's meeting facilities for non-District non-commercial purposes, establishing rental charges to cover the District's incremental costs, and allowing limited commercial activities in support of District-approved events.

Meeting Facilities Availability

District meeting rooms, Board Room, and Training Resource Center at the Administration Building and Adeline Maintenance Center, are available ~~weekdays only between 5:00 p.m. and 11:00 p.m.~~[for use](#). Advance reservations are required to minimize disruption of District operations. Use permits may be required at specific facilities or properties. The District reserves the right to refuse or cancel meeting requests due to security conditions or other operational needs.

Authorized Employee Events

The District supports numerous authorized heritage, diversity, arts, health, and environmental events. These authorized events are generally limited to the Board Room, Training Resource Center, lobby, and dining rooms. These rooms are generally available during the day. The District reserves the right to refuse or cancel reservations due to security conditions or other operational requirements.

Cost

Use charges including janitorial, setup, and security arrangements will be paid for by the user in accordance with the Schedule of Use Charges as specified in Procedure 703.

Exclusion

Use of Pardee facilities is excluded from this policy.

Authority

Motion No. 91-119, October 8, 1991
As amended by Resolution No. 32885-94, October 25, 1994
As amended by Resolution No. 33365-03, July 8, 2003
As amended by Resolution No. 33494-05, September 27, 2005
As amended by Resolution No. 33577-07, January 9, 2007
As amended by Resolution No. 33703-09, February 24, 2009
As amended by Resolution No. 34052-15, September 22, 2015
[As amended by Resolution No. XXXXX-21, August 24, 2021](#)

References

Policy 6.04	Ethics of the EBMUD Board of Directors
Policy 7.04	Access to District Property for Tours
Policy 7.06	Pardee Conference and Lodging Facility Use
Procedure 703	District Facilities: Use by Employee and Outside Groups
Procedure 716	Pardee Facilities



Policy 7.11

EFFECTIVE 24 AUG 21

SUPERSEDES 22 SEP 15

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Policy 7.15R

EFFECTIVE [24 AUG 21](#)

~~24 SEP 19~~

SUPERSEDES [24 SEP 19](#)

~~11 JUN 19~~

CLIMATE ACTION

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Consider the impacts of climate change and take appropriate action to understand, mitigate and adapt to those impacts through sustainable activities that manage long-term economic, environmental and human resource benefits.

Overview

The District recognizes that climate change will result in rising sea levels, reduced snowpack, increased climate variability, and impacts to ecosystems on District watersheds. Furthermore, the District recognizes that these changes will impact water and wastewater operations and infrastructure, and our communities.

In addition, the District recognizes that climate change will have significant impacts worldwide and may have disproportionate impacts to marginalized populations. The potential impacts of climate change are well-documented by the United Nations Intergovernmental Panel on Climate Change, in California's Climate Change Assessment, and the United States' National Climate Assessment reports.

The District maintains a Climate Change Monitoring and Response Plan to inform the District's planning efforts for future water supply, water quality and infrastructure and to support sound water and wastewater infrastructure investment decisions.

Objective

The District will consider climate change impacts in its policies, procedures, projects, and work practices. In doing so, the District will:

- Monitor climate science and identify the potential impacts to the District
- Plan for climate change by applying the best available science to understand climate risks and implement adaptation and mitigation strategies to improve resilience
- Integrate climate science into planning, design, construction, watershed land management, and operations and maintenance
- Complete an annual greenhouse gas (GHG) emissions inventory
- Reduce GHG emissions consistent with the District's Energy Policy
- Support [global](#), federal, state, and regional action to respond to the impacts of climate change
- Support appropriate legislation and regulations to fund and mitigate climate change impacts and promote collaborative adaptation measures
- Recognize the Retirement Board's plenary authority to consider environmental, social and governance factors in the portfolio management of the District's retirement system to address sustainability and evaluate climate change exposure
- Collaborate with public agencies, researchers, regulators, [utilities](#) and communities to develop sustainable solutions
- Educate communities and employees on the impacts of climate change
- Take a leadership role in the industry and the community in addressing climate change

Authority

Resolution 35141-19, June 11, 2019
As amended by Resolution No. 35156-19, September 24, 2019
[As amended by Resolution No. XXXXX-21, August 24, 2021](#)

References

Policy 7.05 – Sustainability and Resilience
Policy 7.07 – Energy
Policy 9.04 – Watershed Management and Use
Policy 9.06 – Bay-Delta Protection



Policy 7.15

EFFECTIVE 24 AUG 21

CLIMATE ACTION

SUPERSEDES 24 SEP 19

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Policy 7.07 – Energy
Policy 9.04 – Watershed Management and Use
Policy 9.06 – Bay-Delta Protection



Policy 8.04R

EFFECTIVE [24 AUG 21](#)

~~26 SEP 17~~

SUPERSEDES [26 SEP 17](#)

~~22 SEP 15~~

ESTABLISHING WASTEWATER CAPACITY FEES

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Establish fees to recover the [estimated](#) costs to provide ~~wastewater treatment~~ capacity [in the District's wastewater facilities](#) for new or expanded ~~system~~ use [of such facilities by](#) ~~for~~ residential and non-residential customers.

Background

The Wastewater Capacity Fee (WCF) program was established ~~by the Board~~ in 1984 ~~and went into effect in 1987~~. The purpose of the WCF program is to recover the costs of capital facilities necessary to provide wastewater treatment capacity for new and expanded system use. WCFs are used to replace and repair major equipment or facilities within the wastewater system. The WCF program helps to fund the District's capital program, including the payment of debt service and funding for wastewater related capital projects.

Wastewater Capacity Fee Basis

WCFs are developed using the buy-in methodology, whereby new users "buy-in" to a wastewater system that currently has adequate dry weather capacity to serve existing and new demand. The WCF is based on wastewater volume and strength factors and ~~it applies to~~ [is collected from](#) all dischargers who [apply for a new connection to the wastewater system or](#) increase ~~wastewater~~ volume or strength [discharged through an existing wastewater connection](#).

Restrictions

Fees collected under the program must be expended for the purpose for which the fees are collected and cannot exceed the estimated reasonable cost of providing ~~wastewater treatment~~ capacity [in the District's wastewater facilities](#).

Wastewater Capacity Fee 2-Year Review

For non-residential customers, a review of the actual volume and strength may be conducted within 24 months of establishing a WCF to determine whether the actual volume and strength is consistent with the original estimate. The review may result in the assessment of additional Wastewater Capacity Fees if the actual flow and/or strength exceeds the original estimate.

Wastewater Capacity Credit

A credit may be provided when new services [provided to a property](#) replace one or more existing or prior services [provided to that property, in conformance with this policy and in a specific manner determined by District staff. The credit is based on the WCF previously paid for service at the property, if any, or](#) ~~where a~~ WCF [based on](#) ~~was already paid. Where a WCF was not paid because a~~ the historical usage at the property, where the ~~customer's~~ sewer connection predates the WCF program, ~~a credit may be provided based on the customer's historical flows. The WCF credit does not apply to service that does not typically result in substantial wastewater discharge, including, without limitation, dedicated irrigation meters, standby meters, fire service meters, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system.~~

Regulatory Basis

The WCF Program will be implemented consistent with applicable legal requirements. ~~is not subject to Proposition 218 and implementation is consistent with the following:~~

- ~~Government Code Section 66013 which contains requirements specific to wastewater capacity fees. Procedural requirements for adopting or protesting capacity fees, pursuant to Section 66013 are contained in Sections 66016, 66022 and 66023 of the Government Code. The most pertinent part of Section 66013 states: "Notwithstanding any other provision of law, when a local agency imposes fees for water connections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed..."~~
- ~~Proposition 26 requires the District to show the amount of WCF charged is not a tax by not exceeding the reasonable amount required to provide the service, as stated in Article XIII(C), Section 1(e) (2) of the California Constitution: "A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product."~~

Authority

Adopted by Resolution No. 34052-15, September 22, 2015
Amended by Resolution No. 35061-17, September 26, 2017
Amended by Resolution No. XXXXX-21, August 24, 2021

References

EBMUD Wastewater Control Ordinance, section 2(d)
Government Code Section 66013 [limitations on capacity fees]
Government Code Section 65852.2 [accessory dwelling units]
Government Code Section 65852.22 [junior accessory dwelling units]
Proposition 26 (Cal. Const., art. XIII C, sec. 1(e))
Resolution No. 30945, June 26, 1984
~~Resolution No. 33934-13, August 12, 2013~~

~~Schedule of Rates and Charges to Customers~~
Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees



Policy 8.04

EFFECTIVE 24 AUG 21

SUPERSEDES 26 SEP 17

ESTABLISHING WASTEWATER CAPACITY FEES

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Establish fees to recover the estimated cost to provide capacity in the District's wastewater facilities for new or expanded use of such facilities by residential and non-residential customers.

