



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

375 – 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0404

**AGENDA
Tuesday, June 10, 2014**

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

ROLL CALL:

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

ANNOUNCEMENT OF CLOSED SESSION AGENDA:

1. Existing litigation pursuant to Government Code section 54956.9(a):
 - a. *Walnut Creek Associates 5, Inc. dba Acura of Oakland v. East Bay Municipal Utility District* Alameda County Superior Court, Case No. RG13669775
 - b. *Dorothy Okamoto, et al. v. East Bay Municipal Utility District, et al.* Alameda County Superior Court, Case No. RG13681711
2. Conference with Real Property Negotiators pursuant to Government Code section 54956.8 regarding the negotiation of conditions and terms of payment for the potential lease of property identified as portions of Parcel No. 018-0305-003-16 in the City of Oakland, Alameda County, California, for California Waste Solutions, Inc.'s use as a solid waste transfer facility. East Bay Municipal Utility District negotiators: Ben Horenstein, Director of Wastewater, and Stephen Boeri, Manager of Real Estate Services. Negotiating parties: East Bay Municipal Utility District and California Waste Solutions, Inc.
3. Conference with Real Property Negotiators pursuant to Government Code section 54956.8 regarding the renegotiation of conditions and terms of payment for the existing lease of property identified as portions of Parcel No. 018-0305-003-16 in the City of Oakland, Alameda County, California, for Viridis Fuels' use as a biodiesel production and glycerin refining facility. East Bay Municipal Utility District negotiators: Ben Horenstein, Director of Wastewater, and Stephen Boeri, Manager of Real Estate Services. Negotiating parties: East Bay Municipal Utility District and Viridis Fuels.

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

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

ROLL CALL:

BOARD OF DIRECTORS:

- Pledge of Allegiance

ANNOUNCEMENTS FROM CLOSED SESSION:

PRESENTATION:

- Alameda County's Science & Engineering Award
- EBMUD Speaker of the Year Award

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 8 recommendations, including 4 resolutions)

1. Approve the Special and the Regular Meeting Minutes of May 27, 2014.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder Softchoice, Inc. in an annual amount, after the addition of taxes, not to exceed \$85,000 for supplying Microsoft license and maintenance of desktop operating system and systems management software for District-wide use for three years under state contract #RIVCO-20800-006-12/14.
4. Authorize an increase in the sole source purchase of calcium thiosulfate under the brand name "Captor" from Pacific Coast Chemicals from \$70,000 to \$225,000 through July 31, 2014.
5. Authorize an agreement with Digital Bond, Inc. in an amount not to exceed \$300,000 to conduct industrial control system assessments at the District's water and wastewater facilities during the period June 11, 2014 through June 30, 2015.
6. Approve the Water Supply Assessment requested by the City of Emeryville for the Emeryville Public Marketplace Redevelopment Project pursuant to the California Water Code, Section 10910-10915.
7. Approve the sale of the former Oakland Business Office property at 250 17th Street, Oakland to CRC Development, LLC for \$2,300,000. (Resolution)

CONSENT CALENDAR: (Continued)

8. Approve required actions for election of EBMUD Directors:
 - 8.1. Adopt a resolution to take actions to address election matters: 1) adopt a resolution calling for the election of four directors at the November 4, 2014 statewide General Elections, and 2) establish a process for addressing changes to the Municipal Utility District elections procedures by directing the Secretary of the District to schedule a special Board meeting in years when either no candidate or only one candidate has filed a declaration of candidacy for an open Board seat in a particular ward by the deadline of the 83rd day before the election. (Resolution)
 - 8.2. Adopt a resolution requesting the Board of Supervisors of Alameda and Contra Costa Counties to consolidate the District election for the office of Director with statewide General Election on November 4, 2014. (Resolution)
 - 8.3. Adopt a resolution establishing the criteria for publication of candidates' statements and authorizing the Secretary to bill candidates for certain costs. (Resolution)

PUBLIC HEARING:

9. Conduct a public hearing to consider Water System and Wastewater System proposed changes to the Schedules of Rates and Charges beginning FY15.

DETERMINATION AND DISCUSSION:

10. Adopt the water system rates and charges, regulations, public records act fees and recreation use fees recommended in the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2015 submitted to the Board on May 13, 2014. (Resolution)
11. Affirm the Fiscal Year 2015 (FY15) Operating and Capital Budgets for the Water System and Wastewater System as recommended in the Fiscal Year 2014-2015 Mid-Cycle Budget Report submitted to the Board of Directors on May 22, 2014, and in accordance with the provisions of the Municipal Utility District Act. The FY15 Operating and Capital Budgets remain unchanged from that which was initially adopted by the Board on June 11, 2013. (Resolution)
12. Adopt the Mid-cycle Position Resolution for Fiscal Year 2015 to implement necessary staffing and classification changes. (Resolution)
13. Adopt the 2014 update of the District's Strategic Plan.
14. Legislative Update:
 - Receive Legislative Report No. 08-14 and consider positions on the following bills: SB 1199 (Hancock) Wild and Scenic Rivers: Mokelumne River, and H.R. 3080 (Conference Report) Water Resources Reform and Development Act.
 - Update on Legislative Issues of Interest to EBMUD

DETERMINATION AND DISCUSSION: (Continued)

15. Certify the Final Environmental Impact Report for the Chabot Dam Seismic Upgrade Project and make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations; Adopt the Mitigation Monitoring and Reporting Program in accordance with CEQA; and Approve the Chabot Dam Seismic Upgrade Project using the Cement Deep Soil Mixing construction method.
(Resolution)
16. General Manager's Report:
 - Monthly Report – May 2014
 - Retirement Board Update
 - Water Supply Update

REPORTS AND DIRECTOR COMMENTS:

17. Committee Reports:
 - Planning
18. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 24, 2014 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

Disability Notice

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

Document Availability

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

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, June 10	Planning Committee Foulkes (Chair), Linney, McIntosh	9:30 a.m. Training Resource Center	<ul style="list-style-type: none"> • Chabot Dam Seismic Upgrade Project • Biosolids Management Program Update • Wood Street Interceptor Rehabilitation Project Update • Industrial Control System Vulnerability Assessment • Alameda-North Bay Farm Island Crossings Master Plan Update
	Legislative/Human Resources Committee McIntosh (Chair), Coleman, Mellon Board of Directors	11:00 a.m. 1:15 p.m.	<p><i>Cancelled</i></p> <ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, June 24	Finance/Administration Committee Coleman (Chair), Linney, Patterson	10:00 a.m. Training Resource Center	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Sustainability/Energy Committee Linney (Chair), Foulkes, Katz	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Friday, July 4	Fourth-of-July Holiday		<i>District Offices Closed</i>
Tuesday, July 8	Planning Committee Foulkes (Chair), Linney, McIntosh	9:15 a.m. Training Resource Center	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Legislative/Human Resources Committee McIntosh (Chair), Coleman, Mellon	10:15 a.m. Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	
Tuesday, July 22	Long Term Financial Stability Workshop	8:30 a.m. Training Resource Center	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
	Finance/Administration Committee Coleman (Chair), Linney, Patterson	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	

MINUTES

Tuesday, May 27, 2014

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

Special Meeting

President Andy Katz called to order the Special Meeting of the Board of Directors at 8:40 a.m. in the Training Resource Center. The Board met in workshop session to receive an update on the Strategic Plan—July 2014 and the FY14-15 Mid-Cycle Budget.

ROLL CALL

Directors John A. Coleman, Katy Foulkes, Doug Linney, Frank Mellon, William B. Patterson, and President Andy Katz were present at roll call. Director Lesa R. McIntosh arrived at 9:55 a.m.

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Finance Eric L. Sandler, Manager of Budget Jeanne M. Chase, and Secretary of the District Lynelle M. Lewis.

DISCUSSION

- Filed with the Board was a slide presentation entitled “FY14 – FY15 Strategic Plan Update and Mid-Cycle Workshop” dated May 27, 2014.

General Manager Alexander R. Coate presented an overview of the workshop and summarized the changes to the District’s Strategic Plan which was last updated and adopted by the Board in June 2012. He said that many of the strategies and objectives were updated to reflect current practices and priorities. The plan also includes many new Key Performance Indicators (KPIs) to measure progress towards priority areas such as effective maintenance practices, customer service, and updates the Workforce Planning and Development goal in light of the significant number of retirements and recruitments over the next several years.

Director of Wastewater Bennett K. Horenstein presented an update on water quality and environmental protection strategies and highlighted proposed changes to KPIs for odor control, energy management, and the Regional Private Sewer Lateral (PSL) Program. He reviewed a new objective to address odors from wastewater facilities by conducting timely odor investigations, implementing capital improvements, and optimizing operating and maintenance practices. Energy management objectives include increasing the cost effective use of renewable energy and identifying and implementing energy efficiency projects. The objective for the PSL Program is to implement an Inflow and Infiltration Control Program that will, over the long-term, meet standards for wet weather facilities.

Director of Operations and Maintenance Michael J. Wallis presented an update on long-term infrastructure investment strategies that focus on meeting operational needs and reliability goals. He highlighted proposed changes to KPIs for addressing corrective work orders, meter

repairs, valves repair, and asset maintenance. In FY13 staff identified gaps in workforce planning, facility performance, and deferred maintenance. To address these gaps, 44 additional positions for the Operations and Maintenance Department were funded in FY14 which resulted in increased productivity in valve, appurtenance, main, and meter repairs.

Director of Engineering and Construction Xavier J. Irias presented an update on capital budget priorities. He highlighted KPIs and work completed in F14 which included upgrades to reservoirs, pumping plants, pipelines, and water treatment plants. In FY15 a proposed Pipeline Replacement Study will be undertaken to assess high priority replacement needs, provide cost and efficiency analyses, and determine future resource needs and capital funding. Implementation of the study will be part of the FY16 budget. There was discussion about the pipeline replacement goals (10 to 40), current and proposed staffing levels, and the planned pilot study.

Manager of Customer and Community Services Sherri A. Hong presented an update on customer services strategies, proposed changes to KPIs, process improvements and future plans for FY15. She highlighted proposed changes to KPIs for the Contact Center and electronic bill presentment and payment enhancements. Ms. Hong pointed out that EBMUD received high ratings on a recent point of use survey. In FY15, Customer Service will focus on improving the online electronic bill presentments and payment process, provide more information to assist customers in managing their water use, integrate technology to provide more channels for customer preference and self-service, manage drought activities, and identify action plans to address survey results and areas needing improvement. There was discussion about industry standards for call centers.

Manager of Human Resources Delores A. Turner presented an update on workforce planning and development strategies and highlighted proposed changes. She reviewed the recent retirement trends and noted that 20% of the workforce will be eligible to retire in 2015. To address this trend, workforce planning efforts will focus on efficiencies in the recruitment process; identifying new ways of doing our work, offering job rotations, enhancing the onboarding process of new employees, developing enhanced knowledge retention efforts, and assessing organizational values.

Director of Finance Eric L. Sandler presented an update on the FY15 Mid-Cycle Budget for the Water and Wastewater Systems including trends, budget and expenditures, considerations and planning scenarios, along with budget variances. Budget performance for FY14 was positive although FY15 may bring challenges as a result of the financial impacts of the 10% voluntary conservation, drier weather during the summer, decreased water supply, and purchase of supplemental supplies. Next, Mr. Sandler summarized proposed changes to rates and charges, System Capacity Charges, Wastewater Capacity fees, and Resource Capacity fees. Next steps include a public hearing on rates and charges and Board consideration on June 10, 2014.

PUBLIC COMMENT

Addressing the Board were the following persons: 1) Mark Foley, President, AFSCME Local 2019, expressed concern about the strike out language in the Workforce Planning and Development Strategy 5 regarding retention of employees; 2) Ruben Rodriguez, 1st Vice-President, AFSCME Local 444, commented that additional staff is needed to meet the KPIs presented for the Wastewater Department. He also said that workforce diversity needs to be addressed and noted that the last African-American Wastewater Treatment Operator was hired in 1992; and 3) Eric Larsen, AFSCME Local 444, commented that in order to meet the long-term pipeline replacement goals, crews should be hired immediately even though the FY15 budget does not include changes in staffing levels.

Following Board comment regarding the presentations and public comment, the Board asked staff to provide the following information:

- Provide final draft of strategic plan that includes language changes requested to add “and based on our strategic needs” to the financial stability goal and not delete “in anticipation of....” from the workplace development goal.
- Provide information memos on: (a) relationship of average speed of answer to call abandonment rate; (b) availability of graywater information and materials for customers; (c) the District’s track record in hiring interns over time.
- Develop a follow-up plan for an analysis of stormwater reuse potential in the service area and EBMUD role constraints.

ADJOURNMENT

President Katz adjourned the Special Meeting at 11:40 a.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: June 10, 2014

Andy Katz, President of the Board

MINUTES

Tuesday, May 27, 2014

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

Regular Closed Session Meeting

President Katz called to order the Regular Closed Session Meeting of the Board of Directors at 11:50 a.m. in the Administration Center Board Room.

ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Wastewater Bennett K. Horenstein (Item 1a), and Attorney Jonathan D. Salmon (Item 1a).

PUBLIC COMMENT

Addressing the Board was Ruben Rodriguez, 1st Vice-President, AFSCME Local 444, who commented that the FY15 Mid-Cycle Budget does not adequately reflect the staffing level needed to replace vacant positions at the Wastewater Treatment Plant.

ANNOUNCEMENT OF CLOSED SESSION AGENDA

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

Regular Business Meeting

President Andy Katz called to order the Regular Business Meeting of the Board of Directors at 1:20 p.m. in the Administration Center Board Room.

ROLL CALL

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

BOARD OF DIRECTORS

President Katz led the Pledge of Allegiance.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements required from closed session.

PRESENTATION

General Manager Alexander R. Coate announced that the Government Finance Officers Association (GFOA) and the California Society of Municipal Finance Officers (CSMFO) selected the District to receive awards for its FY14-15 budget documents. For the past 13 consecutive budget cycles, the GFOA of the United States and Canada has presented a *Distinguished Budget Presentation Award* to the District for its published budget document. For the second time, the CSMFO has presented the *Excellence in Budgeting Award* to the District. The program is designed to recognize those agencies that have prepared a budget document that meets certain standards.

On behalf of the Board, President Katz presented these awards to the following staff: Director of Finance Eric L. Sandler, Manager of Budget Jeanne M. Chase, Principal Management Analysts Richard C. Lou and David A. Mercado, and Management Analysts Jonathan D. Bauer, Catherine Humphrey, and Julie A. Hampton. The Board congratulated and applauded staff.

Next, General Manager Alexander R. Coate announced the winners of the 2013 Employee Excellence Awards. He said that the employees were nominated and selected by their fellow employees for their outstanding performance and achievements. The awardees were:

Cost Savings Achievement – Assistant Engineer Dennis S. Lingad; **Creativity and Innovation** – Associate Electrical Engineer Darryl A. Yee; **Customer Service** – Network Analyst II Theresa Beavers; **Employee Leadership** – Associate Corrosion Control Specialist Mark Lewis; **Environmental Excellence** – Associate Civil Engineer Ken K. Minn; **Management Achievement** – Assistant Superintendent Aqueduct Stephen J. Rowan; **Management Excellence** – Ranger Supervisor Rodney E. Tripp; **Safety Excellence** – Associate Electrical Engineer Doug Handran; **Outstanding Performers** – Maintenance Machinist Neal A. Brown; Power and Treatment Plant Maintenance Supervisor Jesse T. Cearley; Executive Assistant II Linda Christo; Information Specialist III Jane C. Cox; Maintenance Specialist III Kurt P. Dunajski; Ranger/Naturalist II Gregory A. Francek; Associate Civil Engineer Pam S. Hopkins; Senior Ranger/Naturalist Gregory P. Persons; Senior Programmer Carl Remy; Associate Electrical Engineer Barmak Saemian; Administrative Clerk Lisa M. Stuart; Senior Civil Engineer Jonathan K. Tham; **Team Work – OCB-82 Bushings Replacement Team** – Power and Treatment Plant Maintenance Supervisor David C. Oldham (Team Leader); Electrical Technician Wade D. Hammonds; Electrical Technician Robert F. Musick; Electrical Technician Geoffrey S. Synder; and **Team Achievement – Pardee Unit #1 & 2 Stator Rewind and Unit #2 Turbine Overhaul Team** – Assistant Superintendent Aqueduct Stephen J. Rowan (Team Leader); Associate Electrical Engineer Doug Handran (Team Leader); Maintenance Machinist Neal A. Brown; Maintenance Specialist III Louis A. Buitrago; Maintenance Specialist III Kurt P. Dunajski; Maintenance Specialist III David R. Graesch; Maintenance Specialist III Michael A. Grassi; Electrical Technician Wade D. Hammonds; Instrument Technician Russell B. Hart; Maintenance Specialist III Frank Lucchesi; Electrical Technician Robert F. Musick; Power and Treatment Plant Maintenance Supervisor David C. Oldham; Electrical Technician Geoffrey S. Synder; Construction and Maintenance Scheduler Bruce G. Stewart; and Maintenance Specialist III Jason West.

President Katz presented the awards to staff on behalf of the Board. The Board thanked and applauded the winners for their dedication and accomplishments. General Manager Coate invited the Board and staff to a reception to honor the winners immediately following the Board meeting.

PUBLIC COMMENT

Addressing the Board was Mark Foley, President, AFSCME Local 2019, who reported that he had the opportunity to participate in the *Take Your Daughters to Work* event and said it was a great opportunity to show the next generation what we do for the District. He thanked the Board for giving leadership and direction to restart this event.

CONSENT CALENDAR

- Motion by Director Coleman, seconded by Director Foulkes, to approve Items 1-14 on the Consent Calendar, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).
1. **Motion No. 094-14** – Approved the Regular Meeting Minutes of May 13, 2014.
 2. The following correspondence was filed with the Board: 1) Memorandum dated May 27, 2014 to Board of Directors from Richard G. Sykes, Director of Water and Natural Resources, regarding State Water Resources Control Board Drought Curtailment Notices; 2) Memorandum dated May 27, 2014 to Board of Directors from Alexander R. Coate, General Manager, regarding Evening at the California Shakespeare Theater; 3) Presentation entitled “Regional Reliability” dated May 27, 2014; and 4) Presentation entitled “Water Supply Update and Drought Management Update” dated May 27, 2014.
 3. **Motion No. 095-14** – Awarded a contract to the lowest responsive/responsible bidders, State Pipe and Supply, Inc. (DBA West Coast Pipe) and Imperial Pipe Services, LLC., in an annual amount, after the addition of taxes, not to exceed \$2,149,272 for supplying mortar-lined/mortar-coated and mortar-lined/plastic-coated steel pipe for the District’s Oakport Distribution facility for one year, with an option to renew for an additional one-year period for a total cost of \$4,298,544 under Request for Quotation No. 1421.
 4. **Motion No. 096-14** – Authorized an agreement with Recology East Bay in an estimated amount of \$51,000 annually for recyclable and compostable waste services during the period July 1, 2014 to June 30, 2015, with four options to renew for an additional one-year period for a total cost of \$255,000 under Request for Proposal No. FAC 14-2.
 5. **Motion No. 097-14** – Authorized the purchase of wet concrete on the open market in an annual amount, after the addition of taxes, not to exceed \$300,000 for a five-year period, for a total cost of \$1,500,000.
 6. **Motion No. 098-14** – Authorized the purchase of asphalt on the open market in an annual amount, after the addition of taxes, not to exceed \$2,500,000 for a five-year period, for a total cost of \$12,500,000.
 7. **Motion No. 099-14** – Authorized an extension to the agreement with Oracle Corporation in an amount not to exceed \$260,000 for database software license and maintenance services for a one-year period beginning July 1, 2014.

8. **Motion No. 100-14** – Authorized an agreement for purchasing fish feed from Bio-Oregon, Inc. in the estimated annual amount of \$205,000 for the period beginning July 1, 2014 and ending June 30, 2019 for a total estimated amount of \$1,025,000.
9. **Motion No. 101-14** – Authorized an agreement with iWater, Incorporated in an amount not to exceed \$290,000 for the purchase of infraMAP, a valve testing and shutdown tracking software, for customization, configuration and installation of the software and on-site training during the period of July 1, 2014 through June 30, 2015, with two options to renew the maintenance agreements for an additional two years, at \$50,000 per year, for a total cost of \$390,000.
10. **Motion No. 102-14** – Authorized an agreement with JDH Corrosion Consultants, Inc., in an amount not to exceed \$372,720 for consulting services to prepare a conceptual design for the cathodic protection of select cast iron pipe segments by retrofitting existing pipes with magnesium anodes.
11. **Motion No. 103-14** – Authorized an amendment to an agreement with MWH Americas, Inc., in an amount not to exceed \$97,350 for a new not to exceed amount of \$412,350 for consultant services related to completing the Mokelumne Aqueducts Delta Tunnel Study.
12. **Motion No. 104-14** – Approved the assignment of employee and retiree benefits administration contract previously awarded to Benesyst, Inc. under Board Motion 028-12 to Total Administrative Services Corporation.
13. **Motion No. 105-14** – Approved the Water Supply Assessment requested by the City of Richmond for the Richmond South Shoreline Specific Plan pursuant to the California Water Code, Section 10910-10915.
14. **Resolution No. 33981-14** – Amending Rules And Regulations Relating To Public Use Of East Bay Municipal Utility District Watershed, Reservoirs And Recreation Areas.

DETERMINATION AND DISCUSSION

15. **Bay Area Water Supply Regional Reliability Principles.**

Manager of Water Supply Improvements Michael T. Tognolini gave a presentation on the effort by eight of the Bay Area's largest water suppliers to jointly develop water supply reliability principles as a framework for developing projects that provide a regional benefit. The governing boards of the eight agencies are considering the principles for adoption during the month of May. Future plans are to pursue funding for studies to identify regional projects. Board members commented and asked questions on the draft principles. Mr. Tognolini said the principles are a platform for further discussion and that any significant steps would be shared with the Board. General Manager Coate said that the principles will be used to advocate for funding for regional projects as appropriate.

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

Motion No. 106-14 – Adopted the Bay Area Regional Reliability Principles as a framework for cooperative efforts among eight participating agencies, and to develop water supply reliability projects that provide regional benefit.

16. Legislative Update.

Manager of Legislative Affairs Marlaine K. Dumaine reported that the Water Resources Reform and Development Act (WRRDA) was approved by the U.S. Congress and is awaiting President Obama's signature. Also at the federal level, Senator Diane Feinstein's drought bill has been revised. At the state level, Governor Brown has introduced his May revision to the budget and now the legislature has begun its budget hearings. The California Water Bond will be on the November 4, 2014 ballot which would authorize the issuance of approximately of \$11.1 million in bonds for financing a drinking water and water supply reliability program. There are also other water bonds under consideration by the Senate and the Assembly; however, there is uncertainty about the dollar amounts of the bonds. Ms. Dumaine said updates would be presented to the Board as they become available.

Next, Ms. Dumaine reported that agreement has been reached with Senator Hancock's staff on EBMUD's amendment language to SB 1199 that will address the Pardee Reservoir and the water operations concerns. An updated bill should be in print soon. She also reported that discussions are underway between Senator Hancock and the Amador Water Agency and Amador County representatives regarding their amendments. Director of Water and Natural Resources Richard G. Sykes reported that the Amador Water Agency is convening a group of the Upper Mokelumne River Watershed Authority (UMRWA) agencies on June 3 in Sacramento to draft legislative language to address their concerns. General Manager Coate noted that EBMUD will be attending the UMRWA meeting.

- Addressing the Board were the following persons: 1) Chris Shuttes, California Sport Fishing Protection Alliance, urged the Board to support SB 1199 and said that the bill should not be hinged on a stakeholder process; 2) Pete Bell, Foothill Conservancy, expressed concern that the legislature would not adopt a bill that depends on a stakeholder process that hasn't been completed, said that they would like to continue dialogue with upcountry stakeholders about amendments, and urged the Board to support SB 1199; and 3) Sonja Deirmeyer, Sierra Club, asked the Board to remove their opposition to SB 1199 and support the "wild & scenic" designation in concept to preserve the Mokelumne River.

Following considerable comments by Board members, there was consensus that the Board will discuss SB 1199 at the June 10 Regular Meeting.

17. General Manager's Report.

General Manager Alexander R. Coate announced that at the Board's places staff provided a copy of the Water Supply update along with two memos on the State Water Resources Control Board Drought Curtailment Notices and the Cal Shakes event.

REPORTS AND DIRECTOR COMMENTS

18. Committee Reports.

- Filed with the Board were the Minutes of the May 13, 2014 Planning and Legislative/Human Resources Committees.

19. Director Comments.

- Director Coleman reported attending/participating in the following events: ACWA Executive Committee teleconference meeting on May 14 in Oakland; Meeting with Ane Diester on May 15 in San Francisco; Pleasant Hill City Council meeting presentation regarding drought issues on May 19 in Pleasant Hill; ACWA Executive Committee teleconference meeting on May 20 in Oakland; Walnut Creek City Council meeting presentation regarding on drought issues on May 20 in Walnut Creek; Annual ward breakfast event on May 21 in Walnut Creek; and ACWA Executive Committee teleconference meeting on May 27 in Oakland. He reported on plans to attend/participate in the following upcoming events: ACWA meeting with CSAC officials on May 29 in Sacramento; ACWA meeting in the Governor's Office on May 29 in Sacramento; ACWA Executive Committee meeting on May 30 in Sacramento; ACWA Board of Directors meeting on May 30 in Sacramento; meeting with Cal grad student Julian Fulton on June 2 in Oakland; ACWA Executive Committee teleconference meeting on June 3 in Oakland; EBMUD Pride Celebration on June 4 in Oakland; ACWA North Bay Leadership Council on June 5 in Petaluma; and Contra Costa Mayors' Conference on June 5 in San Ramon.
- Director Foulkes reported attending the Pardee Home Museum Board meeting on May 19.
- Director Linney had no report.
- Director McIntosh reported attending the San Pablo City Council meeting for a water supply update on May 19.
- Director Mellon reported attending a Memorial Day event in Castro Valley where he saw Jake Dalton, an EBMUD retiree; the Alameda County Mayors' Conference on May 14 in Alameda; EBMUD Retirement Board meeting on May 15 in Oakland; Decision Maker's Conference regarding climate change on May 16; and the San Leandro Downtown Association meeting to report on water supply on May 23.
- Director Patterson reported attending EBMUD Retirement Board meeting on May 15 in Oakland. He requested a moment of silence for the students killed in the Santa Barbara shooting incident and for those who have served in the U. S. Armed forces.

- President Katz commented that he will be appearing before the Oakland City Council to advance EBMUD interests on food waste opportunities on May 29, and reported that he will host an annual ward event to update his community about EBMUD issues scheduled for May 30.

ADJOURNMENT

President Katz adjourned the meeting at 3:06 p.m.

SUBMITTED BY:

Lynelle M. Lewis, Secretary of the District

APPROVED: June 10, 2014

Andy Katz, President of the Board

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AGENDA NO.
MEETING DATE

3.
June 10, 2014

TITLE MICROSOFT SOFTWARE ENTERPRISE AGREEMENT

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Award a contract to the lowest responsive/responsible bidder Softchoice, Inc. in an annual amount, after the addition of taxes, not to exceed \$85,000 for supplying Microsoft license and maintenance of desktop operating system and systems management software for District-wide use for three (3) years under state contract #RIVCO-20800-006-12/14.

SUMMARY

The District uses Microsoft Windows desktop operating system software to provide file, print sharing, and other network services to over 1,800 PC/laptop devices used throughout the District. The District also uses Microsoft System Center Configuration Manager software to administer the entire Windows desktop environment for inventory, software deployment and updates. These two products form an essential suite of software supporting all users. Microsoft distributes their software licensing through authorized resellers.

DISCUSSION

Agencies such as EBMUD are specifically allowed to purchase directly from state contracts without pursuing separate competitive bidding. The State of California has a certified contract #RIVCO-20800-006-12/14 with Softchoice, Inc. for Microsoft software. Utilizing state contracts reduces the District's cost for the materials as well as decreases the time and expense associated with our competitive bid process.

VENDOR SELECTION

Public Contract Code, Section 10298, specifically allows agencies to purchase directly from the state competitively awarded contracts without pursuing separate competitive bidding. This provides a typical savings of 10-15 percent over pricing the District would get if bidding on our own. The State of California has competitively awarded contracts to Softchoice, Inc. and staff has confirmed with the vendor that the

Funds Available: FY14-15		Budget Code: WSO/252/8547/5243	
DEPARTMENT SUBMITTING Information Systems	DEPARTMENT MANAGER or DIRECTOR Nicholas J. Irias	APPROVED General Manager	

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

state pricing is the lowest available to the District. Softchoice, Inc. therefore, is considered the lowest responsible/responsive bidder.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

Funds are available in the FY14-15 operating budgets and will be included in future budgets.

ALTERNATIVES

Switch to a different PC operating system product. This alternative is not recommended because there are no viable alternative operating systems capable of supporting the District's inventory of software applications without tremendous expense.

Do not procure software license and maintenance. This alternative is not recommended because the District requires legal permission to use and access to maintenance software in order to ensure vendor support and to address discovered security vulnerabilities. Without license and software maintenance support the District's information systems could be compromised.

Attachments:

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



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE General Services Agreement Microsoft Software Enterprise Agreement Three - Year Contract						DATE: June 2, 2014						
CONTRACTOR: Softchoice Inc. Chicago, IL				State Contract		PERCENTAGE OF CONTRACT DOLLARS						
BID/PROPOSER'S PRICE: \$85,000 /yr		FIRM'S OWNERSHIP		Availability Group		Contracting Objectives		Participation				
		Ethnicity		Gender		White Men		25%		0.0%		
		Foreign				White Women		2%		0.0%		
						Ethnic Minorities		25%		0.0%		
CONTRACT EQUITY PARTICIPATION												
COMPANY NAME		ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
				M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
PRIME: Softchoice Inc.		\$85,000	Foreign			--	--	--	--	--	--	100.0%
SUBS: None						--	--	--	--	--	--	--
						--	--	--	--	--	--	--
						--	--	--	--	--	--	--
						--	--	--	--	--	--	--
TOTAL		\$85,000				0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)												
		White Men		White Women		Ethnic Minorities		Total Employees				
No. of Employees:		252		80		57		389				
Percent of Total Employees:		64.8%		20.6%		14.7%						
MSA Labor Market %:		38.6%		33.6%		27.8%						
MSA Labor Market Location:		Illinois										
COMMENTS												
Contract Equity Participation -Zero Contract Equity participation since firm is a foreign-owned corporation and no subcontract opportunities exist.												
Workforce Profile & Statement of Nondiscrimination Submitted				Good Faith Outreach Efforts Requirement Satisfied				Award Approval Recommended				
NA				NA								



AGENDA NO.
MEETING DATE

4
June 10, 2014

TITLE PURCHASE OF CALCIUM THIOSULFATE

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Authorize an increase in the sole source purchase of calcium thiosulfate under the brand name "Captor" from Pacific Coast Chemicals from \$70,000 to \$225,000 through July 31, 2014.