Background	The Wastewater Capacity Fee (WCF) program was established in 1984. The purpose of the WCF program is to recover the costs of capital facilities necessary to provide wastewater treatment capacity for new and expanded system use. WCFs are used to replace and repair major equipment or facilities within the wastewater system. The WCF program helps to fund the District's capital program, including the payment of debt service and funding for wastewater related capital projects.
Wastewater Capacity Fee Basis	WCFs are developed using the buy-in methodology, whereby new users "buy-in" to a wastewater system that currently has adequate dry weather capacity to serve existing and new demand. The WCF is based on wastewater volume and strength factors and is collected from all dischargers who apply for a new connection to the wastewater system or increase volume or strength discharged through an existing wastewater connection.
Restrictions	Fees collected under the program must be expended for the purpose for which the fees are collected and cannot exceed the estimated reasonable cost of providing capacity in the District's wastewater facilities.
Wastewater Capacity Fee 2-Year Review	For non-residential customers, a review of the actual volume and strength may be conducted within 24 months of establishing a WCF to determine whether the actual volume and strength is consistent with the original estimate. The review may result in the assessment of additional Wastewater Capacity Fees if the actual flow and/or strength exceeds the original estimate.
Wastewater Capacity Credit	A credit may be provided when new services provided to a property replace one or more existing or prior services provided to that property, in conformance with this policy and in a specific manner determined by District staff. The credit is based on the WCF previously paid for service at the property, if any, or WCF based on the historical usage at the property, where the sewer connection predates the WCF program. The WCF credit does not apply to service that does not typically result in substantial wastewater discharge, including, without limitation, dedicated irrigation meters, standby meters, fire service meters, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system.
Regulatory Basis	The WCF Program will be implemented consistent with applicable legal requirements.

Authority

Adopted by Resolution No. 34052-15, September 22, 2015
Amended by Resolution No. 35061-17, September 26, 2017
Amended by Resolution No. XXXXX-21, August 24, 2021

References

EBMUD Wastewater Control Ordinance, section 2(d)
Government Code Section 66013 [limitations on capacity fees]
Government Code Section 65852.2 [accessory dwelling units]
Government Code Section 65852.22 [junior accessory dwelling units]
Proposition 26 (Cal. Const., art. XIII C, sec. 1(e))
Resolution No. 30945, June 26, 1984

Water and Wastewater System Schedules of Rates and Charges, Capacity
Charges, and Other Fees

RESOLUTION NO. _____

ADOPTING NEW POLICY 2.27, LACTATION ACCOMMODATION; REVISED POLICY 3.02, CALIFORNIA ENVIRONMENTAL QUALITY ACT IMPLEMENTATION; REVISED POLICY 3.04, COORDINATION OF DISTRICT CONSTRUCTION AND MAINTENANCE WORK WITH OTHER AGENCIES; REVISED POLICY 7.01, AQUEDUCT AND DISTRIBUTION PIPELINE RIGHTS-OF-WAY; REVISED POLICY 7.11, USE OF DISTRICT BAY AREA FACILITIES; REVISED POLICY 7.15, CLIMATE ACTION; AND REVISED POLICY 8.04, ESTABLISHING WASTEWATER CAPACITY FEES

Introduced by Director

; Seconded by Director

WHEREAS, it is the intention and desire of the Board of Directors of the East Bay Municipal Utility District to create and adopt a New Policy 2.27, entitled "Lactation Accommodation" that recognizes lactating employees' right for reasonable accommodations in the workplace and to provide a reasonable amount of break time and a suitable location to any employee to express breast milk; and

WHEREAS, it is the desire and intention of the Board of Directors to update and revise Policy 3.02, entitled "California Environmental Quality Act Implementation"; Policy 3.04, entitled "Coordination of District Construction and Maintenance Work with Other Agencies"; Policy 7.01, entitled "Aqueduct and Distribution Pipeline Rights-of-Way"; Policy 7.11, entitled "Use of District Bay Area Facilities"; Policy 7.15, entitled "Climate Action"; and Policy 8.04, entitled "Establishing Wastewater Capacity Fees";

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that New Policy 2.27, regarding Lactation Accommodation, attached hereto as Exhibit A, and Revised Policy 3.02, Revised Policy 3.04, Revised Policy 7.01, Revised Policy 7.11, Revised Policy 7.15, and Revised Policy 8.04, attached hereto as Exhibits B through G, are

hereby adopted.

ADOPTED this 24th day of August, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



Policy 2.27

EFFECTIVE 24 AUG 21

LACTATION ACCOMMODATION

SUPERSEDES NEW

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Recognize lactating employees' rights to request lactation accommodation in the workplace, and to provide such accommodation by providing a reasonable amount of break time and a suitable lactation location to any employee who desires to express breast milk for their infant child, subject to any exemption allowed under applicable law.

Lactation Location The District will make available lactation locations throughout its worksites. Each lactation location will be private (shielded from view and free from intrusion from co-workers and the public) and located as close to employee's work area as possible. The District will take measures to ensure the location is safe, clean and free of toxic or hazardous materials; has a surface to place a breast pump and other personal items; has a place to sit; and has access to electricity or alternative devices (such as extension cords or charging stations) allowing the operation of an electric or battery-powered breast pump.

No lactation location will be a bathroom or restroom. An employee's private office may be used as a lactation location for that employee if it otherwise meets the requirements of the lactation space described above. Multi-purpose rooms, i.e. conference or meeting rooms, may be used as a lactation space if the requirements are met; however, use of the room for lactation takes priority over other uses for the time it is in use for lactation purposes. For these common rooms, the doors will be secured or signage may be placed to maintain privacy and avoid inadvertent entry during use as a lactation space.

The District will also provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's work area. If a refrigerator cannot be provided, the District will provide another cooling device suitable for storing milk, e.g. an employer-provided cooler.

Request for Lactation Accommodation Employees who desire lactation accommodations shall contact the District's Human Resources Regulatory Coordinator (HRRC) to request accommodations. An employee's request may be provided orally, by email, or in writing, and need not be submitted on a specific form. The request for lactation accommodation shall be submitted to the HRRC at least forty-eight (48) hours in advance of the employee's need for the accommodation. The District will engage in an interactive process to determine when and where lactation breaks will occur. If possible, the break time should run concurrently with the normally scheduled break time. Any break time to express breast milk that does not run concurrently with the normally scheduled break time shall be unpaid.

If the District is unable to provide requested/additional break time or location that complies with this policy, a written response will be provided by the HRRC.

Remedy

Employees have a right to file a complaint with the California Labor Commissioner if the employee believes they have been denied reasonable break time or adequate space to express milk, or have been otherwise denied rights related to lactation accommodation. Employees may find further information on the Labor Commissioner's website located at:
https://www.dir.ca.gov/dlse/Lactation_Accommodation.htm.

Authority

California Fair Employment and Housing Act, Government Code 12926
California Family Rights Act, Government Code Section 12945
California Labor Code Section 1030-1034
Fair Labor Standards Act – 29 U.S.C 207.r.1
Patient Protection and Affordable Care Act – Section 4207 (Reasonable Break Time for Nursing Mothers)

Resolution No. XXXXX-21, August 24, 2021

References

Policy 2.02 – Accommodation for Individuals with Disabilities in the Workplace
Policy 2.09 – Family and Medical Leave (FMLA)/California Family Rights Act (CFRA)
Policy 2.25 – Equal Employment Opportunity (EEO)
Policy 2.26 – Prevention of Workplace Harassment
Procedure 201 – Accommodation for Individuals with Disabilities in the Workplace
Procedure 227 – Equal Employment Opportunity (EEO) Discrimination, Harassment and Retaliation Complaints, Investigations and Appeals



Policy 3.02R

EFFECTIVE [24 AUG 21](#)

[24 NOV 15](#)

SUPERSEDES [24 NOV 15](#)

[24 JAN 12](#)

CALIFORNIA ENVIRONMENTAL QUALITY ACT IMPLEMENTATION

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Adopt and comply with the objectives and criteria of the California Environmental Quality Act (CEQA) and CEQA Guidelines, and develop implementation procedures that are consistent with the District's CEQA compliance objectives.

Public Involvement

Encourage and support broad public involvement, both formal and informal, consistent with existing District practices, so that the District may receive, evaluate, and appropriately address all public comments on the environmental issues regarding a proposed project. In support of the District's efforts to promote equity and inclusivity, as appropriate and in accordance with CEQA, District staff will seek community input and follow a fair and open process involving the public by actively engaging with communities and encouraging feedback for projects from all stakeholders.

Entitlements and Applicant Projects

For a permit, lease, or other entitlement for use, and annexations, District staff will require applicants to provide the information deemed necessary by the District to evaluate the environmental impact of the proposed project.

Require applicants to reimburse the District for costs related to preparing and filing appropriate environmental documentation, including Environmental Impact Reports and Negative Declarations.

District Driven Projects

District staff will:

- Prepare or ensure preparation of the appropriate level of environmental documentation and ensure that it is reviewed internally by all relevant District stakeholders during the early planning stages and throughout the process.
 - Ensure that environmental documentation is made available for review by relevant local, state and federal agencies consistent with the CEQA statutes and Guidelines, including availability for public review, as appropriate, in accordance with CEQA.
 - Ensure all aspects of the environmental review process, including the selection of the appropriate level of environmental review and the development of mitigation measures, are implemented in a way that promotes equity and affords fair treatment, accessibility, and protection for all people, regardless of race, age, culture, socioeconomic status, or geographic location.
 - Obtain administrative and/or Board of Directors' approval for the CEQA document prior to approving the project and initiating final design and construction
-

California Environmental Quality Act Implementation

NUMBER 15

PAGE NO.: 2

EFFECTIVE DATE: 24 AUG 21
~~24 JAN 12~~

Authority

Resolution No. 32959-96, January 23, 1996
As amended by Resolution No.33262-01, September 11, 2001
As amended by Resolution No. 33027-02 September 24, 2002
As amended by Resolution 33756-10, February 23, 2010
As amended by Resolution 33864-12, January 24, 2012
As amended by Resolution 34059-15, November 24, 2015
As amended by Resolution No. 35190-20, June 23, 2020
As amended by Resolution No. XXXXX-21 August 24, 2021

References

Policy 7.05 – Sustainability and Resilience
Procedure 311 – Preparation and Review of Environmental Documents



Policy 3.02

EFFECTIVE 24 AUG 21

SUPERSEDES 24 NOV 15

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As amended by Resolution No. XXXXX-21 August 24, 2021

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Policy 7.05 – Sustainability and Resilience
Procedure 311 – Preparation and Review of Environmental Documents



Policy 3.04R

EFFECTIVE [24 AUG 21](#)
~~26 SEP 17~~
SUPERSEDES [26 SEP 17](#)
~~28 SEP 04~~

COORDINATION OF DISTRICT CONSTRUCTION AND MAINTENANCE WORK WITH OTHER AGENCIES

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Cooperate with other utilities and public agencies that will be affected by District construction and maintenance activities;

Cooperate with regulatory agencies to meet requirements for District construction and maintenance activities;

Cooperate with other utilities and public agencies whose construction or maintenance activities will affect District facilities and infrastructure;

Anticipate the need for such cooperation as far in advance as possible and encourage other utilities and public agencies to do likewise; and

Minimize the financial and construction impacts to District ratepayers and the general public.

Engineering Studies/ Programs	Cooperate in engineering studies and programs of mutual interest and benefit. Share project information to promote well-coordinated construction projects and opportunities for partnership or cost sharing.
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District Facilities/ <u>Infrastructure</u>	To minimize cost, duplication of work, and environmental and construction impacts and inconvenience to other agencies, construction and/or maintenance on District facilities <u>and infrastructure</u> will begin prior to or in conjunction with the work of other agencies whenever feasible. To ensure resource stewardship, appropriate regulatory approvals and adoption of best practices will be obtained through review by relevant District stakeholders in the planning phase.
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Other Agencies Projects	Work cooperatively with other utilities and public agencies to provide adequate notice to each other of capital or maintenance projects to allow for permitting and regulatory approval, planning, engineering, installation and/or replacement of affected facilities in a coordinated manner.
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Authority	Resolution No. 27811, July 27, 1976 As amended by Resolution No. 32885-94, October 25, 1994 As amended by Resolution No. 33429-04, June 8, 2004 As amended by Resolution No. 33443-04, September 28, 2004 As amended by Resolution No. 35061-17, September 26, 2017 <u>As amended by Resolution No. XXXXX-21, August 24, 2021</u>
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Policy 3.04

EFFECTIVE 24 AUG 21

SUPERSEDES 26 SEP 17

COORDINATION OF DISTRICT CONSTRUCTION AND MAINTENANCE WORK WITH OTHER AGENCIES

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Policy 7.01^R

EFFECTIVE 24 AUG 21

~~24 SEP 19~~

SUPERSEDES 24 SEP 19

~~24 NOV 15~~

AQUEDUCT AND DISTRIBUTION PIPELINE RIGHTS-OF-WAY MAINTENANCE

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Maintain the integrity of the raw water aqueducts and the distribution pipeline rights-of-way (fee-owned and easement established) ~~in-order~~ to ensure:

- Safety and reliability of water supply, and the rights and obligations of the District;
- Protection against fire;
- Protection against erosion;
- Protection against flooding;
- Protection against trespassing by individuals, unauthorized access by vehicles and equipment, or and unauthorized encroachment; and
- Fast recovery from emergencies.

Rights-of-Way Use Restrictions

Protect against trespassing by use of control measures such as gates across rights-of-way to ensure ~~both~~ operational capabilities maintained; property requirements ~~requirements and the rights of other property owners are met; and~~ underground and above-ground facilities are protected.

With prior District approval, allow use of the rights-of-way for public trail purposes by public agencies provided such use will lessen maintenance work performed by the District with due regard for District liability, safety of pipelines, and maintenance of access roads. The use of District aqueduct rights-of-way by public agencies may be allowed under the terms of a properly authorized written agreement.

Where possible, secure relinquishment of surface rights from their present owners in exchange for other rights requested by those owners where such exchanges are in the best interests of the District.