SUMMARY

The District began taking water from the Folsom South Canal Connection (FSCC) in mid-April. As a part of the transfer process, the District is chlorinating the water to limit the potential for invasive species to be introduced to local reservoirs. Invasive species could include the larvae of fish or invertebrates not currently living in local reservoirs. Chlorinated water is dechlorinated with calcium thiosulfate to be sure no residual chlorine exists that could adversely impact the reservoir ecosystem.

Currently, the only National Sanitation Foundation (NSF) approved calcium thiosulfate is produced by Tessenderlo Kerley and is a proprietary product called "Captor." The product is only available from Pacific Coast Chemicals located in Berkeley, California, as they are the lone supplier in Northern California. On May 25, 2014, the District issued an interim purchase order to Pacific Coast Chemicals for \$70,000 for this chemical, but Board approval is required for the expected total cost. Current plans are to continue FSCC operations to deliver a total of 16,000 acre-feet so the District will need to procure this chemical between now and the end of the water transfer.

DISCUSSION

The District has learned many things while operating and transferring water from FSCC. One concern is to ensure the transfer of water does not inadvertently introduce invasive species into the District's reservoirs. In the short term, use of the Captor product is required as it is the only product that is currently NSF certified and can meet our requirements for the current operations. Once the current water transfer is completed, staff will reevaluate our needs and examine other products. If other products are identified, the long term plan will be to competitively award future contracts for this or equivalent products.

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

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

VENDOR SELECTION

Pacific Coast Chemicals is the only vendor in Northern California that can provide this specific product.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

This expenditure can be accommodated in the FY 14-15 operating budget.

ALTERNATIVES

Purchase another product. This is not recommended as this product is the only NSF-61 approved calcium thiosulfate.

Do not use calcium thiosulfate. This is not recommended since not using it raises the potential for inadvertently introducing non-native species into District reservoirs.

Attachments:

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



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE Amendment to Materials & Supplies Contract Purchase of Calcium Thiosulfate	DATE: <p style="text-align: center; font-size: 1.2em;">May 30, 2014</p>
--	---

CONTRACTOR:		PERCENTAGE OF CONTRACT DOLLARS							
Pacific Coast Chemicals Berkeley, CA	Sole Source/Local Business	Availability Group	Contracting Objectives	Participation					
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP	White Men	25%	100.0%					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; padding: 2px;">Ethnicity</th> <th style="width: 50%; padding: 2px;">Gender</th> </tr> <tr> <td style="padding: 2px;">White</td> <td style="padding: 2px;">Men</td> </tr> </table>	Ethnicity	Gender	White	Men	White Women	2%	0.0%	
Ethnicity	Gender								
White	Men								
\$155,000 *		Ethnic Minorities	25%	0.0%					

CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
			<i>PRIME:</i> Pacific Coast Chemicals	\$155,000	White	x		100.0%	---	---	---
<i>SUBS:</i> None					---	---	---	---	---	---	---
TOTAL	\$155,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)				
	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	20	0	5	25
Percent of Total Employees:	80.0%	0.0%	20.0%	
MSA Labor Market %:	24.5%	21.6%	53.9%	
MSA Labor Market Location:	Alameda County			

COMMENTS

Contract Equity Participation - 100% White Men participation.

**Amendment to increase original PO from \$70,000 to \$225,000 through July 31, 2014*

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



AGENDA NO.
MEETING DATE

5.
June 10, 2014

TITLE INDUSTRIAL CONTROL SYSTEM ASSESSMENTS

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Authorize an agreement with Digital Bond, Inc. in an amount not to exceed \$300,000 to conduct industrial control system assessments at the District's water and wastewater facilities during the period June 11, 2014 through June 30, 2015.

SUMMARY

Industrial control systems (ICS) are mission-critical systems that support the District's water and wastewater operations. Services under this agreement include a vulnerability assessment of the ICS systems, which is expected to be completed by January 2015. The assessment will evaluate and identify any gaps in the District's ICS systems based on industry standards.

DISCUSSION

The District uses a number of ICS systems for the operation of the water and wastewater systems, building management system, and centralized security system. These control systems are used to monitor and operate the hundreds of District facilities, buildings, and systems. The ICS systems are continuously monitored and have been upgraded over the years to address a number of issues including cybersecurity. However, cybersecurity threats increasingly exploit the sophisticated and interconnected designs of modern industrial control systems.

On February 19, 2013, the President issued Executive Order 13636: Improving Critical Infrastructure Cybersecurity. In response to the Executive Order, the National Institute of Standards and Technology (NIST) published the Framework for Improving Critical Infrastructure Cybersecurity to help organizations align cybersecurity activities with business requirements, risk tolerance and resources, and support organizations with their development of feasible goals to reduce cybersecurity risk to acceptable levels. The District last conducted a comprehensive ICS systems vulnerability assessment in 2003. The vulnerability assessment will be conducted by a consultant that specializes in ICS and the outcome of the assessment will be used to identify and prioritize any actions necessary to further secure the District's ICS systems.

Funds Available: FY14/15		Budget Code: WSC/783/2009260:25
DEPARTMENT SUBMITTING <u>Operations and Maintenance</u>	DEPARTMENT MANAGER or DIRECTOR Michael J. Wallis	APPROVED General Manager

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

CONSULTANT SELECTION

The District solicited Statements of Qualifications from three vendors with experience conducting ICS vulnerability assessments. Digital Bond, Inc. was selected based on their qualifications and experience with ICS systems including those used at the District.

CONTRACT EQUITY PROGRAM EFFORTS

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

FISCAL IMPACT

Funds for this assessment are in the FY14/15 capital budget.

UNION NOTIFICATION

This type of work is not performed by District forces and consequently union notification was not required.

ALTERNATIVES

Do not perform an assessment. This alternative is not recommended based upon guidance from the NIST Framework and the EPA.

Perform the assessment using District Forces. This alternative is not recommended because District staff does not have the necessary expertise related to ICS cyber security assessments in accordance with the President's Executive Order and the NIST protocols issued in February 2014.

Attachments

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



CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

TITLE: <i>Professional Services Agreement</i> Industrial Control System Assessment	DATE: May 14, 2014
---	------------------------------

CONTRACTOR:			PERCENTAGE OF CONTRACT DOLLARS		
Digital Bond, Inc. Sunrise, FL	Direct Award		Availability Group	Contracting Objectives	Participation
BID/PROPOSER'S PRICE: \$300,000	FIRM'S OWNERSHIP		White Men	100%	100.0%
	Ethnicity	Gender	White Women	0%	0.0%
	White	Men	Ethnic Minorities	0%	0.0%

CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<i>PRIME:</i> Digital Bond, Inc.	\$300,000	White	x		100.0%	---	---	---	---	---	---
<i>SUBS:</i> none					---	---	---	---	---	---	---
TOTAL	\$300,000				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)				
	White Men	White Women	Ethnic Minorities	Total Employees
No. of Employees:	5	0	0	5
Percent of Total Employees:	100.0%	0.0%	0.0%	
MSA Labor Market %:	35.7%	30.9%	33.4%	
MSA Labor Market Location:	Florida			

COMMENTS

Contract Equity Participation - 100% White Men participation.

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



AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: Industrial Control System Assessment		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Professional Services Agreement		DATE: 5/14/2014	National	10.5	10.7	3.7	0.7	27.3	
			9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9	
			Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2	
R=Recmmd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	-	-	-	-	0	0.0%	27.2%
Digital Bond, Inc. Dale Peterson 1580 Sawgrass Corporate Pkwy, Ste 130 Sunrise, FL 33323 954-315-4633		Manager/Prof	-	-	-	-	-	NA	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	
AA Plan on File:		NA	Date of last contract with District:		NA				
Co. Wide MSA:		United States	# Employees-Co. Wide:		5	Bay Area: 0			
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							39.9%
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				

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



AGENDA NO.
MEETING DATE

6.
June 10, 2014

**TITLE WATER SUPPLY ASSESSMENT FOR THE EMERYVILLE PUBLIC
 MARKETPLACE REDEVELOPMENT PROJECT**

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Approve the Water Supply Assessment (WSA) requested by the City of Emeryville (City) for the Emeryville Public Marketplace Redevelopment Project pursuant to the California Water Code, Section 10910-10915.

SUMMARY

The Emeryville Public Marketplace Redevelopment Project is bounded by 64th Street to the north, Shellmound Way to the south, Christie Avenue to the west and railroad tracks to the east (Attachment A). The project area consists of approximately 15 acres of residential, retail, and commercial space. At total build out, the project area will consist of 545 multi-family residential units, 46,000 square feet of retail space, and 28,800 square feet of commercial space.

The existing land use consists of general commercial/industrial. Historical water use of the site is approximately 10,000 gallons per day (gpd). The projected water demand is estimated to be approximately 115,000 gpd at build out. This demand is accounted for in the District's Urban Water Management Plan (UWMP). Approval of the assessment by the Board of Directors is required prior to its submittal to the City. The assessment is described in the attached letter (Attachment B) and, upon Board approval, will be sent to the City.

DISCUSSION

On March 21, 2014, the City submitted a formal request for the consultation between the District and the City regarding water service to the Emeryville Public Marketplace Redevelopment Project, pursuant to California Water Code, Sections 10910-10915. The project, for which an Environmental Impact Report was approved in June 2007, meets the threshold requirement for an assessment of water supply availability based on the amount of water this project would require, a mixed-use project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project. The City is required to consult with the public water supplier to determine whether the water

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

demand associated with the proposed project was included in its last UWMP, and to assess whether its 20-year water supply (available during normal, single-dry and multiple-dry water years) will meet the water demand associated with the proposed project.

The 2010 UWMP concludes that the District has, and will have, adequate water supplies to serve existing and projected demand within the Ultimate Service Boundary during normal and wet years, but that deficits are projected for drought years. The District's Water Supply Management Plan includes up to a 15 percent water conservation requirement in a severe drought. The project will be subject to the same drought restriction as all District customers.

The WSA letter requests that the City comply with the California Code of Regulations concerning water-efficient landscapes and District water service regulations in force at the time the application is made. The District also requests a meeting to discuss water conservation opportunities in the project area. A key objective of this discussion will be to explore timely opportunities to maximize conservation via early consideration of the District's conservation programs and State and Federal best management practices applicable to the project.

The Emeryville Public Marketplace Redevelopment Project is located within the District's East Bayshore Recycled Water Project. As part of the long-term water supply planning, the District will consider the feasibility of providing recycled water to the project area for appropriate uses including landscape irrigation and commercial uses, as well as toilet and urinal flushing in non-residential buildings. The District recommends that the City and their developers maintain continued coordination and consultation with the District as they plan and implement the various components of the Emeryville Public Marketplace Redevelopment Project regarding the feasibility of providing recycled water for appropriate non-potable uses.

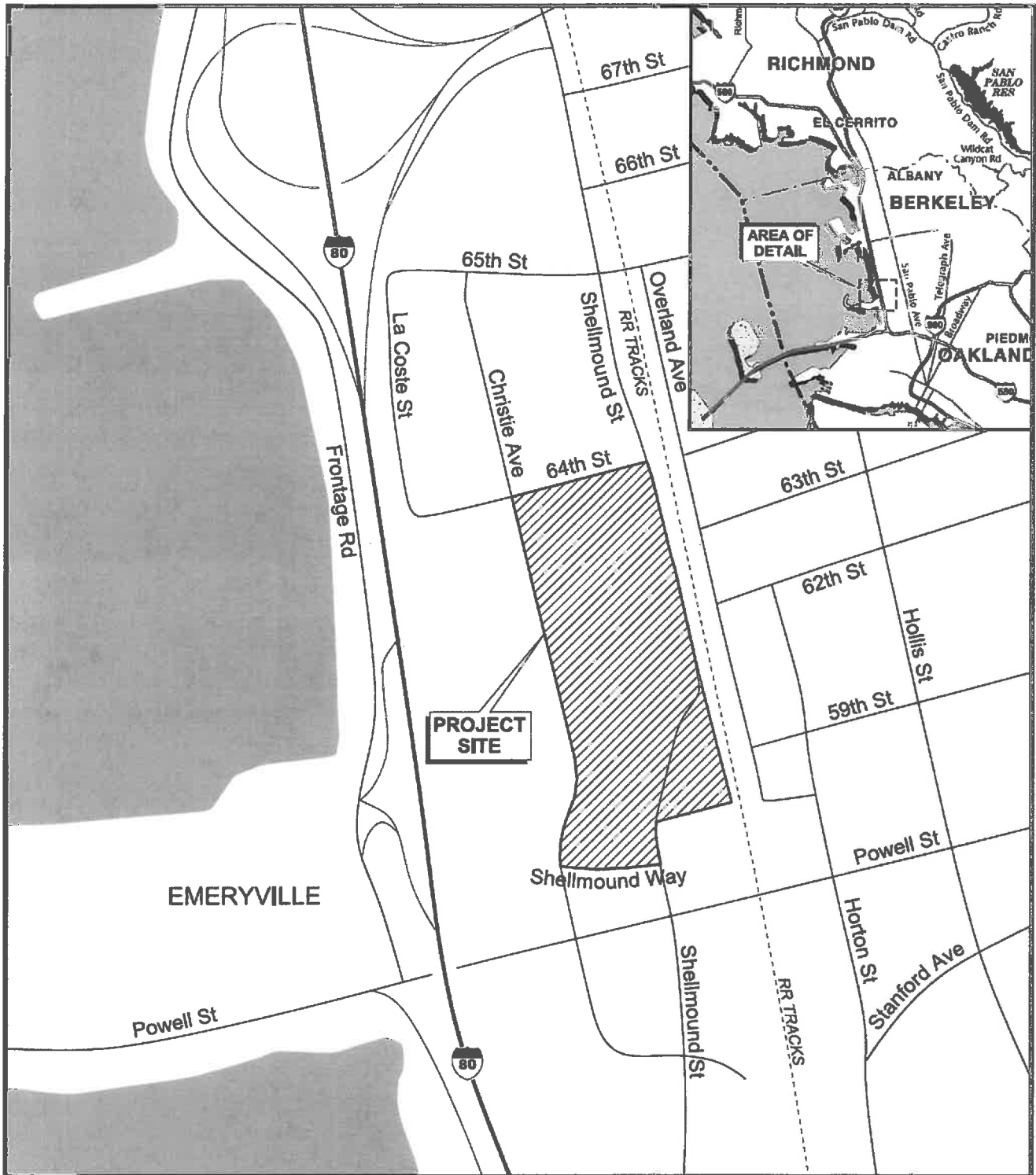
ALTERNATIVES

Do not submit a response. This alternative is not recommended. This assessment has been prepared pursuant to California Water Code, Sections 10910-10915. It is consistent with the law and the District's past WSAs.

Attachments: A. Map – Emeryville Public Marketplace Redevelopment Project
B. District's Response to March 21, 2014 Water Supply Assessment Request

EMERYVILLE PUBLIC MARKETPLACE REDEVELOPMENT PROJECT

Attachment A



June 10, 2014

Maurice Kaufman, Public Works Director/City Engineer
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608-3517

Re: Water Supply Assessment – Emeryville Public Marketplace Redevelopment Project

Dear Mr. Kaufman:

This letter responds to the City of Emeryville's (City) request on March 21, 2014 for water agency consultation concerning the Emeryville Public Marketplace Redevelopment Project (Enclosure 1) located in Emeryville, which is within the East Bay Municipal Utility District's (EBMUD) Ultimate Service Boundary. EBMUD appreciates the opportunity to provide this response.

Pursuant to Sections 10910-10915 (SB-610) of the California Water Code, the project meets the threshold requirement for an assessment of water supply availability based on the amount of water this project would require, a mixed-use project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project.

Please note that this assessment addresses the issue of water supply only and is not a guarantee of service, and future water service is subject to rates and regulations in effect at the time.