~~Allow the use of District aqueduct rights-of-way by others only under the terms of a written agreement.~~

Prohibit uses incompatible with the District's property rights, operation and maintenance of the aqueducts and distribution pipelines, or that potentially impact the District's assets. These prohibitions generally include but are not limited to:

- Use of District aqueduct or distribution pipeline properties by others as a condition to meet city/county zoning requirements or to obtain any land use permit, approval, or entitlement affecting properties not owned by the District.
- Third party building or portions of buildings constructed on aqueduct or distribution pipeline property.
- Unauthorized non-District vehicular parking by others over aqueducts or distribution pipelines.
- Interference with gravity drainage of District aqueduct or distribution pipeline property. Drainage facilities shall be provided outside District property to assure adequate drainage is maintained.

Aqueduct and Distribution Pipeline Rights-of-Way Maintenance

NUMBER 7.01

PAGE NO.: 2

EFFECTIVE DATE: 24 AUG 21
24 SEP 19

Raw Water Aqueduct Integrity

Plan for and implement the repair, refurbishment, and replacement of the aqueducts including a secure Delta tunnel.

Ensure that all uses of aqueduct rights-of-way accommodate repairs and future construction of replacement aqueducts, additional aqueducts, and potential improvements to the aqueducts.

Ensure construction from any proposed third party project that passes under, over, or through a fee-owned or easement established aqueduct right-of-way is evaluated in detail for potential impacts, and mitigations are identified and implemented to the level of no significant impact.

Authority

Resolution No. 14,620, January 26, 1951
As amended by Resolution No. 33027-02, September 24, 2002
As amended by Resolution No. 33443-04, September 28, 2004
As amended by Resolution No. 33564-06, November 14, 2006
As amended by Resolution No. 33780-10, September 14, 2010
As amended by Resolution No. 33871-12, April 24, 2012
As amended by Resolution No. 34059-15, November 24, 2015
As amended by Resolution No. 35156-19, September 24, 2019
As amended by Resolution No. XXXXX-21, August 24, 2021

References

Policy 9.06 – Bay-Delta Protection
Procedure 718 – Authorized Uses of Pipeline Rights-of-Way



Policy 7.01

EFFECTIVE 24 AUG 21

SUPERSEDES 24 SEP 19

AQUEDUCT AND DISTRIBUTION PIPELINE RIGHTS-OF-WAY MAINTENANCE

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Maintain the integrity of the raw water aqueducts and the distribution pipeline rights-of-way (fee-owned and easement established) to ensure:

- Safety and reliability of water supply, and the rights and obligations of the District;
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Aqueduct and Distribution Pipeline Rights-of-Way Maintenance

NUMBER 7.01

PAGE NO.: 2

EFFECTIVE DATE: 24 AUG 21

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As amended by Resolution No. 33871-12, April 24, 2012
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References

Policy 9.06 – Bay-Delta Protection
Procedure 718 – Authorized Uses of Pipeline Rights-of-Way



Policy 7.11R

EFFECTIVE 24 AUG 21

~~22 SEP 15~~

SUPERSEDES 22 SEP 15

~~24 FEB 09~~

USE OF DISTRICT BAY AREA FACILITIES

IT IS THE POLICY OF EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Recognize the importance of responding to the meeting space needs of employee groups and the local community by allowing limited use of designated District's meeting facilities for non-District non-commercial purposes, establishing rental charges to cover the District's incremental costs, and allowing limited commercial activities in support of District-approved events.

Meeting Facilities Availability	District meeting rooms, Board Room, and Training Resource Center at the Administration Building and Adeline Maintenance Center, are available weekdays only between 5:00 p.m. and 11:00 p.m. <u>for use</u> . Advance reservations are required to minimize disruption of District operations. Use permits may be required at specific facilities or properties. The District reserves the right to refuse or cancel meeting requests due to security conditions or other operational needs.										
Authorized Employee Events	The District supports numerous authorized heritage, diversity, arts, health, and environmental events. These authorized events are generally limited to the Board Room, Training Resource Center, lobby, and dining rooms. These rooms are generally available during the day. The District reserves the right to refuse or cancel reservations due to security conditions or other operational requirements.										
Cost	Use charges including janitorial, setup, and security arrangements will be paid for by the user in accordance with the Schedule of Use Charges as specified in Procedure 703.										
Exclusion	Use of Pardee facilities is excluded from this policy.										
Authority	Motion No. 91-119, October 8, 1991 As amended by Resolution No. 32885-94, October 25, 1994 As amended by Resolution No. 33365-03, July 8, 2003 As amended by Resolution No. 33494-05, September 27, 2005 As amended by Resolution No. 33577-07, January 9, 2007 As amended by Resolution No. 33703-09, February 24, 2009 As amended by Resolution No. 34052-15, September 22, 2015 <u>As amended by Resolution No. XXXXX-21, August 24, 2021</u>										
References	<table><tr><td>Policy 6.04</td><td>Ethics of the EBMUD Board of Directors</td></tr><tr><td>Policy 7.04</td><td>Access to District Property for Tours</td></tr><tr><td>Policy 7.06</td><td>Pardee Conference and Lodging Facility Use</td></tr><tr><td>Procedure 703</td><td>District Facilities: Use by Employee and Outside Groups</td></tr><tr><td>Procedure 716</td><td>Pardee Facilities</td></tr></table>	Policy 6.04	Ethics of the EBMUD Board of Directors	Policy 7.04	Access to District Property for Tours	Policy 7.06	Pardee Conference and Lodging Facility Use	Procedure 703	District Facilities: Use by Employee and Outside Groups	Procedure 716	Pardee Facilities
Policy 6.04	Ethics of the EBMUD Board of Directors										
Policy 7.04	Access to District Property for Tours										
Policy 7.06	Pardee Conference and Lodging Facility Use										
Procedure 703	District Facilities: Use by Employee and Outside Groups										
Procedure 716	Pardee Facilities										



Policy 7.11

EFFECTIVE 24 AUG 21

SUPERSEDES 22 SEP 15

USE OF DISTRICT BAY AREA FACILITIES

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Cost	Use charges including janitorial, setup, and security arrangements will be paid for by the user in accordance with the Schedule of Use Charges as specified in Procedure 703.										
Exclusion	Use of Pardee facilities is excluded from this policy.										
Authority	Motion No. 91-119, October 8, 1991 As amended by Resolution No. 32885-94, October 25, 1994 As amended by Resolution No. 33365-03, July 8, 2003 As amended by Resolution No. 33494-05, September 27, 2005 As amended by Resolution No. 33577-07, January 9, 2007 As amended by Resolution No. 33703-09, February 24, 2009 As amended by Resolution No. 34052-15, September 22, 2015 As amended by Resolution No. XXXXX-21, August 24, 2021										
References	<table><tr><td>Policy 6.04</td><td>Ethics of the EBMUD Board of Directors</td></tr><tr><td>Policy 7.04</td><td>Access to District Property for Tours</td></tr><tr><td>Policy 7.06</td><td>Pardee Conference and Lodging Facility Use</td></tr><tr><td>Procedure 703</td><td>District Facilities: Use by Employee and Outside Groups</td></tr><tr><td>Procedure 716</td><td>Pardee Facilities</td></tr></table>	Policy 6.04	Ethics of the EBMUD Board of Directors	Policy 7.04	Access to District Property for Tours	Policy 7.06	Pardee Conference and Lodging Facility Use	Procedure 703	District Facilities: Use by Employee and Outside Groups	Procedure 716	Pardee Facilities
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Policy 7.06	Pardee Conference and Lodging Facility Use										
Procedure 703	District Facilities: Use by Employee and Outside Groups										
Procedure 716	Pardee Facilities										



Policy 7.15R

EFFECTIVE 24 AUG 21

~~24 SEP 19~~

SUPERSEDES 24 SEP 19

~~11 JUN 19~~

CLIMATE ACTION

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Consider the impacts of climate change and take appropriate action to understand, mitigate and adapt to those impacts through sustainable activities that manage long-term economic, environmental and human resource benefits.

Overview

The District recognizes that climate change will result in rising sea levels, reduced snowpack, increased climate variability, and impacts to ecosystems on District watersheds. Furthermore, the District recognizes that these changes will impact water and wastewater operations and infrastructure, and our communities.

In addition, the District recognizes that climate change will have significant impacts worldwide and may have disproportionate impacts to marginalized populations. The potential impacts of climate change are well-documented by the United Nations Intergovernmental Panel on Climate Change, in California's Climate Change Assessment, and the United States' National Climate Assessment reports.

The District maintains a Climate Change Monitoring and Response Plan to inform the District's planning efforts for future water supply, water quality and infrastructure and to support sound water and wastewater infrastructure investment decisions.

Objective

The District will consider climate change impacts in its policies, procedures, projects, and work practices. In doing so, the District will:

- Monitor climate science and identify the potential impacts to the District
- Plan for climate change by applying the best available science to understand climate risks and implement adaptation and mitigation strategies to improve resilience
- Integrate climate science into planning, design, construction, watershed land management, and operations and maintenance
- Complete an annual greenhouse gas (GHG) emissions inventory
- Reduce GHG emissions consistent with the District's Energy Policy
- Support global, federal, state, and regional action to respond to the impacts of climate change
- Support appropriate legislation and regulations to fund and mitigate climate change impacts and promote collaborative adaptation measures
- Recognize the Retirement Board's plenary authority to consider environmental, social and governance factors in the portfolio management of the District's retirement system to address sustainability and evaluate climate change exposure
- Collaborate with public agencies, researchers, regulators, utilities and communities to develop sustainable solutions
- Educate communities and employees on the impacts of climate change
- Take a leadership role in the industry and the community in addressing climate change

Authority Resolution 35141-19, June 11, 2019
As amended by Resolution No. 35156-19, September 24, 2019
As amended by Resolution No. XXXXX-21, August 24, 2021

References Policy 7.05 – Sustainability and Resilience
Policy 7.07 – Energy
Policy 9.04 – Watershed Management and Use
Policy 9.06 – Bay-Delta Protection



Policy 7.15

EFFECTIVE 24 AUG 21

SUPERSEDES 24 SEP 19

CLIMATE ACTION

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

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Resolution 35141-19, June 11, 2019
As amended by Resolution No. 35156-19, September 24, 2019
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References

Policy 7.05 – Sustainability and Resilience
Policy 7.07 – Energy
Policy 9.04 – Watershed Management and Use
Policy 9.06 – Bay-Delta Protection



Policy 8.04R

EFFECTIVE 24 AUG 21
26 SEP 17

SUPERSEDES 26 SEP 17
22 SEP 15

ESTABLISHING WASTEWATER CAPACITY FEES

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Establish fees to recover the estimated costs to provide ~~wastewater treatment~~ capacity in the District's wastewater facilities for new or expanded ~~system~~ use of such facilities by ~~for~~ residential and non-residential customers.

Background

The Wastewater Capacity Fee (WCF) program was established ~~by the Board~~ in 1984 ~~and went into effect in 1987~~. The purpose of the WCF program is to recover the costs of capital facilities necessary to provide wastewater treatment capacity for new and expanded system use. WCFs are used to replace and repair major equipment or facilities within the wastewater system. The WCF program helps to fund the District's capital program, including the payment of debt service and funding for wastewater related capital projects.

Wastewater Capacity Fee Basis

WCFs are developed using the buy-in methodology, whereby new users "buy-in" to a wastewater system that currently has adequate dry weather capacity to serve existing and new demand. The WCF is based on wastewater volume and strength factors and ~~it applies to~~ is collected from all dischargers who apply for a new connection to the wastewater system or increase ~~wastewater~~ volume or strength discharged through an existing wastewater connection.

Restrictions

Fees collected under the program must be expended for the purpose for which the fees are collected and cannot exceed the estimated reasonable cost of providing ~~wastewater treatment~~ capacity in the District's wastewater facilities.

Wastewater Capacity Fee 2-Year Review

For non-residential customers, a review of the actual volume and strength may be conducted within 24 months of establishing a WCF to determine whether the actual volume and strength is consistent with the original estimate. The review may result in the assessment of additional Wastewater Capacity Fees if the actual flow and/or strength exceeds the original estimate.

Wastewater Capacity Credit

A credit may be provided when new services provided to a property replace one or more existing or prior services provided to that property, in conformance with this policy and in a specific manner determined by District staff. The credit is based on the WCF previously paid for service at the property, if any, or ~~where a WCF based on~~ was already paid. Where a WCF was not paid because a ~~the historical usage at the property, where the customer's~~ sewer connection predates the WCF program, ~~a credit may be provided based on the customer's historical flows. The WCF credit does not apply to service that does not typically result in substantial wastewater discharge, including, without limitation, dedicated irrigation meters, standby meters, fire service meters, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system.~~

Regulatory Basis	<p>The WCF Program <u>will be implemented consistent with applicable legal requirements</u>, is not subject to Proposition 218 and implementation is consistent with the following:</p> <ul style="list-style-type: none">Government Code Section 66013 which contains requirements specific to wastewater capacity fees. Procedural requirements for adopting or protesting capacity fees, pursuant to Section 66013 are contained in Sections 66016, 66022 and 66023 of the Government Code. The most pertinent part of Section 66013 states: "Notwithstanding any other provision of law, when a local agency imposes fees for water connections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed..."Proposition 26 requires the District to show the amount of WCF charged is not a tax by not exceeding the reasonable amount required to provide the service, as stated in Article XIII(C), Section 1(e) (2) of the California Constitution: "A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product."
Authority	<p>Adopted by Resolution No. 34052-15, September 22, 2015 Amended by Resolution No. 35061-17, September 26, 2017 <u>Amended by Resolution No. XXXXX-21, August 24, 2021</u></p>
References	<p>EBMUD Wastewater Control Ordinance, <u>section 2(d)</u> Government Code Section 66013 <u>[limitations on capacity fees]</u> <u>Government Code Section 65852.2 [accessory dwelling units]</u> <u>Government Code Section 65852.22 [junior accessory dwelling units]</u> Proposition 26 <u>(Cal. Const., art. XIII C, sec. 1(e))</u> Resolution No. 30945, June 26, 1984 Resolution No. 33934-13, August 12, 2013</p> <p>Schedule of Rates and Charges to Customers <u>Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees</u></p>



Policy 8.04

EFFECTIVE 24 AUG 21

SUPERSEDES 26 SEP 17

ESTABLISHING WASTEWATER CAPACITY FEES

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Establish fees to recover the estimated cost to provide capacity in the District's wastewater facilities for new or expanded use of such facilities by residential and non-residential customers.