Project Demand

The water demand for the Emeryville Public Marketplace Redevelopment Project is accounted for in EBMUD's water demand projections as published in EBMUD's 2010 Urban Water Management Plan (UWMP/Enclosure 2). EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns. The historical water use is approximately 10,000 gallons per day (gpd). The projected water demand is estimated to be approximately 115,000 gpd at build out, which uses factors for various land uses including 163 gpd per multi-family residential unit.

EBMUD's demand projections indicate both densification and land use changes in a few existing land use classifications, including commercial and residential land use areas, thus increasing EBMUD's overall demand. EBMUD's 2010 UWMP projects water demands over time, accounting for estimated variations in demand usage less conservation and recycled

supply sources as noted in Table 4-1, Water Demand Projections for Each Water Use Sector, of the 2010 UWMP. EBMUD's water demand projections are based on the 2040 Demand Study (Demand Study), which was completed in 2009. For planning purposes, the demands are estimated in five year increments, but it is recognized that actual incremental amounts may occur stepwise in shorter time increments. An increase in usage by one customer in a particular customer class does not require a strict gallon-for-gallon increase in conservation by other customers in that class as, in actuality, the amount of potable demand, conservation and recycled water use EBMUD-wide will vary somewhat. Future versions of the UWMP, which is updated every five years, will include an updated assessment of customer demand and water supply.

Project Area

The Emeryville Public Marketplace Redevelopment Project is bounded by 64th Street to the north, Shellmound Way to the south, Christie Avenue to the west and railroad tracks to the east. The project area consists of approximately 15 acres of residential, retail, and commercial space. At total build out, the project area will consist of 545 multi-family residential units, 46,000 square feet of retail space, and 28,800 square feet of commercial space.

EBMUD Water Demand Projections

Since the 1970s, water demand within EBMUD's service area has ranged from 200 to 220 million gallons per day (mgd) in non-drought years. The 2040 water demand forecast of 312 mgd for EBMUD's service area can be reduced to 230 mgd with the successful implementation of water recycling and conservation programs, as outlined in the 2010 UWMP. Although current demand is lower than estimated in the Demand Study, as a result of the recent multi-year drought and the downturn in the economy, the Demand Study still reflects a reasonable expectation for growth over the long term for demand in year 2040. The Emeryville Public Marketplace Redevelopment Project will not change EBMUD's 2040 demand projection.

EBMUD Water Supply and Water Rights

EBMUD has water rights permits and licenses that allow for delivery of up to a maximum of 325 mgd from the Mokelumne River, subject to the availability of Mokelumne River runoff and the senior water rights of other users. EBMUD's position in the hierarchy of Mokelumne River water users is determined by a variety of agreements between Mokelumne River water right holders, and the terms of the appropriative water rights permits and licenses, which have been issued by the State, pre-1914 rights, and riparian rights.

Conditions that could, depending on hydrology, restrict EBMUD's ability to receive its full entitlement include:

- Upstream water use by prior right holders.
- Downstream water use by riparian and senior appropriators and other downstream obligations, including protection of public trust resources.
- Variability in rainfall and runoff.

During prolonged droughts, the Mokelumne River supply cannot meet EBMUD's projected customer demands. To address this, EBMUD has completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Facility, which are discussed below in the Supplemental Water Supply and Demand Management section of this assessment. EBMUD has obtained and continues to seek supplemental supplies.

EBMUD UWMP

The 2010 UWMP, adopted on June 28, 2011, by EBMUD's Board of Directors by Resolution No. 33832-11, is a long-range planning document used to assess current and projected water usage, water supply planning and conservation and recycling efforts. A summary of EBMUD's demand and supply projections, in 5-year increments for a 25-year planning horizon is provided in Table 4-3, EBMUD Demand and Supply Projections of the 2010 UWMP (Enclosure 3).

EBMUD's evaluation of water supply availability accounts for the diversions of both upstream and downstream water right holders and fishery releases on the Mokelumne River. Fishery releases are based on the requirements of a 1998 Joint Settlement Agreement (JSA) between EBMUD, United States (U.S.) Fish and Wildlife Service, and the California Department of Fish and Game. The JSA requires EBMUD to make minimum flow releases from its reservoirs to the lower Mokelumne River to protect and enhance the fishery resources and ecosystem of the river. As this water is released downriver, it is, therefore, not available for use by EBMUD's customers.

The available supply shown in the attached table (Enclosure 3) was derived from EBMUD's hydrologic model with the following assumptions:

- EBMUD Drought Planning Sequence is used for 1976, 1977 and 1978;
- Total system storage is depleted by the end of the third year of the drought;
- EBMUD will implement its Drought Management Program when necessary;
- The diversions by Amador and Calaveras Counties upstream of Pardee Reservoir will increase over time, eventually reaching the full extent of their senior rights;
- Releases are made to meet the requirements of senior downstream water right holders and fishery releases are made according to the JSA;

- Dry-year supply of Central Valley Project (CVP) water, through the Freeport Regional Water Facility, is available; and
- Bayside Groundwater Project, Phase 1, is available.

As discussed under the Drought Management Program section in Chapter 3 of the 2010 UWMP, EBMUD's system storage generally allows it to continue serving its customers during dry-year events. EBMUD imposes rationing based on the projected storage available at the end of September. By imposing rationing in the first dry year of potential drought periods, EBMUD attempts to minimize rationing in subsequent years if a drought persists while continuing to meet its current and subsequent-year fishery flow release requirements and obligations to downstream agencies. Table 3-2, Long-Term Drought Management Program Guidelines, in the 2010 UWMP summarizes the Drought Management Program guidelines for consumer water reduction goals based on projected system storage.

In Table 4-3, EBMUD Demand and Supply Projections (Enclosure 3), "Single Dry Water Year" (or Year 1 of "Multiple Dry Water Years") is determined to be a year that EBMUD would implement Drought Management Program elements at the "moderate" stage with the goal of achieving a reduction between 0 to 10 percent in customer demand. Year 2 of "Multiple Dry Years" is determined to be a year that EBMUD would implement Drought Management Program elements at the "severe" stage with the goal of achieving between 10 to 15 percent reduction in customer demand. Year 3 of "Multiple Dry Years" is a year in which EBMUD would implement Drought Management Program elements at the "critical" stage. Despite water savings from EBMUD's aggressive conservation and recycling programs and rationing of up to 15 percent, additional supplemental supplies beyond those provided through the Freeport Regional Water Facility and the Bayside Groundwater Facility will be needed during Years 2 and 3 of a three-year drought. Therefore, supplemental supplies are needed in multiple-year drought periods while continuing to meet the requirements of senior downstream water right holders and the provisions of the 1998 JSA.

Supplemental Water Supply and Demand Management

The goals of meeting projected water needs and increased water reliability rely on supplemental supplies, improving reliability of existing water supply facilities, water conservation and recycled water programs.

By 2011, EBMUD completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Facility to augment its water supply during drought periods. However, additional supplemental supplies beyond those provided through these facilities will still be needed, as noted above. Chapter 2 of the 2010 UWMP describes potential supplemental water supply projects that could be implemented to meet projected long-term water demands during multi-year drought periods.

The Freeport Regional Water Facility became operational in February 2011. EBMUD's ability to take delivery of water through the Freeport facility is based on its Long Term Renewal Contract (LTRC) with the U.S. Bureau of Reclamation. The LTRC provides for up to 133,000 acre feet in a single dry-year, not to exceed a total of 165,000 acre feet in three consecutive dry years. Under the LTRC, the CVP supply is available to EBMUD only in dry years when EBMUD's total stored water supply is forecast to be below 500,000 total acre feet on September 30 of each year.

Construction of the Bayside Groundwater Project, Phase 1, was completed in 2010. A permit from the Department of Public Health, which is pending, is required before the groundwater can be extracted and treated for municipal use. The project is designed to yield 2 mgd over a 6-month period, resulting in an average annual production capacity of 1 mgd per year.

Chapter 2 of the 2010 UWMP also lists other potential supplemental water projects, including northern California water transfers, Bayside Groundwater Project Expansion, Los Vaqueros Expansion and others that could be implemented as necessary to meet the projected long-term water supplemental need during multi-year drought periods. The 2010 UWMP identifies a broad mix of projects, with inherent scalability and the ability to adjust implementation schedules for a particular component, so that EBMUD will be able to continue to pursue the additional supplemental supplies that are projected to be necessary, while also minimizing the risks associated with future uncertainties such as project implementation challenges and global climate change. The Environmental Impact Report that EBMUD certified for the Water Supply Management Program 2040 examined the impacts of pursuing these supplemental supply projects at a program level. Separate project-level environmental documentation will be prepared, as appropriate, for specific components as they are developed in further detail and implemented in accordance with EBMUD's water supply needs.

In addition to pursuing supplemental water supply sources, EBMUD also maximizes resources through continuous improvements in the delivery and transmission of available water supplies, and investments in ensuring the safety of its existing water supply facilities. These programs, along with emergency interties and planned water recycling and conservation efforts, would ensure a reliable water supply to meet projected demands for current and future EBMUD customers within the current service area.

The proposed project presents opportunities to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsors comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the integrated projects. A key objective of this discussion will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

Maurice Kaufman, Public Works Director/City Engineer

June 10, 2014

Page 6

The Emeryville Public Marketplace Redevelopment Project is located within the District's East Bayshore Recycled Water Project. As part of the long-term water supply planning, the District will consider the feasibility of providing recycled water to the project area for appropriate uses including landscape irrigation, commercial uses, as well as toilet and urinal flushing in non-residential buildings. EBMUD recommends that the City and their developers maintain continued coordination and consultation with the District as they plan and implement the various components of the Emeryville Public Marketplace Redevelopment Project regarding the feasibility of providing recycled water for appropriate non-potable uses.

The project sponsor should contact David J. Rehnstrom, Senior Civil Engineer, at (510) 287-1365 for further information.

Sincerely,

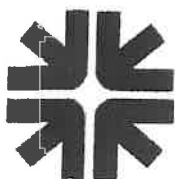
William R. Kirkpatrick
Manager of Water Distribution Planning Division

WRK:TRM:sb

sb14_106a.docx

- Enclosures:
1. Letter of Request for Water Supply Assessment dated March 21, 2014
 2. EBMUD 2010 Urban Water Management Plan
 3. EBMUD Demand and Supply Projections Table

cc: Board of Directors w/o Enclosure 2



CITY OF EMERYVILLE

INCORPORATED 1896

1333 PARK AVENUE
EMERYVILLE, CALIFORNIA 94608-3517

TEL: (510) 596-4330 FAX: (510) 596-4389

RECEIVED
MAR 27 2014
WATER SERVICE PLANNING

March 21, 2014

Mr. David Rehnstrom
East Bay Municipal Utility District
Water Distribution Planning Division
375 11th Street, MS 701
Oakland, CA 94612

Subject: Water Supply Assessment (WSA) request for the Emeryville Public Marketplace Redevelopment Project

Dear Mr. Rehnstrom:

The Emeryville Public Marketplace Redevelopment Project involves redevelopment of the existing Marketplace site with a phased development consisting of 545 multi-family residential units, 46,000 square feet of retail and 28,800 square feet of commercial space. Attached is an exhibit that shows the build out of the Emeryville Public Marketplace Redevelopment project. The project will allow the 15-acre project site to be substantially developed via the replacement of surface level parking and realignment of Shellmound Street directly in front of the Marketplace tower and Public Marketplace building.

The proposed redevelopment of the site is in conformance with the Environmental Impact Report dated June 2007 and the approved Preliminary Development Plan dated April 16, 2008. The project Conditions of Approval dated August 5, 2008 requires that a Water Supply Assessment shall be prepared by the appropriate water agency. We are submitting this letter and Water Supply Assessment (WSA) request in accordance with Senate Bill 610 and 221 regarding Section 15083.5 of the 2005 California Environmental Quality Act Guidelines and Water Code Section 10910-10915, which requires consultation with the appropriate water agency for the Emeryville Public Marketplace Redevelopment Project.

The estimated average water use of the project is approximately 115,000 gallons per day. The attached *Table 1 - Emeryville Public Marketplace Potable Water Demand* provides a breakdown of the estimated domestic water demand.

The City of Emeryville requests that EBMUD provide the necessary WSA to verify that EBMUD water supplies are sufficient for the project and to determine the proposed increase in water consumption.

The developer will be approaching EBMUD separately with regard to making application for providing a new water main on Shellmound Street as part of this redevelopment project.

If you have any questions regarding this request, please give me a call at 510-596-4334 or by email at mkaufman@emeryville.org

Regards,

A handwritten signature in black ink, appearing to read "Maurice Kaufman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Maurice Kaufman
Public Works Director/City Engineer

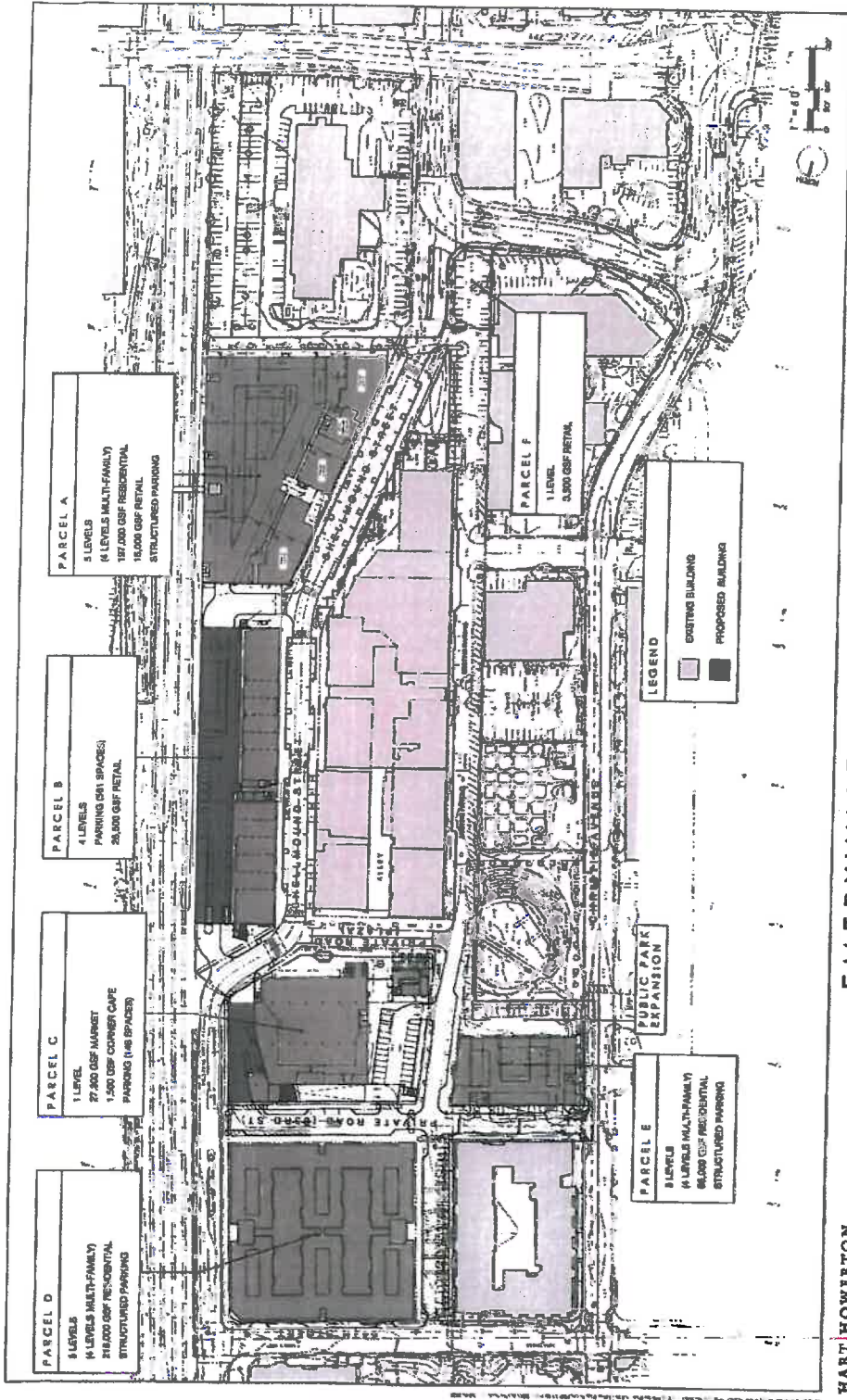
Emeryville Public Marketplace
 Potable Water Demand Calculations
 January 7, 2014

Table 1 - Emeryville Public Marketplace Potable Water Demand

Land Use	Unit		Potable Water ¹ Unit Demand		Average Daily Water Demand	
					(gpd)	(gpm)
Parcel A - Residential	225	du	108	gpd/du	24,300	17
Parcel A - Retail	16,000	sf	0.10	gpd/sf	1,600	1
Parcel B - Retail	26,500	sf	0.10	gpd/sf	2,650	2
Parcel C - Grocery	27,300	sf	0.50	gpd/sf	13,650	9
Parcel C - Café	1,500	sf	0.50	gpd/sf	750	1
Parcel D - Residential	250	du	108	gpd/du	27,000	19
Parcel E - Residential	70	du	108	gpd/du	7,560	5
Parcel F - Retail	3,500	sf	0.10	gpd/sf	350	0.2
Irrigation ²	18,340	sf	2	gpd/sf	36,680	25
Total Demand					114,540	80

Notes:

- 1.) Water demand averages for domestic use based on Table 2-1 "Wastewater Engineering", by Metcalf & Eddy Inc.
 Residential 108 gpd/du (1.8 people/du*60 gpcd)
 1.8 persons per *Emeryville 2009-2014 Housing Element* Table 2-1.
- 2.) Landscape area is 4% of approximate full build out improvements of 458,500 sf
 Irrigation system for landscape areas anticipated to be drip system.