Background	The Wastewater Capacity Fee (WCF) program was established in 1984. The purpose of the WCF program is to recover the costs of capital facilities necessary to provide wastewater treatment capacity for new and expanded system use. WCFs are used to replace and repair major equipment or facilities within the wastewater system. The WCF program helps to fund the District's capital program, including the payment of debt service and funding for wastewater related capital projects.
Wastewater Capacity Fee Basis	WCFs are developed using the buy-in methodology, whereby new users "buy-in" to a wastewater system that currently has adequate dry weather capacity to serve existing and new demand. The WCF is based on wastewater volume and strength factors and is collected from all dischargers who apply for a new connection to the wastewater system or increase volume or strength discharged through an existing wastewater connection.
Restrictions	Fees collected under the program must be expended for the purpose for which the fees are collected and cannot exceed the estimated reasonable cost of providing capacity in the District's wastewater facilities.
Wastewater Capacity Fee 2-Year Review	For non-residential customers, a review of the actual volume and strength may be conducted within 24 months of establishing a WCF to determine whether the actual volume and strength is consistent with the original estimate. The review may result in the assessment of additional Wastewater Capacity Fees if the actual flow and/or strength exceeds the original estimate.
Wastewater Capacity Credit	A credit may be provided when new services provided to a property replace one or more existing or prior services provided to that property, in conformance with this policy and in a specific manner determined by District staff. The credit is based on the WCF previously paid for service at the property, if any, or WCF based on the historical usage at the property, where the sewer connection predates the WCF program. The WCF credit does not apply to service that does not typically result in substantial wastewater discharge, including, without limitation, dedicated irrigation meters, standby meters, fire service meters, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system.
Regulatory Basis	The WCF Program will be implemented consistent with applicable legal requirements.

Authority

Adopted by Resolution No. 34052-15, September 22, 2015
Amended by Resolution No. 35061-17, September 26, 2017
Amended by Resolution No. XXXXX-21, August 24, 2021

References

EBMUD Wastewater Control Ordinance, section 2(d)
Government Code Section 66013 [limitations on capacity fees]
Government Code Section 65852.2 [accessory dwelling units]
Government Code Section 65852.22 [junior accessory dwelling units]
Proposition 26 (Cal. Const., art. XIII C, sec. 1(e))
Resolution No. 30945, June 26, 1984

Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees



AGENDA NO. 11.1-11.2.
MEETING DATE August 24, 2021

**TITLE RESPONSE TO DECLARATION OF EMERGENCY FOR THE REPAIR OF
MOKELUMNE AQUEDUCT NO. 2**

TYPE	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
ACTION	<input type="checkbox"/> MOTION	<input checked="" type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION

1. Ratify the General Manager's August 18, 2021 declaration of a District emergency in accordance with Policy 7.03 as a result of structural deterioration to Mokelumne Aqueduct No. 2 due to corrosion.
2. Authorize expenditure of sums as needed in response to such emergency.

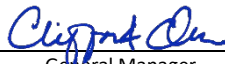
SUMMARY

On August 6, 2021, Mokelumne Aqueduct No. 2 was inspected after a leak developed at Station 1620 located in the City of Stockton. Upon inspection, the steel was found to be significantly corroded in a section directly under a Union Pacific Railroad bridge. Immediate repair is needed to maintain operations and reduce liabilities.

On August 18, 2021, to expedite repairs to Mokelumne Aqueduct No. 2 to ensure the continued service of this critical infrastructure, the General Manager, in consultation with the Board President, declared a "District Emergency" in accordance with Policy 7.03 - Emergency Preparedness/Business Continuity. The policy authorizes suspension of the competitive bid process and allows the award of contracts not to exceed \$500,000 per contract and further requires that the General Manager report expenditures and contracts awarded under \$500,000, made under the emergency declaration, to the Board of Directors.

DISCUSSION

Mokelumne Aqueduct No. 2 is a 69-inch outside diameter pipeline with ½-inch thick steel and cement mortar lining and coating. The aqueduct was placed into service in 1949. District engineers believe immediate repair is needed to avoid risks to water operations and significant liability associated with the railroad and surrounding private property. The aqueduct remains in service to support critical water operations with a temporary repair on the leak.

Funds Available: FY21, CIP#1000810; Page #28	Budget Coding: 562-2014541-7999-5312	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Operations and Maintenance	David A. Briggs	 General Manager
Attachment(s): Resolution		

Section 12753 of the California Municipal Utility District Act (MUD Act) provides that in case of any great emergency, the Board may, by resolution passed by a five-sevenths vote of the Board, declare and determine that the emergency exists and authorize expenditure of sums or enter into contracts involving the expenditure of any sums needed in the emergency without observing provisions requiring contracts, bids, or notice. Therefore, in addition to ratification of the General Manager's action, the Board is being asked to declare an emergency directly under the MUD Act and to authorize the General Manager to expend any funds necessary above the \$500,000 per contract limit in Policy 7.03 in order to fully respond to the emergency.

Since the emergency declaration, the District has confirmed the availability of a contractor, Ranger Pipelines, Inc., with the expertise and resources to conduct the repair immediately. The repair will utilize spare pipeline sections in the District's inventory intended for emergency repair. Having appropriate replacement pipeline sections on hand reduces the repair time by three to four months.

District staff is working on a contract with Ranger Pipelines, Inc. for immediate mobilization, removal of the damaged pipe, replacement with new pipe, and associated backfill necessary to complete the repair. District staff will secure any necessary approvals from Union Pacific Railroad. Updates on additional contracts awarded and progress on the repair will be made at the September 14, 2021 Board meeting.

SUSTAINABILITY

Economic

The repair costs are estimated at \$700,000 to \$1,000,000 and can be funded from FY22 capital contingency applied to the Raw Water Infrastructure Project.

Social

The repair of Mokelumne Aqueduct No. 2 will avoid significant impacts to the District's water supply operations and potential damage to the railroad bridge which is used daily to carry goods across the region.

Environmental

The repair will avoid the unplanned discharge of approximately 20 million gallons of water at the severely damaged location which would flow to a nearby park and storm drains. This amount of water also has the potential to reach and damage nearby homes.

ALTERNATIVE

Do not ratify the General Manager's declaration of an emergency. This alternative is not recommended because Mokelumne Aqueduct No. 2 is a critical pipeline that is significantly corroded at Station 1620. Its immediate repair is necessary to avoid impacts to water supply operations and reduce liabilities.

RESOLUTION NO. _____

RATIFYING GENERAL MANAGER'S DECLARATION OF THE EXISTENCE
OF A DISTRICT EMERGENCY AND AUTHORIZING EXPENDITURE OF
SUMS AS NEEDED IN RESPONSE TO SUCH EMERGENCY

Introduced by Director

; Seconded by Director

WHEREAS, East Bay Municipal Utility District (District) Policy 7.03, "Emergency Preparedness/Business Continuity," empowers the General Manager, in consultation with the President of the Board of Directors, to declare a District emergency condition that necessitates immediate action to minimize damage and inconvenience and to enter into emergency contracts not to exceed \$500,000 per contract, without bids or notice after a District-declared emergency; and

WHEREAS, Section 12753 of the California Municipal Utility District Act provides that in case of any great emergency, the Board may, by resolution passed by a five-sevenths vote of the Board, declare and determine that such emergency exists, and thereupon proceed to expend sums or enter into contracts involving the expenditure of any sums needed in such emergency without observance of the provisions requiring contracts, bids, or notice; and

WHEREAS, on August 6, 2021, a leak was discovered on Mokelumne Aqueduct No. 2 at Station 1620 located in the City of Stockton and further investigation of the leak revealed the existence of extensive corrosion on Mokelumne Aqueduct No. 2 at that location; and

WHEREAS, the Mokelumne Aqueduct No. 2 is primary and critical infrastructure conveying water to the District's East Bay service area; and

WHEREAS, based on District calculations, the remaining thickness of the steel pipe is inadequate for the water pressure at this location; and

WHEREAS, while the leak was halted with a temporary repair and flow through Mokelumne Aqueduct No. 2 was reduced to decrease the pressure, the pipe is at risk of failure and a temporary outage is necessary to replace the defective pipe; and

WHEREAS, this event poses a threat to the District's aqueduct infrastructure and critical District operations; and

WHEREAS, on August 18, 2021, in order to repair the leak as quickly as possible and to ensure that the affected area is not impacted, the General Manager, in consultation with the Board President, declared the existence of a District emergency arising from the leak on Mokelumne Aqueduct No. 2; and

WHEREAS, District Policy 7.03 provides that following the General Manager's declaration of a District emergency, the Board shall meet to ratify the General Manager's declaration as soon as possible after the declaration, but no later than 14 days following such declaration; and

WHEREAS, the Board does hereby find that the aforesaid conditions did warrant and necessitate the proclamation of the existence of a District emergency; and

WHEREAS, a report has been made to the Board summarizing all expenditures made and contracts executed in response to said emergency in compliance with District Policy 7.03; and

WHEREAS, periodic reports shall be generated at the direction of the Board until the emergency is concluded in compliance with District Policy 7.03;

NOW, THEREFORE, BE IT RESOLVED the Board finds that an emergency exists as a result of the situation at Mokelumne Aqueduct No. 2.