HART HOWERTON
 THE ARCHITECTS

EMERYVILLE PUBLIC MARKET
 Emeryville, California

SITE PLAN - G006
FULL BUILD OUT
 DECEMBER 2, 2013

EAST BAY MUNICIPAL UTILITY DISTRICT DEMAND AND SUPPLY PROJECTION
(Reference: Table 4-3, UWMP 2010 – EBMUD)

	2010	2015	2020	2025	2030	2035 ¹	2040
PROJECTED DEMAND (MGD)							
CUSTOMER DEMAND ²	251	266	280	291	304	308	312
ADJUSTED FOR CUMULATIVE CONSERVATION ³	(26)	(32)	(43)	(49)	(56)	(59)	(62)
ADJUSTED FOR RECYCLED WATER ⁴	(9)	(11)	(16)	(18)	(19)	(20)	(20)
PLANNING LEVEL OF DEMAND	216	223	221	224	229	229	230
PROJECTED AVAILABLE SUPPLY AND NEED FOR SUPPLEMENTAL SUPPLY (MGD)⁵							
NORMAL YEAR	>216	>223	>221	>224	>229	>229	>230
SUPPLEMENTAL SUPPLY NEED	0	0	0	0	0	0	0
SINGLE DRY YEAR (MULTIPLE DRY YEARS – YEAR 1)							
AVAILABLE SUPPLY	211	217	215	218	223	222	222
CUSTOMER RATIONING ⁶	2%	3%	3%	3%	3%	3%	4%
SUPPLEMENTAL SUPPLY NEED ⁷	5	6	6	7	7	8	8
MULTIPLE DRY YEARS – YEAR 2							
AVAILABLE SUPPLY	183	189	188	190	194	194	195
CUSTOMER RATIONING ⁶	15%	15%	15%	15%	15%	15%	15%
SUPPLEMENTAL SUPPLY NEED ⁷	21	21	21	21	22	22	22
MULTIPLE DRY YEARS – YEAR 3							
AVAILABLE SUPPLY	183	189	188	190	183	164	144
CUSTOMER RATIONING ⁶	15%	15%	15%	15%	15%	15%	15%
SUPPLEMENTAL SUPPLY NEED ⁷	21	21	21	21	33	53	73
THREE-YEAR DROUGHT							
TOTAL SUPPLEMENTAL SUPPLY NEED (TAF) ⁷	53	54	54	55	69	93	115

¹ Projected demand for 2035 is interpolated.

² Customer demand values are based on the demand projections from the "2040 Demand Study," Feb 2009. These projected water demands are based on land use in EBMUD's ultimate service area and is unadjusted for conservation and non-potable water. The values are also unadjusted for the current suppressed demand due to the 2007-2010 rationing period and the economic downturn.

³ Existing conservation saving from the "1994 Water Conservation Master Plan" and planned conservation program savings based on the "2011 Water Conservation Master Plan".

⁴ Existing recycled water achieved per the "1993 Water Supply Management Program" and planned recycled water program savings as outlined in Chapter 5 of the UWMP 2010.

⁵ Projected available supply data includes dry year supply deliveries from the Freeport Regional Water Project (FRWP) and Bayside Groundwater Project, Phase 1. Delivery rules for the FRWP follow the rules as developed in the Freeport EIR, 2003.

⁶ Rationing reduction goals are determined according to projected system storage levels in the Long-Term Drought Management Program guidelines per Table 3-2 in Chapter 3 of the UWMP 2010.

⁷ The supplemental supply need is based on EBMUDSIM modeling studies. It is the amount of water needed based on EBMUD's updated demand projections, the provisions of the 1998 Joint Settlement Agreement and the rationing policy stated in Table 3-2, Chapter 3 of the UWMP 2010. The actual need will be dependent on antecedent conditions and the severity of actual drought conditions. Supplemental supply stored during the initial year of the drought could be later released, diminishing supplemental supply needs. During the drought that continued into 2010, the combined effects of water rationing and an economic downturn suppressed demand below the planning level of demand to maintain a sufficient water supply and deferred the need for supplemental water. However, if the drought had continued into its second year, most likely supplemental supplies would have been obtained from the Freeport Regional Water Facility as anticipated in the Interim Drought Management Program Guidelines discussed in Appendix G-2.



AGENDA NO.
MEETING DATE

7.
June 10, 2014

TITLE SALE OF FORMER OAKLAND BUSINESS OFFICE, 250 17TH STREET, OAKLAND

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Approve the sale of the former Oakland Business Office property at 250 17th Street, Oakland to CRC Development, LLC for \$2,300,000.

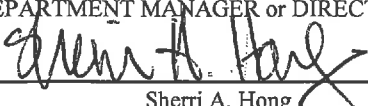

SUMMARY

In late 2012, the District made a final determination that it had no future need for the former business office property at 250 17th Street (corner of Alice Street) in downtown Oakland (see attached photo). In February 2013, the District declared the property as surplus. Having received no interest from other public agencies, the District listed its former downtown Oakland business office property for sale at \$2,676,000. The District received an offer and the Board approved the sale of the property at the December 10, 2013 Board meeting. During the escrow process, the purchaser rescinded their offer and terminated escrow in early March. After consultation with the District's brokerage firm concerning valuation of the property, the District lowered its listing price to \$2,498,000. The District has negotiated a counter offer from CRC Development, LLC for \$2,300,000, with a close of escrow occurring within the next 180 days.

DISCUSSION

The District purchased the property in August 1955, for \$89,500 and constructed the 4,920+/- square foot building in 1956. The business office was in operation until those functions were relocated to the Administration Building in 1991.

Since 1994, the District has leased the business office property to the City of Oakland, which in partnership with the Oakland Unified School District (OUSD) operates a child care facility on the premises known as the Alice Street Learning Center. The current lease through June 2015 provides the District with annual revenue of \$106,400. The property will be sold subject to the existing lease; however, the OUSD has indicated that it plans to re-locate the Alice Street Learning Center to OUSD headquarters property later on this year.

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Customer and Community Svcs.	 Sherri A. Hong	 General Manager

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

Sale of Former Oakland Business Office
June 10, 2014
Page 2

In conformance with California Government Code section 54222, the District notified the City of Oakland (Department of Human Services and Department of Parks and Recreation), the OUSD, and the Oakland Housing Authority of the property's availability for purchase. The District did not receive a response from any of those agencies. Thereafter, pursuant to District Policy 4.21, Land Sales – Use of Funds, the District notified adjacent property owners by certified mail of the District's intent to dispose of its property.

In order to generate interest from a wide audience, the District retained the services of a local Oakland real estate brokerage firm to market its property. The District's listing broker, LCB Associates, will split the 5% sales commission with the broker representing the buyer. CRC Development, LLC plans to eventually demolish the existing structure and build a multi-story residential building on the site. The buyer will have up to 45 days to conduct its due diligence of the property, notify the District that it wants to proceed with the transaction, and deposit \$125,000 into escrow. Escrow shall close 180 days after the District's approval of the sale with the District and CRC Development, LLC sharing in normal closing and escrow costs.

CEQA/ENVIRONMENTAL

The District has prepared a Notice of Exemption and filed the CEQA documentation with Alameda County.

ALTERNATIVE

Do not sell the property and continue to lease instead. This is not recommended because the District has determined that the property is no longer needed and selling in this market climate is prudent. Since the OUSD plans to relocate its child care facility during this next fiscal year, the District would have to identify prospective lessees and possibly re-condition the building for those users.

Attachment



RESOLUTION NO. _____

AUTHORIZING THE SALE OF THE FORMER OAKLAND BUSINESS OFFICE
PROPERTY TO CRC DEVELOPMENT, LLC

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the District has determined that its former business office property at 250 17th Street in Oakland, Alameda County, California, as more particularly shown on Exhibit A, attached hereto, is surplus to the District's needs; and

WHEREAS, in accordance with the provisions of Government Code Section 54222, the District notified the City of Oakland Department of Human Services and the City of Oakland Department of Parks and Recreation, the Oakland Unified School District and the Oakland Housing Authority of the property's availability for purchase and did not receive a response from any of these agencies; and

WHEREAS, pursuant to District Policy 4.21, the District notified property owners adjacent to the former Oakland Business Office of its intent to offer the property for sale; and

WHEREAS, after the District marketed the property for sale, the District received three offers, and the offer from CRC Development, LLC in the amount of \$2,300,000 was the best overall offer for the property; and

WHEREAS, the proposed sale is in conformance with the General Plan of Alameda County, and is categorically exempt from the California Environmental Quality Act under Section 15312 of the State CEQA Guidelines; and

WHEREAS, the Secretary of the District has filed a Notice of Exemption for the sale of the property with the County Clerk of Alameda County in accordance with the California Environmental Quality Act; and

WHEREAS, it is in the best interest of the District to sell said property;

NOW, THEREFORE, BE IT RESOLVED that the Manager of Real Estate Services and Secretary are authorized and directed to execute a grant deed, in a form approved by the General Counsel, conveying said real property to the CRC Development, LLC, and any and all other documents necessary to close escrow, and the proper officers of the District are hereby authorized and directed to deliver said deed to CRC Development, LLC upon receipt of \$2,300,000, less a non-refundable deposit into escrow of \$125,000 and standard closing and escrow fees.

ADOPTED this 10th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EXHIBIT A





AGENDA NO.
MEETING DATE

8.1
June 10, 2014

TITLE ORDERING, CALLING, PROVIDING FOR, AND DIRECTING THAT NOTICE BE GIVEN OF DISTRICT ELECTION

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTIONS

Take actions to address election matters: 1) adopt a resolution calling for the election of four directors at the November 4, 2014 statewide General Elections, and 2) establish a process for addressing changes to the Municipal Utility District elections procedures by directing the Secretary of the District to schedule a special Board meeting in years when either no candidate or only one candidate has filed a declaration of candidacy for an open Board seat in a particular ward by the deadline of the 83rd day before the election.



SUMMARY

The terms of Directors for East Bay Municipal Utility District Wards 2, 3, 4 and 7 expire December 31, 2014. The District must order and call a General Election for these wards. The regular election for Directors will be held on Tuesday, November 4, 2014. The election shall be held and conducted in accordance with the Municipal Utility District Act of the State of California and conform with the provisions of the California Elections Code.

The November 2014 election is the first to be impacted by AB 408 (Bonta), which amended the Municipal Utility District (MUD) Act to allow, but not require, the Board to appoint uncontested candidates in lieu of holding an election. AB 408, codified as Section 11852.5 of the MUD Act, permits the Board to appoint a candidate in lieu of holding an election if only one or no candidate runs for an open ward seat. The timeframe for decisions in each election season will be just a few days long. To ensure timely action, staff is recommending that the Board provide direction on the procedure to be employed if this situation occurs in this or in future election years.

DISCUSSION

Governor Brown signed EBMUD-sponsored AB 408 on August 16, 2013. This legislation allows municipal utility districts with seven-member boards elected by wards the same authority that existing law provides to other local government entities (including cities, regional park districts, school districts, and enterprise and non-enterprise special districts)--the ability to appoint uncontested Board candidates rather than having ratepayers incur the cost of an election.

Funds Available: FY		Budget Code:	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR		APPROVED
Office of the Secretary	 Lynelle M. Lewis		 General Manager

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

Under AB 408, the county elections officials in Alameda and Contra Costa Counties are required to notify the District if either no candidate or only one candidate has filed a declaration of candidacy for an open Board seat in a particular ward by the deadline of the 83rd day before the election. This year, that date is August 13, 2014. It is recommended that the Board direct the Secretary of the District, if such notice is received from one or both county elections officials, to schedule a special meeting to be held after the receipt of the county elections official notice, with sufficient time to allow the Board to determine a course of action and for the Secretary to notify the county elections official(s) of the Board's action. The Board has until the 76th day before the election (August 20, 2014) to take action. If the Board takes no action during this limited time frame of August 13 to August 20, the election will go forward. If the county elections officials report triggers a special meeting because there is an open ward seat where one or no candidate is running, then at that time the Board can choose to take one of three actions: (1) appoint the sole candidate; (2) if there is no candidate, appoint an eligible person or adopt a process to appoint an eligible person; or (3) hold the election. An election would automatically result if no action is taken by the Board by the 76th day before the election (August 20, 2014).

The nomination period for the General Election begins July 14, 2014 and ends August 8, 2014. If nomination papers for an incumbent director are not filed by 5:00 pm on August 8, 2014 the filing deadline will be extended to August 13, 2014. The election will be consolidated with the General Election in the counties of Alameda and Contra Costa. One director shall be elected from Wards 2, 3, 4 and 7 for a four-year term commencing January 1, 2015. Candidates for the office of director must be a resident and voter in the ward from which the candidate is nominated.

FISCAL IMPACT

The Board supported the adoption of AB 408 because since 2002, EBMUD ratepayers have paid over \$1.7 million in election costs for uncontested candidates, and in 2012 District ratepayers paid \$475,000 in election costs for three uncontested candidates. Staff anticipates future savings potential could be on the same order as these historic costs.

NEXT STEPS

The Secretary of the District will publish the attached Notice of Election once a week for two successive weeks in the *Oakland Tribune*, *Hayward Daily Review*, *Contra Costa Times* (including coverage in the *West County Times*, and the *Valley Times/San Ramon Valley Times*), the *Oakland Post*, *El Mundo*, *Sing Tao* and *Hills Newspapers* (including coverage in the *Montclarion*, the *Piedmonter*, and the *Berkeley Voice/El Cerrito Journal*). The publications will occur prior to the opening of the nomination period on July 14, 2014.

If the county elections officials report there is an open ward seat where one or no candidate is running, the Secretary of the District will work with the Board President to schedule a special meeting on August 18 or August 19, 2014.

ALTERNATIVES

Decide whether to schedule a special meeting each election year after the county elections officers report the candidate information. This alternative is not recommended because the elections calendar requires the reports from the counties to be made after EBMUD's regular meeting on the second Tuesday of August and before the next scheduled meeting of the Board.

Do not schedule a special meeting to consider a course of action. This alternative is not recommended because the District supported adoption of AB 408 to provide a tool to control costs on behalf of its ratepayers. A special meeting enables the Board to consider the specific circumstances and make a determination in the best interests of its ratepayers.

Attachments

I:\SEC\6_10_14 Board Agenda Items\OGM\OrderingDistrictElections.doc

NOTICE OF ELECTION FOR THE OFFICE OF DIRECTOR OF THE EAST BAY MUNICIPAL UTILITY DISTRICT

Notice is hereby given that an election will be held on Tuesday, November 4, 2014 in Wards 2, 3, 4 and 7 of the East Bay Municipal Utility District for the office of Director. The election shall be consolidated with the General Election to be held in Alameda and Contra Costa Counties on said date.

Candidates for office of Director must be a resident and voter in the ward from which the candidate is nominated. Nomination papers may be obtained and circulated within the ward from which a candidate is seeking election beginning July 14, 2014. All nomination papers must be filed with the appropriate County Clerk/Registrar by 5:00 p.m. on August 8, 2014. If nomination papers for an incumbent Director are not filed by 5:00 p.m. on August 8, 2014, the filing deadline will be extended to August 13, 2014. A deposit of \$1,000 towards the cost of publishing a candidate's statement is required at the time the papers are filed with the County Clerk/Registrar.

Ward 2 is entirely in Contra Costa County and includes the cities of Alamo, Lafayette and Walnut Creek, Town of Danville, communities of Blackhawk and Diablo, and portions of San Ramon and Pleasant Hill. Nomination papers and other forms are available from the Contra Costa County Registration-Election Department, 555 Escobar Street, Martinez, CA 94553-1140; (925) 335-7800.

Ward 3 is in both Alameda and Contra Costa Counties. In Alameda County, it includes the cities of Piedmont and portions of Oakland. In Contra Costa County, it includes the cities of Orinda and El Sobrante, Town of Moraga, as well as portions of Pinole and Richmond. Nomination papers and other forms are available from the Alameda County Registrar of Voters Office, 1225 Fallon Street, Rm. G-1, Oakland, CA, 94612-4283; (510) 272-6933.

Ward 4 is in both Alameda and Contra Costa Counties. In Alameda County, it includes the cities of Albany, Berkeley, Emeryville and portion of Oakland. In Contra Costa County, it includes the cities of El Cerrito and Kensington. Nomination papers and other forms are available from the Alameda County Registrar of Voters at the Alameda County Registrar of Voters Office, 1225 Fallon Street, Rm. G-1, Oakland, CA, 94612-4283; (510) 272-6933.

Ward 7 is in both Alameda and Contra Costa Counties. In Alameda County, it includes the city of Castro Valley, the communities of Cherryland and Fairview, as well as portions of San Leandro and Hayward. In Contra Costa County, it includes the city of San Ramon. Nomination papers and other forms are available from the Alameda County Registrar of Voters at the Alameda County Registrar of Voters Office, 1225 Fallon Street, Rm. G-1, Oakland, CA, 94612-4283; (510) 272-6933.

Dated: June 12, 2014

Lynelle M. Lewis
Secretary of the District

RESOLUTION NO. _____

ORDERING, CALLING, PROVIDING FOR AND DIRECTING THAT NOTICE BE GIVEN OF AN ELECTION TO BE HELD IN WARDS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT, STATE OF CALIFORNIA, ON TUESDAY, NOVEMBER 4, 2014 FOR THE PURPOSE OF ELECTING FOUR DIRECTORS, AND CONSOLIDATING SAID ELECTION WITH THE GENERAL STATE ELECTION TO BE HELD ON THE SAME DATE

Introduced by Director

; Seconded by Director

BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE EAST BAY MUNICIPAL UTILITY DISTRICT:

Section 1. A general election is hereby ordered and called to be held in four (4) wards of the East Bay Municipal Utility District ("District"), State of California, on Tuesday, November 4, 2014, at the time for the holding of the general election provided for by the Elections Code of the State of California, for the purpose of electing four (4) Directors.

Section 2. The election hereby called and ordered to be held in four wards of the District, including the nomination of candidates and the election of Directors and all matters pertaining thereto, shall be held and conducted and the result ascertained, determined and declared in accordance with the Municipal Utility District Act of the State of California and substantially as herein provided and, except as otherwise provided in said Act and herein, substantially in conformity with the provisions of the Elections Code prescribed for independent nominations and in all other respects as nearly as practicable in conformity with the general election laws of the State of California.

Section 3. The election shall be held in District Ward No. 2, Ward No. 3, Ward No. 4 and Ward No. 7 as said wards have been duly and regularly established by the Board of Directors of the District. One Director shall be elected from each of Wards 2, 3, 4 and 7 at said election, for the term of four (4) years commencing on the first day of January, 2015. Each Director shall be a resident and voter in the ward from which the Director is nominated. The ballot in each of the four said wards in which said election shall be held shall contain the names of the persons nominated in that ward. Candidates for the office of Director shall be elected by the voters of the ward from which they are nominated and shall not be voted on at large. Said Directors shall be nominated in accordance with the Municipal Utility District Act and the Elections Code and general election laws, and each nominating paper shall contain the name of the candidate, with such other information as may be required by said Act, Code and general election laws, and shall be circulated within the ward from which the candidate is to be elected commencing on July 14, 2014 and shall be signed by the number of voters within said ward as required by Section 11850 of said Act. All such nominating papers shall be obtained from and filed with the County Clerk of the county in which the ward is located if the ward is entirely within one county, or from the

County Clerk of the principal county containing the majority of the population of the ward from which the candidate is seeking election if the ward is located within two counties, for examination and certification by said County Clerk within the time required by law. Upon such filing of a sufficient nomination paper and declaration of candidacy by any candidate in accordance with applicable law, and the certification of said paper by said County Clerk, the name of the candidate shall go upon the ballot at said general election.

Section 4. Notwithstanding the foregoing, if no one or only one person has filed a declaration of candidacy for a particular ward by 5 p.m. on August 13, 2014, this section applies. If, by 5 p.m. on August 13, 2014, no one or only one person has filed a declaration of candidacy for a particular ward, the elections official for the county in which the ward is located, or in the case of a ward located in more than one county, the county containing the majority of the population of the ward, shall immediately submit a certificate of these facts to the District, pursuant to Section 11852.5 of the Municipal Utility District Act. Upon receipt of such notice, the Board of Directors of the East Bay Municipal Utility District may choose, at a regular or special meeting held on or before August 20, 2014, either to hold an election in the ward or appoint a qualified candidate to office in the ward, in lieu of holding an election. If, after receiving the notice required by Section 11852.5 of the Municipal Utility District Act, the Board of Directors of the East Bay Municipal Utility District takes no action by August 20, 2014, an election will be held in the ward.

Whenever an election is held in any ward, the elections official of the county in which the ward is located, or in the case of a ward located in more than one county, the county containing the majority of the population of the ward, shall, on August 20, 2014, place the name or names of the candidate or candidates on the ballot and shall accept statements of write-in candidacy submitted after August 20, 2014. Whenever the Board of Directors of the East Bay Municipal Utility District appoints a candidate to office in a particular ward pursuant to Section 11852.5 of the Municipal Utility District Act, the county elections official of the county in which the ward is located, or in the case of a ward located in more than one county, the county containing the majority of the population of the ward, shall remove the name of any candidate for office in that ward from the ballot and shall not accept statements of write-in candidacy for that ward that are submitted after the appointment is made.

Section 5. The election provided for herein is hereby ordered consolidated in accordance with law with the general election to be held in the counties of Alameda and Contra Costa and in the territory of the District on November 4, 2014 and the Boards of Supervisors of the counties of Alameda and Contra Costa, respectively, are authorized to have the returns of the District Election canvassed with respect to the votes cast in their respective counties and to cause the results of the respective canvass to be certified to the Board of Directors of the District in accordance with law, and such election within the area of the District lying within the counties of Alameda and Contra Costa shall be held in all respects as if there were only one election and only one form of ballot shall be used thereat, and the election precincts, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of the precincts, and they shall be those selected and designated in accordance with law by the respective counties of Alameda and Contra Costa for said general election.

Section 6. The Secretary of the District is hereby directed upon the passage of this Resolution to publish notice of said election once a week for two successive weeks (two publications) in *The Oakland Tribune, Hayward Daily Review, Contra Costa Times*, (including coverage in *West County Times, Valley Times/San Ramon Valley Times*), *The Oakland Post, El Mundo, Sing Tao* and Hills Newspapers (including coverage in *Montclarion, Piedmonter*, and the *Berkeley Voice/El Cerrito Journal*), and such publication shall constitute notice of such election and no other notice of such election need be given.

Section 7. At the next regular meeting of the Board of Directors of the District held after receipt of the returns of the canvass by the respective counties of Alameda and Contra Costa, the Board of Directors shall determine the results of the election and shall cause to be spread upon the minutes of said Board a statement of the results of said election, and shall declare elected the candidate receiving the highest number of votes as Director for each of the respective wards for which Directors were to be elected, namely Wards 2, 3, 4 and 7. The Secretary of the District shall issue certificates of election signed by her and duly authenticated immediately following the determination of the result of the election by the Board of Directors.

Section 8. This Resolution shall take effect immediately upon its passage.

ADOPTED this 10th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



AGENDA NO.
MEETING DATE

8.2
June 10, 2014

TITLE CONSOLIDATING 2014 DIRECTOR ELECTION

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Adopt a resolution requesting the Board of Supervisors of Alameda and Contra Costa Counties to consolidate the District election for the office of Director with statewide General Election on November 4, 2014.

SUMMARY



The terms of Directors for East Bay Municipal Utility District Wards 2, 3, 4 and 7 expire December 31, 2014. The District must order and call a General Election for these wards. The regular election for Directors will be held on Tuesday, November 4, 2014. The election shall be held and conducted in accordance with the Municipal Utility District Act of the State of California and conform with the provisions of the California Elections Code.

The election will be consolidated with the General Election in the counties of Alameda and Contra Costa. One Director shall be elected from Wards 2, 3, 4 and 7 for a four-year term commencing January 1, 2015.

The Municipal Utility District Act (Section 11829) requires the Board of Directors to file with the respective Board of Supervisors a resolution requesting consolidation of a general district election with the General Election. The California Elections Code (Section 10403) requires a copy of the resolution to also be filed with the respective county Registrar of Voters.

Attachments

I:\SEC\6_10_14 Board Agenda Items\OGM\Consolidating 2014 Director Election.doc

Funds Available: FY		Budget Code:	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR		APPROVED
Office of the Secretary	 Lynelle M. Lewis		 General Manager

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

[Handwritten Signature] *[Handwritten Signature]*
Office of General Counsel

RESOLUTION NO. _____

REQUESTING THE BOARDS OF SUPERVISORS OF ALAMEDA AND CONTRA COSTA COUNTIES TO CONSOLIDATE WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, THE DISTRICT ELECTION TO BE HELD IN FOUR WARDS ON THE SAME DATE FOR THE ELECTION OF DIRECTORS

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the Board of Directors of the East Bay Municipal Utility District (“District”) has called an election to be held in Ward Nos. 2, 3, 4, and 7 of said District on Tuesday, November 4, 2014, for the purpose of electing Directors from said Wards, as duly and regularly established by the Board of Directors;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to the provisions of Section 10403 of the Elections Code of the State of California, the Board of Directors of the East Bay Municipal Utility District hereby requests the Board of Supervisors of Contra Costa County to consolidate, in accordance with law, the District election to be held in Ward No. 2 of said District with the general election to be held on November 4, 2014. Such election shall be held and conducted in accordance with the provisions of law regulating the statewide election to be held on November 4, 2014.
2. The office to be voted on at said election, as the same is to appear on the ballot in said Ward No. 2, is as follows:

EAST BAY MUNICIPAL UTILITY DISTRICT	
Director – Ward No. 2	Vote for One

3. Pursuant to Section V of the East Bay Municipal Utility District's Campaign Finance Reform Ordinance, candidates who adopt a voluntary expenditure ceiling as defined therein shall be designated in the voter information portion of the sample ballot as having voluntarily agreed to the expenditure ceiling. The Board of Directors of the East Bay Municipal Utility District hereby requests the Board of Supervisors of Contra Costa County to place the following language, or its substantial equivalent, in a convenient place in the voter information pamphlet:

"Candidates for Director of the East Bay Municipal Utility District who have accepted voluntary expenditure limits set forth in Section V of the East Bay Municipal Utility District's Campaign Finance Reform Ordinance as of August 8, 2014 are:

[NAMES]"

In the alternative, the Board of Directors of the East Bay Municipal Utility District requests the Board of Supervisors of Contra Costa County to place the following language, or its substantial equivalent, at the end of the candidate statement for each of the following candidates:

"[NAMES]

These candidates have accepted the East Bay Municipal Utility District's voluntary expenditure limits."

4. The Secretary of the District is hereby instructed to file with the County Clerk of Contra Costa County the names of all candidates for Ward No. 2 who have voluntarily agreed to the expenditure limit as of the close of the Nomination Period on August 8, 2014.

5. Notwithstanding the foregoing, if no one or only one person has filed a declaration of candidacy for Ward No. 2 by 5 p.m. on August 13, 2014, this section applies. If, by 5 p.m. on August 13, 2014, no one or only one person has filed a declaration of candidacy in Ward No. 2, the elections official for Contra Costa County shall immediately submit a certificate of these facts to the District, pursuant to Section 11852.5 of the Municipal Utility District Act. Upon receipt of such notice, the Board of Directors of the East Bay Municipal Utility District may choose, at a regular or special meeting held on or before August 20, 2014, either to hold an election in Ward No. 2 or appoint a qualified candidate to office in Ward No. 2, in lieu of holding an election. If, after receiving the notice required by Section 11852.5 of the Municipal Utility District Act, the Board of Directors of the East Bay Municipal Utility District takes no action by August 20, 2014, an election will be held in Ward No. 2. Whenever an election is held in Ward No. 2, the elections official of Contra Costa County shall, on August 20, 2014, place the name or names of the candidate or candidates on the ballot and shall accept statements of write-in candidacy submitted after August 20, 2014. Whenever the East Bay Municipal Utility District Board of Directors appoints a candidate to office in Ward No. 2, pursuant to Section 11852.5 of the Municipal Utility District Act, the county elections official of Contra Costa County shall remove the name of any candidate for office in Ward No. 2 from the ballot and shall not accept statements of write-in candidacy for Ward No. 2 that are submitted after the appointment is made.

6. Pursuant to the provisions of Section 10403 of the Elections Code of the State of California, the Board of Directors of the East Bay Municipal Utility District hereby requests the Board of Supervisors of Alameda County to consolidate, in accordance with law, the District election to be held in Ward Nos. 3, 4 and 7 of said District with the general election to be held on November 4, 2014. Such election shall be held and conducted in accordance with the provisions of law regulating the statewide election to be held on November 4, 2014.