BE IT FURTHER RESOLVED that the declaration of a District emergency, as issued by the General Manager, is hereby ratified by the Board.

BE IT FURTHER RESOLVED that the General Manager is hereby authorized to proceed to expend sums or enter into contracts involving the expenditure of any sums needed in response to this emergency without observance of the provisions requiring contracts, bids, or notice.

ADOPTED this 24th day of August, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE

General Counsel

ITEM 12

CORONAVIRUS UPDATE


WILL BE PROVIDED
AS AN ORAL REPORT


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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 24, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Michael T. Tognolini, Director of Water and Natural Resources 

SUBJECT: Los Vaqueros Reservoir Expansion Project Update

SUMMARY

EBMUD is evaluating participation in Contra Costa Water District's (CCWD) proposed expansion of Los Vaqueros Reservoir from 160 thousand acre-feet (TAF) to 275 TAF (Project) with six other water agencies (Alameda County Water District, Grasslands Water District, San Francisco Public Utilities Commission, San Luis Delta Mendota Water Authority, Santa Clara Valley Water District, and Zone 7 Water Agency). The Project would provide supplemental water supply to EBMUD during droughts and emergencies. Staff completed negotiations of a Joint Powers Authority (JPA), is assisting CCWD with preparation for a California Water Commission (CWC) grant feasibility hearing and is currently negotiating a third amendment to the existing cost-sharing agreement (Multiparty Agreement). The JPA and an amendment to the Multiparty Agreement are scheduled for Board consideration in September 2021. A project update will be provided at the August 24, 2021 Board meeting.

DISCUSSION

Grant Feasibility Hearing

On October 20, 2021, the CWC is holding a feasibility hearing to determine whether the Project is still eligible to receive \$470 million in grant funding through the Water Storage Investment Program (WSIP). Grant funding will offset approximately 57 percent of the estimated total capital cost of the Project (approximately \$900 million); EBMUD's share is currently estimated to be between \$50 to \$100 million for 30 TAF of storage. Staff is working with CCWD to ensure the Project meets statutory requirements under the WSIP program.

Final JPA Agreement and Appointment of EBMUD Representation

JPA agreement negotiations have concluded. The proposed final agreement will be brought to the Board for consideration at its regularly scheduled meeting on September 14, 2021. The Board appointed an ad hoc committee in September 2020 to advise staff on JPA agreement negotiations. The committee provided direction to staff on several occasions. The proposed final version of the JPA agreement addresses the issues discussed with the ad hoc committee.

Notably, the JPA agreement:

- Establishes a framework for governance of the Project by a new Board of Directors comprised of representatives of each JPA member agency.
- Facilitates the upcoming negotiation of several major project agreements which are expected to formalize the member agencies' respective share of the project's costs and benefits, and the rights of the JPA and its members to use diversion, conveyance, and storage facilities, including the Freeport Regional Water Project.
- Does not legally bind or otherwise commit EBMUD to participating in the Project. The JPA agreement defers these key issues to the future project agreements. There are opportunities to exit the JPA before funding commitments are required.

In September 2021, the Board will be asked to consider appointing EBMUD's primary and alternate representatives to the newly formed JPA's Board of Directors. Each appointee may be a member of EBMUD's Board of Directors or a management-level employee. Beginning a few weeks after JPA formation, EBMUD's representatives will attend monthly meetings focused on:

- Electing officers (e.g., chair) and setting up bylaws.
- Hiring consultants or individuals to serve key roles (e.g., Executive Director, Attorney).
- Overseeing negotiation of several forthcoming project-related agreements between and among the JPA and its members and various regulatory agencies (e.g., CWC, CCWD, EBMUD, California Department of Fish & Wildlife), and considering such agreements for approval.
- Establishing a budget and selecting an approach to finance project construction.

In addition to monthly JPA meetings, the EBMUD representative will need to participate in separate briefings with EBMUD staff to prepare for the JPA meetings.

Multiparty Amendment #3

Under Board Motion No. 039-19, the Board authorized a contribution of \$354,129 as part of the Multiparty Agreement to finalize environmental documents and complete 50 percent design of the dam. The Board then authorized an increase of EBMUD's cost share to a total amount not to exceed \$1,367,790 under Board Motion No. 203-20 to fund further evaluation of the project and maintain grant eligibility.

The current Multiparty Agreement expires on December 31, 2021 and additional funding is necessary to fund additional preconstruction activities including design and permitting. Consequently, the potential partners are negotiating a third amendment to the Multiparty Agreement. The anticipated amendment will fund the following work while the final project agreements are under negotiation:

- Continuing public outreach and communication.
- Completing 100 percent design of the dam and starting design of other facilities.
- Securing regulatory permits.
- Investigating water supply sources for certain JPA members, including for EBMUD.

The total cost of the third amendment, allocation to the partners, and the term are still being negotiated. Pending the status of negotiations, the Board is scheduled to consider the amendment at its meeting on September 14, 2021.

NEXT STEPS

The JPA agreement and the third amendment to the Multiparty Agreement are currently scheduled for Board consideration on September 14, 2021. Staff is also preparing a joint press release with the potential partners ahead of the CWC hearing. Staff will continue to update the Board on the Project evaluation and any future developments.

CCC:MTT:dec


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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 24, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Olujimi O. Yoloye, Director of Engineering and Construction 

SUBJECT: Capital Project Construction Update

SUMMARY

The Fiscal Year 2022 and 2023 (FY22 and FY23) capital budgets includes the largest infrastructure investment effort since the construction of the Freeport and Folsom South Canal Connection projects in the late 2000s. These investments involve construction of various new facilities or facility upgrades throughout the service area. The success of these construction projects will depend on effective and collaborative working relationships between staff and contractors, and effective outreach to the community. This topic will be presented at the August 24, 2021 Board meeting.

DISCUSSION

Staff will provide an overview of the infrastructure investment plan and approach to construction management and community outreach and highlight the three single largest projects planned in FY22 and FY23. These projects include:

- Orinda Water Treatment Plant Disinfection Improvements in Orinda
- Upper San Leandro Water Treatment Plant Maintenance and Reliability Improvements in Oakland
- Oakland Inner Harbor Pipeline Crossing in Alameda and Oakland

NEXT STEPS

More detailed project updates will be presented at future Planning Committee meetings.