7. The offices to be voted on at said election, as the same is to appear on the ballot in said Ward Nos. 3, 4 and 7, are as follows:

EAST BAY MUNICIPAL UTILITY DISTRICT	
Director – Ward No. 3	Vote for One

EAST BAY MUNICIPAL UTILITY DISTRICT	
Director – Ward No. 4	Vote for One

EAST BAY MUNICIPAL UTILITY DISTRICT	
Director – Ward No. 7	Vote for One

8. Pursuant to Section V of the East Bay Municipal Utility District's Campaign Finance Reform Ordinance, candidates who adopt a voluntary expenditure ceiling as defined therein shall be designated in the voter information portion of the sample ballot as having voluntarily agreed to the expenditure ceiling. The Board of Directors of the East Bay Municipal Utility District hereby requests the Board of Supervisors of Alameda County to place the following language, or its substantial equivalent, in a convenient place in the voter information pamphlet:

"Candidates for Director of the East Bay Municipal Utility District who have accepted voluntary expenditure limits set forth in Section V of the East Bay Municipal Utility District's Campaign Finance Reform Ordinance as of August 8, 2014 are:

[NAMES]"

In the alternative, the Board of Directors of the East Bay Municipal Utility District requests the Board of Supervisors of Alameda County to place the following language, or its substantial equivalent, at the end of the candidate statement for each of the following candidates:

"[NAMES]

These candidates have accepted the East Bay Municipal Utility District's voluntary expenditure limits."

9. The Secretary of the District is hereby instructed to file with the County Clerk of Alameda County the names of all candidates for Ward Nos. 3, 4, and 7 who have voluntarily agreed to the expenditure limit as of the close of the Nomination Period on August 8, 2014.

10. Notwithstanding the foregoing, if no one or only one person has filed a declaration of candidacy for Wards 3, 4, or 7 by 5 p.m. on August 13, 2014, this section applies. If, by 5 p.m. on August 13, 2014, no one or only one person has filed a declaration of candidacy for Wards No. 3, 4, or 7, the elections official for Alameda County shall immediately submit a certificate of these facts to the District, pursuant to Section 11852.5 of the Municipal Utility District Act. Upon receipt of such notice, the Board of Directors of the East Bay Municipal Utility District may choose, at a regular or special meeting held on or before August 20, 2014, either to hold an election in the ward or appoint a qualified candidate to office in the ward, in lieu of holding an election. If, after receiving the notice required by Section 11852.5 of the Municipal Utility District Act, the Board of Directors of the East Bay Municipal Utility District takes no action by August 20, 2014, an election will be held in the ward. Whenever an election is held in Wards No. 3, 4, or 7, the elections official for Alameda County shall, on August 20, 2014, place the name or names of the candidate or candidates on the ballot and shall accept statements of write-in candidacy submitted after August 20, 2014. Whenever the Board of Directors of the East Bay Municipal Utility District appoints a candidate to office in a particular ward pursuant to Section 11852.5 of the Municipal Utility District Act, the county elections official for Alameda County shall remove the name of any candidate for office in that ward from the ballot and shall not accept statements of write-in candidacy for that ward that are submitted after the appointment is made.

9. The Secretary of the District is hereby instructed to cause a certified copy of this Resolution, together with a certified copy of the Resolution calling said election, to be filed with the Board of Supervisors and with the County Clerk of each county.

ADOPTED this 10th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel



AGENDA NO.
MEETING DATE

8.3
June 10, 2014

TITLE ESTABLISHING CRITERIA FOR PUBLICATION OF CANDIDATES' STATEMENTS - 2014 DIRECTORS ELECTION

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

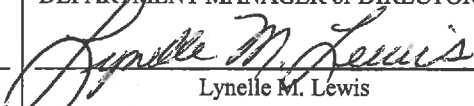

Adopt a resolution establishing the criteria for publication of candidates' statements and authorizing the Secretary to bill candidates for certain costs with the following provisions:

- Limit the length of the statements to 200 words.
- Limit the candidates' cost for publication of the statement to \$1,000 or the actual cost, whichever is less.
- Require a \$1,000 deposit from each candidate at the time the nomination papers are filed with the respective county, but permit a waiver of the deposit requirement in appropriate circumstances, such as indigency.
- District pays the entire cost of translation where candidate statements are required by law to be published in a language other than English.
- Apply a \$1,000 cost ceiling and deposit requirement for costs of translations that are not required by law.
- Refund the balance if the actual publication cost per candidate is less than the \$1,000 deposit.

SUMMARY

The terms of Directors for East Bay Municipal Utility District Wards 2, 3, 4 and 7 expire December 31, 2014. Section 13307 of the Election Code requires the Board of Directors to make decisions concerning candidate statements. These decisions must be delivered to the county election officials by July 2, 2014.

The Board has historically adhered to the Election Code statement limit of 200 words. The Board has the authority to increase the statement length to 400; however, longer statements would cause an increase in the cost of preparation, which must be paid by either the District or the candidate.

Funds Available: FY15		Budget Code: 121/8511/5237
DEPARTMENT SUBMITTING <u>Office of the Secretary</u>	DEPARTMENT MANAGER or DIRECTOR  Lynelle M. Lewis	APPROVED  General Manager

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

In April 2011, the Board changed the amount of the deposit for candidate statements from \$750 to \$1,000 in response to rising printing and translation costs. The candidate payment of \$ 1,000 helps pay the costs for printing, handling, translating, and mailing the candidates' statements. The District pays the actual costs above the deposit. Since 1996, indigent candidates have been permitted to file an affidavit in lieu of the deposit. Upon polling other agencies, the staff found deposits to be \$600 for AC Transit, \$750 for BART, and \$1,000 for East Bay Regional Park District. The comparison of candidate costs to actual publication costs in the last four election cycles is as follows:

Year	Candidate Statement Deposit	Candidate Statement Actual Costs
2006	\$750	\$1,407 – \$3,238
2008	\$750	\$1,741 – \$2,679
2010	\$750	\$1,228 – \$2,000
2012	\$1,000	\$1,470 – \$2,408

The Federal Voting Rights Act of 1965 prohibits a "covered political subdivision" from providing voting materials only in the English language. Alameda County is required by the Federal Act to provide translations in both Spanish and Chinese. This requirement affects District Wards 3, 4 and 7. Contra Costa County (Ward 2) is required to provide translations in Spanish. In past elections, the Board has directed that the District pay the cost of required translations. Where a candidate requests a translation that is not mandated by law, the Board has required that the candidate deposit an additional \$1,000, with the District paying the actual costs above the deposit. The same criteria are recommended for the 2014 election.

FISCAL IMPACT

Funds are available in the FY15 budget to meet the anticipated costs of the 2014 candidate statements.

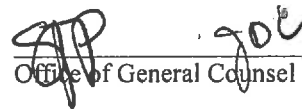
ALTERNATIVE

Increase the maximum statement length to 400 words. This is not recommended due to cost considerations of preparing, translating, printing and distributing statements.

Bill candidates for actual costs and abandon cost ceiling. This is not recommended since it would make EBMUD fees substantially higher than those charged to candidates for other special district seats in Alameda and Contra Costa Counties, and could conceivably limit the candidate pool by imposing a financial hardship.

Attachments

Draft Prepared By:


Office of General Counsel

RESOLUTION NO. _____

DETERMINING CRITERIA FOR CANDIDATES' STATEMENTS TO BE FILED BY
CANDIDATES FOR BOARD OF DIRECTORS AND AUTHORIZING SECRETARY TO
BILL CANDIDATES FOR CERTAIN COSTS

Introduced by Director

; Seconded by Director

WHEREAS, Section 13307 of the Elections Code permits the filing, at the time of filing nomination papers, of a candidate's statement of no more than 200 words by candidates for the East Bay Municipal Utility District's ("District") Board of Directors and authorizes the District to require each candidate who files such a statement to pay in advance a sum not greater than the estimated prorated costs of printing, handling, translating and mailing such statement, if any, incurred by the District, and it is in the best interests of the District to require candidates who choose to file such a statement to pay a reasonable sum for these services and for the District to pay the additional costs, if any, incurred as a result of providing such services and to require nonindigent candidates to pay a deposit towards his or her pro rata share of said costs; and

WHEREAS, Elections Code Section 13307 requires the County Clerk to provide a Spanish translation of the candidate's statement to those candidates who wish to have one;

NOW, THEREFORE, BE IT RESOLVED that each candidate at the November 4, 2014 General Election for the Office of Director of the District may file a candidate's statement of no more than 200 words as provided for in Section 13307 of the Elections Code with the County Clerk from whom the candidate obtains nomination papers and other forms required for nomination to the Office of Director.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby authorized and directed to provide for collection by the County Clerk, from each nonindigent candidate who files such a statement, a deposit of \$1,000 towards his or her pro rata share of printing, handling, legally required translation and mailing the candidate's statement.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby authorized and directed to bill and take all lawful action necessary to collect from each candidate who files such a statement and who fails to pay the deposit as provided for herein, a sum not greater than the actual prorated costs incurred by the District for printing, handling, legally required translation and mailing the candidate's statement, which sum shall not exceed \$1,000 per candidate.

BE IT FURTHER RESOLVED that in any ward in which voting materials are required by law to be provided in a language other than English, the District will pay for printing, handling, translating, and mailing the translation of the candidate's statement.

BE IT FURTHER RESOLVED that in any ward in which voting materials are not required by law to be provided in a language other than English, the Secretary of the District is hereby authorized and directed to provide for collection by the County Clerk, from each nonindigent candidate who requests that the County Clerk send a translation of his or her candidate's statement to all of the voters in the ward in which the candidate is running, a deposit of \$1,000 towards his or her pro rata share of printing, handling, translating, and mailing the translation of his or her candidate's statement.

BE IT FURTHER RESOLVED that in any ward in which voting materials are not required by law to be provided in a language other than English, if a candidate also requests that the County Clerk send a translation of his or her candidate's statement to all of the voters in the ward in which the candidate is running, the Secretary is hereby authorized and directed to bill and take all lawful action necessary to collect from each such candidate who fails to pay said deposit for the translation, a sum not greater than the actual prorated costs incurred by the District for the printing, handling, translating, and mailing of the said translated statement pursuant to said request, which sum shall not exceed \$1,000 per candidate.

BE IT FURTHER RESOLVED that the proper officers of the District are hereby authorized and directed to pay the balance, if any, of said actual costs incurred by the District for printing, handling, translating, and mailing each candidate's statement and to refund any portion of a candidate's deposit which is not expended for printing, handling, translating, and mailing the candidate's statement.

BE IT FURTHER RESOLVED that in determining whether a candidate is indigent, the standard which shall be applied shall be the same utilized in the District's Customer Assistance Program.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby directed to send a certified copy of this Resolution to the County Clerks of Alameda and Contra Costa Counties.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall govern the 2014 election and all subsequent elections for the District's Board of Directors unless otherwise modified by this Board.

ADOPTED this 10th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

ITEM #9

PUBLIC HEARING



AGENDA NO. 101
 MEETING DATE June 10, 2014

TITLE REPORT AND RECOMMENDATION OF THE GENERAL MANAGER FOR REVISIONS TO THE WATER AND WASTEWATER SYSTEM SCHEDULE OF RATES AND CHARGES, AND OTHER FEES NOT SUBJECT TO PROPOSITION 218, AND REGULATIONS FOR FISCAL YEAR 2015

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Adopt the water system rates and charges, regulations, public records act fees and recreation use fees recommended in the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2015 submitted to the Board on May 13, 2014.

SUMMARY

In 2001, the District implemented a two-year budgeting and rate setting process. Every two years as part of the biennial budget process, the Board considers and adopts both the budget and rates and charges for two consecutive fiscal years. Pursuant to the requirements of Proposition 218, all customers are sent a notice of the public hearing. The Board adopts rates and charges for both fiscal years. In addition to the rates that are adopted as part of the biennial process, there are some rates such as capacity fees that are updated and approved annually as part of a mid-cycle update. On June 11, 2013, the District adopted a biennial budget for FY14-FY15 and accompanying rates and charges, including a FY15 rate increase of 9.5% for the Water System and 8.5% for the Wastewater System, which will be effective July 1, 2014.

For FY15, staff is proposing to update several fees, charges and regulations that were not included in the biennial rates adopted in 2013 and that are not subject to the requirements of Proposition 218. The Board held a workshop on May 27, and will conduct a public hearing on June 10, 2014 to review the proposed changes in water system rates and charges, regulations, public records act fees and recreation use fees.

The recommended action adjusts the rates, fees and charges to support the FY15 Operating and Capital Budgets for the Water and Wastewater System as presented in the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2015 issued May 13, 2014.

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

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

The recommended changes are summarized below and included in the attached resolution as Exhibit A – Water and Wastewater Systems Schedules of Rates and Charges, Regulations, Public Records Act Fees and Recreation Fees

DISCUSSION

The following modifications to water and wastewater charges, regulations, public records act fees and recreation use fees are proposed:

- Modify Water System Schedules H, J, and N to update the Standard Participation Charge (SPC), the System Capacity Charge (SCC) and Water Demand Mitigation Fees, respectively, for the Water System.
 - The SPC was increased to reflect inflation and the updated cost for the Future Water Supply Component of the SCC.
 - SCC changes will range from 3.3% to 3.9% for both single-family residential and non-residential. The dollar range of the increase in the three regions (excluding sub-regions) is from \$520 to \$1,150 for the 3/4 inch single-family residential and from \$740 to \$1,310 for the 5/8 inch non-residential meter. SCC increases were calculated based on a review and cost update of the water system facilities assigned to the SCC following the methodology set forth in 2007 SCC study.
 - Water Demand Mitigation Fees were increased to reflect inflation and the updated cost for the Future Water Supply Component of the SCC.
- Modify Section 3B of the Regulations Governing Water Service to clarify that the equivalent meter size for the calculation for additional major facilities is based on the 3/4" standard residential meter size.
- Modify the Public Records Act Fee Schedule to reflect the current salary costs for District staff.
- Increase the Recreation Use Fee for the watershed trails daily permit for calendar year 2015 from \$2.50 to \$3.00.
- Modify Wastewater Schedule G to update the Wastewater Capacity Fee (WCF). The WCF increase for single-family residential will be 16% (\$222). The WCF increase for non-residential customers will depend on the customer's flow and strength characteristics. The WCF increase was calculated based on the second year of a five-year phase-in of a calculation change approved by the Board in 2013 and a cost update of the wastewater system facilities assigned to the WCF.
- Modify Wastewater Schedule B to update the rates for resource recovery material treatment. Revisions are required to consolidate waste categories for groundwater and process water; modify and eliminate subcategories within the categories of protein material, gray water, and fats,

oils and greases; reduce fees for fats, oils and greases and sludge; increase the fees for process water, gray water and liquid organic materials; and increase the permit fee.

Wastewater Schedule B Rates for Resource Recovery Material Treatment and the Public Records Act Fee Schedule have been corrected in Exhibit A of the attached resolution from the schedules included in the Report and Recommendation of the General Manager for Revisions to the Water and Wastewater System Schedule of Rates and Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2015 issued May 13, 2014. The correction in the Schedule B Rates for Resource Recovery Material Treatment was to delete footnote 3 that was erroneously included in Schedule B as it referenced the subcategory of concentrated fats, oils and greases that is proposed to be eliminated for FY15. The correction to the Public Records Act Fee Schedule was to update a reference to the labor cost that had not been adjusted in the text. These corrections are immaterial changes to the Schedules and have no substantive impact on the proposed rates.

Water and Wastewater charges and fees and changes to the Public Records Act Fees, and Regulation 3B are recommended to be effective as of July 1, 2014. Changes to SCC, SPC, Water Demand Mitigation Fees, and WCF for FY15 are proposed to be effective on August 11, 2014. The increase in the Recreation Fees is proposed to be effective on January 1, 2015.

ALTERNATIVES

Do not accept the recommended changes to the schedules of rates, fees and charges. This alternative is not recommended because it would not recover the costs of providing these services resulting in these costs being shifted to other ratepayers.