CCC:OOY:djr

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 19, 2021

MEMO TO: Board of Directors

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

FROM: Rischa S. Cole, Secretary of the District *RC*

SUBJECT: Planning Committee Minutes – August 10, 2021

Chair Marguerite Young called to order the Planning Committee meeting at 9:01 a.m. She announced that in accordance with the Governor's Executive Order N-08-21, which suspends portions of the Brown Act, this meeting will be conducted by webinar and teleconference only. A physical location was not provided for this meeting. Directors Frank Mellon and Lesa R. McIntosh were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Director of Engineering and Construction Olujimi O. Yoloeye, Senior Civil Engineer Bradley M. Ledesma, Engineering Manager Elizabeth Z. Bialek, Manager of Maintenance and Construction/Water Operations Michael R. Ambrose, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Research and Innovation at EBMUD. Director of Engineering and Construction Olujimi O. Yoloeye presented an overview of the District's research and innovation efforts. This item was held over from the July 13 Planning Committee meeting. He reviewed areas of innovation at the District in water and wastewater, discussed why innovation is essential for utilities, and how an innovation roadmap assists with successfully implementing an innovation program. Staff is proposing a formalized Office of Research and Innovation to assist with ongoing coordination of the District's efforts in these areas. Mr. Yoloeye noted a structured innovation program aligns with the District's Strategic Plan and said the proposed office would provide leadership and strategic direction; identify and develop innovation; prioritize funding; and manage evaluation and deployment of new technologies and work processes. Staff has also been collaborating with UC Berkeley and other water utilities to create a Center for Smart Infrastructure. The Center would be an academic partnership to develop and test emerging technologies and would also include an existing split-basin large-scale fault rupture testing apparatus which will be relocated from Cornell University to the UC Berkeley Richmond Field Station. He discussed some of the facilities and initiatives that would be at the Center, the Center's diversity, inclusion, culture and equity aspects, and how having the testing facility relocated to UC Berkeley will benefit the District and other utilities. The proposed Center would be implemented in three phases. The first phase, scheduled for 2021-2022 would include collaboration between the District and other utilities on infrastructure maintenance, renewal, and replacement; water and wastewater systems operations; water supply and natural resources; emergency/community preparedness; and sustainability and resilience. A sponsored undergraduate course on smart infrastructure would also be included. Subsequent phases would involve engagement with other infrastructure sectors (such as tunnels, roads, flood defense, and power). The total estimated cost to complete the planning and creation of the Center is \$1.5 million. The District is working with other water utilities to develop a larger partnership to assist with funding startup costs. The Center's goal is to be financially self-sufficient by 2024. Staff will work on an agreement with UC Berkeley on specific tasks and deliverables in creating the Center; schedule workshops with other California water utilities and UC

Berkeley staff on a business plan for future research and innovation; begin developing curriculum for the undergraduate course; develop community engagement opportunities consistent with the District's Diversity, Equity, and Inclusion Strategic Plan; and formalize the District's research and innovation program. Staff will update the Board on these efforts later in Fiscal Year 2022. General Manager Chan explained how the District began collaborating with UC Berkeley on the Center and in response to a question confirmed that the Association of California Water Agencies is not a part of this effort. Mr. Chan said staff would look into scheduling a Board visit to the UC Berkeley Richmond Field Station facilities in September. The Committee thanked staff for their efforts. It was moved by Director McIntosh, seconded by Director Mellon and carried (3-0) by roll call vote to accept the report.

Groundwater Sustainability Plan (GSP) Update. Senior Civil Engineer Bradley M. Ledesma presented an update on the District's development of a GSP for the East Bay Plain Subbasin (Subbasin). In 2014, Governor Jerry Brown signed three bills that together are referred to as the Sustainable Groundwater Management Act (SGMA). SGMA consists of three phases: Groundwater Sustainability Agencies (GSA) formation, GSP development, and GSP implementation. The District and the City of Hayward have been working together since 2018 as GSAs for the Subbasin and are working with a consultant to develop the GSP. This work is being partially funded by a \$1 million Proposition 1 grant from the Department of Water Resources (DWR). The primary purpose of SGMA and the GSP is to prevent the following six negative effects (also known as sustainability indicators): chronic lowering groundwater levels; reduction in groundwater storage; seawater intrusion; degradation of water quality; land subsidence; and depletion of interconnected surface water. Each GSP must define the undesirable results that occur for each of the six sustainability indicators and the sustainable management criteria that will be used to determine whether an undesirable result has occurred. The GSP must also identify the implementation actions necessary to monitor and meet the sustainable management criteria and fill data gaps. Mr. Ledesma reviewed potential future projects at the District's Bayside facilities and Hayward's emergency wells and highlighted next steps. Costs for implementing the GSP over the next five years are estimated at \$2.5 million. The GSP must be adopted and submitted to DWR by January 31, 2022. Staff plans to release the draft GSP to the public in September and present the final GSP to the Board for consideration at its meeting on December 14, 2021. Following adoption, the District will submit the GSP to DWR for approval and begin implementing management actions. Mr. Ledesma responded to Committee questions regarding participants in stakeholder meetings, the status of other large groundwater basins, and the subbasin in Castro Valley. It was moved by Director Mellon, seconded by Director McIntosh and carried (3-0) by roll call vote to accept the report.

Dam Safety Program Annual Report. Engineering Manager Elizabeth Z. Bialek presented an overview of the program which covers the District's 26 dams. California Department of Water Resources Division of Safety of Dams (DSOD) provides regulatory oversight of 20 dams; the Federal Energy Regulatory Commission (FERC) has joint jurisdiction over Pardee and Camanche as they are power-generating facilities; and six dams are not regulated by DSOD or FERC based on their relatively small size. Ms. Bialek reported that based on this past year's dam-safety related activities and inspections, the District's dams are considered safe for continued operation. She reviewed the process for inspecting, surveilling, and reporting on all dams and emergency response and preparedness activities as required under District Policy 7.03 – Emergency Preparedness/Business Continuity. She highlighted studies and improvements scheduled for various facilities including the Briones Tower, the Lafayette Tower, the Camanche relief well, as well as inundation mapping.

Upcoming activities will focus largely on spillway evaluations at Pardee, Camanche and at concrete-lined spillways at the District's terminal reservoirs. This work will also include cleaning of the stilling basins at San Pablo, Chabot, and Briones and inspection of the underdrains. In compliance with FERC license requirements for Pardee and Camanche reservoirs, the District retained a consultant to perform an independent audit of the District's Dam Safety Program, which is required every five years. In Fiscal Year 2022, staff plans to complete construction on the Briones Tower and design work for the Lafayette Tower; continue spillway investigations and detailed assessments; and complete the Dam Safety Program audit. Ms. Bialek responded to questions on whether the inundation maps are available on the District's website and if an environmental permit is required to perform vegetation management on the District's dam spillways. It was moved by Director McIntosh, seconded by Director Mellon and carried (3-0) by roll call vote to accept the report.

Dump Truck Services. Manager of Maintenance and Construction/Water Operations Michael R. Ambrose reviewed how the District uses contracted dump truck services when repairing, installing, and replacing water distribution infrastructure. He discussed the factors that drive the need to use these services noting that Fiscal Year (FY) 2021 spending for these services increased compared to FY20 due to increased workload and extended vacancies during the pandemic. He highlighted FY21 costs and cost drivers; historical use and miles of pipe installed between FY14 through FY21 noting there is no direct correlation between contracted dump truck services and pipe installations; historical spending and Contract Equity Program participation for these services between FY17 and FY21; and assumptions for FY22. In the first quarter of FY22, staff has noticed an increase in applicant work which can be attributed to the District's reduced system capacity charges. However, the next year, staff projects that annual spending for dump truck services will decrease and return to near FY20 levels since vacancies have been filled. At its August 24 meeting, the Board will be asked to consider amending agreements for these services to increase the amount by \$3,700,000 to a total amount not to exceed \$10,550,000 and to extend the terms of the agreements one additional year. Addressing the Committee was Eric O. Larsen, President, AFSCME Local 444, who commented on recruitments for truck drivers and expressed concerns regarding the available hiring lists for this job classification. General Manager Chan discussed how staff conducted recruitments during the COVID-19 pandemic and said staff would review the recruitments for heavy transport operators and truck drivers. It was moved by Director Mellon, seconded by Director McIntosh and carried (3-0) by roll call vote to accept the report.

Adjournment. Chair Young adjourned the meeting at 10:19 a.m.

CCC/RSC

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