ARC:ELS:RL

Attachment

RESOLUTION NO. _____

ADOPTING REVISED WATER AND WASTEWATER SYSTEM SCHEDULES OF RATES
AND CHARGES, AND OTHER FEES NOT SUBJECT TO PROPOSITION 218, AND
REGULATIONS FOR FISCAL YEAR 2015

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the General Manager filed with the Board of Directors a Report and Recommendation dated May 13, 2014, recommending revisions to the water and wastewater system schedule of rates and charges, and other fees not subject to Proposition 218, and regulations for Fiscal Year ("FY") 2015 to meet the District's revenue requirements for FY 2015 including revisions to the: (1) Standard Participation Charge ("SPC"), System Capacity Charge ("SCC"), and Water Demand Mitigation Fees for the Water System, and the corresponding Schedules H, J, and N, respectively; (2) Rates for Resource Recovery Material Treatment and Wastewater Capacity Fee for the Wastewater System, and the corresponding Schedules B and G, respectively; (3) Public Records Act Fee Schedule; (4) Recreation Use Fee Schedule for Calendar Year 2015; and (5) Water Service Regulation Section 3B for Major Facilities Capacity for Standard Service; and

WHEREAS, the changes to rates, charges, fees and regulations, as described above and as further set forth in this resolution are not subject to Article XIII D, Section 6 of the California Constitution (Proposition 218), but are subject to the public notice and hearing requirements stated in Chapter 11.5 of the Municipal Utility District (MUD) Act; and

WHEREAS, a public workshop and a public hearing, noticed in the manner and for the time required by law, were conducted by the Board of Directors on June 10, 2014, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to revision of the rates, charges, fees and regulations, and the FY 2015 Report and Recommendation of the General Manager submitted to the Board on May 13, 2014 was available for public inspection and review more than ten (10) days prior to the public hearing; and

WHEREAS, all comments, objections, and protests to said Report and Recommendation of the General Manager have been given full opportunity to be heard by the Board, and the Board has fully considered said Report and Recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby finds and determines:

1. The above recitals are true and correct and incorporated herein, including the findings contained in the Report and Recommendation of the General Manager on Revisions to the Water and Wastewater System Schedule of Rates and Charges, and Other Fees Not Subject to Proposition 218, and Regulations for Fiscal Year 2015 submitted to the Board on May 13, 2014.

2. The water and wastewater rates and service charges adopted herein are imposed to recover the cost of water and wastewater service or special services provided by the District to the customer. Any customer may avoid payment of the charges by disconnecting from or not connecting to the facilities of the District. The Water Demand Mitigation Fee, the System Capacity Charge (“SCC”), the Standard Participation Charge (“SPC”) for the Water System, and the rates for Resource Recovery Material Treatment and the Wastewater Capacity Fee for the Wastewater System are levied only as a condition of extending or initiating service upon the request of a customer. The charges adopted herein are not imposed upon real property or upon a person as an incident of property ownership and were not calculated or developed on the basis of any parcel map, including an assessor’s parcel map.

3. The purpose of the SPC and the SCC is to finance facilities necessary to provide a supply of water to new development that will be served by the East Bay Municipal Utility District and to construct both water supply and water distribution system improvements to assure that there will be reliable and secure water service for each new connection to the District’s system. The adjustments in the SPC and SCC, as set forth in Schedules H and J, respectively, of the Water System Schedule of Rates and Charges, and the adjustments in the Water Demand Mitigation Fees, as set forth in Schedule N of the Water System Schedule of Rates and Charges, are based on updates to calculations following the methodology from the SCC Study which was performed by Bartle Wells Associates, and whose recommendations were adopted by the Board in FY08. The details of the updated calculations for the construction of additional facilities, construction cost escalation, financing costs, and revised estimated costs to complete the Future Water Supply projects, and the respective adjustments to the SPC, SCC and Water Demand Mitigation Fees are set forth in Chapter 2 of the FY 2015 Report and Recommendation of the General Manager. The SPC was increased to reflect inflation and the updated cost for the Future Water Supply Component of the SCC. The District has adopted a combination of the incremental cost and buy-in methodologies for the SCC to recover the cost of the majority of existing and planned District facilities which provide benefit to new users. For the Water System, SCC changes will range from 3.3% to 3.9% for single-family residential and non-residential customers. The dollar range of the SCC increase for the three regions (excluding sub-regions) is from \$520 to \$1,150 for the 3/4 inch single-family residential and from \$740 to \$1,310 for the 5/8 inch non-residential meter.

4. The facts and evidence presented to the Board of Directors establish that there is a reasonable relationship between the need for said identified facilities and the impacts of the types of development for which the SPC and SCC is charged, and there is a reasonable relationship between the use of those fees to finance facilities necessary to provide a supply of water to new development and the type of development for which the fees are charged. The District’s methodology appropriately allocates to the SPC and SCC the costs related to augmenting the District’s water supplies to satisfy increased demand associated with future development within the District.

5. As set forth in Chapter 3 of the Report and Recommendation of the General Manager, revisions to Wastewater Schedule B are needed to update the rates for resource recovery material treatment. The revisions are required to consolidate waste categories for groundwater and process water; eliminate subcategories for protein material, gray water, and fats, oils and greases; reduce fees for fats, oils and greases and sludge; increase the fees for process water, gray water and liquid organic materials; and increase the annual permit fee from \$200 to \$300 to better reflect actual staff costs to process permits and administer the program. The permit fee was last increased in 2008.
6. As set forth in Chapter 4 of the Report and Recommendation of the General Manager, revisions to the Wastewater Schedule G, Wastewater Capacity Fees (WCF), are needed. The WCF was established in 1984 to recover costs for providing wastewater treatment capacity for new or expanded system use. The WCF is based on a "buy-in" or an equity approach, whereby new users "buy-in" to a wastewater system that has adequate capacity to serve both existing demands and new growth. The wastewater system capacity is expressed in terms of wastewater flow volume (flow) and strength factors including chemical oxygen demand (COD_f) and total suspended solids (TSS). The WCF applies to all dischargers who increase wastewater volume or strength. The WCF increase for single-family residential will be 16% (\$222). The WCF increase for non-residential customers will depend on the customer's flow and strength characteristics. The WCF increase was calculated based on the second year of a five-year phase-in of a calculation change approved by the Board in 2013 and a cost update of the wastewater system facilities assigned to the WCF.
7. The Public Records Act Fee Schedule as herein described, and as set forth in Chapter 1 of the Report and Recommendation of the General Manager, covers the costs of duplication of District records in accordance with the California Public Records Act. Changes to the Public Records Act Fee Schedule are needed to update the cost of duplication and programming labor charges to reflect the District's current salary costs.
8. The water and recreation rates, charges, and fees as herein described and recommended in the Report and Recommendation of the General Manager are imposed for specific products, services, benefits, and privileges provided, for entrance to and use of property, and/or for rental or lease of property, and those rates, charges, and fees do not exceed the reasonable cost of the District of providing those products, benefits, privileges, and services to the payors. The District's trail permit program allows access to hiking trails within the District's protected watershed and requires permit holders to follow the watershed rules and regulations. The Recreation Use Fee for the watershed trails daily permit has not been increased since it was introduced in 2000. As set forth in Chapter 1 of the Report and Recommendation of the General Manager, the District's daily permit fee will increase from \$2.50 to \$3.00 for the calendar year 2015 to recover the cost of administering the program. There are no changes to the annual, three-year or five-year trail permits.

9. As set forth in Chapter 1 of the Report and Recommendation of the General Manager, Section 3B of the Regulations Governing Water Service outlines the process for assessing charges to applicants where the proposed water service requires the addition of major new facilities, such as distribution reservoirs and pumps. Revision to Section 3B of the Water Service Regulations is needed to clarify that the equivalent meter size for the calculation for additional major facilities is based on a 3/4 inch standard residential meter size to be consistent with the District's updated residential equivalent service of a 3/4 inch meter. The prior equivalent meter size was 5/8 inch.

BE IT FURTHER RESOLVED:

10. All objections and protests to the Report and Recommendation of the General Manager thereto are hereby overruled and denied and said Report and Recommendation is hereby accepted and approved.
11. The revised Schedules H, J, and N of the Water System Schedule of Rates and Charges, and the revised Schedules B and G of the Wastewater System Schedule of Rates and Charges contained in the Report and Recommendation of the General Manager, attached hereto as Exhibit A, and beginning Fiscal Year 2015, are hereby adopted and the charges and provisions therein contained are hereby fixed and established to be effective July 1, 2014; provided however that the revised System Capacity Charges, Standard Participation Charges, Water Demand Mitigation Fees, and Wastewater Capacity Fees shall take effect on August 11, 2014.
12. The revised Recreation Fees beginning Calendar Year 2015 contained in Chapter 5 of the Report and Recommendation of the General Manager, attached hereto as Exhibit A, are hereby fixed and established to be effective January 1, 2015.
13. The revised Public Records Act Fee Schedule contained in Chapter 5 of the Report and Recommendation of the General Manager, attached hereto as Exhibit A, are hereby fixed and established to be effective July 1, 2014.
14. The revised Section 3B of the Regulations Governing Water Service to Customers of the East Bay Municipal Utility District contained in Chapter 5 of the Report and Recommendation of the General Manager, attached hereto as Exhibit A, are hereby fixed and established to be effective July 1, 2014.
15. The aforesaid actions constitute modification and approval of charges for the purpose of meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or material; meeting financial reserve needs and requirements; or obtaining funds for capital projects necessary to maintain service in the existing service area; and the Board therefore determines that its aforesaid actions are exempt from the requirements of the California Environmental Quality Act, and hereby

directs the Secretary of the District to file a Notice of Exemption in accordance with applicable statutes and regulations with the County Clerks of Alameda and Contra Costa Counties.

BE IT FURTHER RESOLVED:

16. The appropriate officers of the District are hereby authorized to take such steps as shall be necessary to impose, enforce and collect said charges and should any portion of this Resolution be invalidated by order of a Court of competent jurisdiction, all other portions of this Resolution shall remain in full force and effect until modified or superseded by action of this Board.

Adopted this 10th day of June, 2014 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

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RECOMMENDED SCHEDULES OF RATES, CHARGES AND FEES

FY15

Water System

Schedule H – Standard Participation Charge (SPC)

Schedule J – System Capacity Charge (SCC)

Schedule N – Water Demand Mitigation Fees

Regulations Section 3B – Major Capital Facilities for Standard Service

Recreation Use Fees for Calendar Year 2015

Public Records Act Fee Schedule

Wastewater System

Schedule B – Rates for Resource Recovery Material Treatment

Schedule G – Capacity Fees

Schedule H

Standard Participation Charge

FY15



SCHEDULE H

STANDARD PARTICIPATION CHARGE
(SPC)

A. The standard participation charge for each standard service installed shall be:

Standard Participation Charge

Meter Size	Gravity Zone*	Pumped Zone**	
5/8" and 3/4"	\$7,720	<u>\$7,960</u>	<u>\$9,850</u>
1"	19,290	<u>19,900</u>	<u>24,620</u>
1-1/2"	38,600	<u>39,800</u>	<u>49,200</u>
2"	61,700	<u>63,700</u>	<u>78,800</u>
3"	123,400	<u>127,400</u>	<u>157,600</u>
4"	192,900	<u>199,000</u>	<u>246,200</u>

The standard participation charge for each meter larger than four inches shall be determined on a case-by-case basis by the District, considering such factors as the projected demand which the service would impose on the District system, the maximum intermittent flow rate of the meter compared to a 5/8" meter, and whether the service is solely domestic or is combined with a fire service. In no event shall the standard participation charge for a meter larger than four inches be less than ~~\$192,900~~ \$199,000 in gravity zones or ~~\$239,000~~ \$246,200 in pumped zones.

- * This charge covers general water main oversizing and future water supply.
- ** This charge covers major facilities capacity, water main oversizing and future water supply.

Schedule J

System Capacity Charge

FY15



SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)**

A. SCC FOR STANDARD SERVICE*

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	REGION					
	1	2	3			
5/8	\$22,260	<u>\$23,000</u>	\$40,050	<u>\$41,360</u>	\$37,140	<u>\$38,370</u>
3/4	33,390	<u>34,500</u>	60,090	<u>62,040</u>	55,710	<u>57,560</u>
1	55,760	<u>57,620</u>	100,330	<u>103,610</u>	93,040	<u>96,130</u>
1-1/2	111,520	<u>115,240</u>	200,660	<u>207,220</u>	186,080	<u>192,260</u>
2	178,430	<u>184,380</u>	321,060	<u>331,550</u>	297,730	<u>307,620</u>

For service connections with larger meters see Sec. 3.

2. Single Family Service Connections (dollars per connection)**

METER SIZE (INCHES)	REGION***					
	1	2	3			
3/4	\$15,580	<u>\$16,100</u>	\$26,950	<u>\$27,830</u>	\$34,460	<u>\$35,610</u>
1	26,020	<u>26,890</u>	45,040	<u>46,480</u>	57,550	<u>59,470</u>
1-1/2	52,040	<u>53,780</u>	90,020	<u>92,960</u>	115,100	<u>118,940</u>

For service connections with larger meters see Sec. 3 below.

* This charge covers the cost of System-wide Facilities Buy-in, Regional Facilities Buy-in and Future Water Supply.

**The SCC charged to the applicant will be based on the water meter size required to meet the indoor needs (excluding private fire service needs) and outdoor watering needs of the premise as determined solely by the District based on the plumbing code, the District's review, and water industry standards. The meter(s) that is installed may be larger than the meter size charged in the SCC fee if the service is combined with a private fire service or if a separate irrigation meter is required (See Sections D. Combined Standard and Fire Service and I. Required Separate Irrigation Meter for Single Family Service Connections).

***REGION	GENERAL DESCRIPTION
1	Central Area (gravity zones West-of-Hills) El Sobrante and North (pumped zones)
2	South of El Sobrante to vicinity of Highway 24 (pumped zone) South from vicinity of Highway 24 (pumped zones) Castro Valley Area (pumped zones) North Oakland Hill Area (pumped zones, formerly 4A)
3	Orinda-Moraga-Lafayette Area (pumped zones) San Ramon Valley and Walnut Creek (pumped and gravity zones)



SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

3. SCC for Larger Meters

The SCC for non-residential service connections with meters larger than 2 inches and single-family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the same unit charge and criteria as apply to the SCC for smaller meters. The SCC will be calculated based on the unit charges for each of the four components listed below:

Component	Unit Charge (\$/100 gpd)	
Post-2000 (Add'l Regions 3C & 3D only)	SCC Region Specific	
Regional Facilities Buy-in	SCC Region Specific	
System-wide Facilities Buy-in	\$1,857	<u>\$1,926</u>
Future Water Supply*	1,845	<u>1,904</u>

The unit charges for the components that are specific to a SCC Region are:

Region	Unit Charge (\$/100gpd)		
	Post-2000 Component		Regional Facilities Buy-In Component
1	n/a		\$1,864
2	n/a		3,784
3	n/a		2,240
3C	\$5,942	<u>\$6,200</u>	4,681
3D	5,942	<u>6,200</u>	4,681
			<u>\$1,921</u>
			<u>3,900</u>
			<u>2,309</u>
			<u>1,733</u>
			<u>1,733</u>

In no instance will the SCC for a non-residential meter larger than 2 inches or a single family residential meter larger than 1-1/2 inches be less than the respective equivalent 2 inch or 1-1/2 inch price from the appropriate Section 1 or 2, above.

The SCC will be determined by multiplying the sum of the unit charge of the four components by the water use information furnished by the applicant, rounded to three significant places.

If the District has determined, based on water use information furnished, that a meter larger than 2 inches is appropriate, the SCC calculated pursuant to this subdivision shall apply irrespective of the arrangement of water metering or meter size at the premises.

*The Future Water Supply component for Region 3C is based on 1993 agreement (see Section B1).



SCHEDULE J

SYSTEM CAPACITY CHARGE
(SCC)
(Continued)

4. SCC for Standard Service to Multi-Family Premises

The System Capacity Charge for new water service at multi-family premises shall be as listed below. For purposes of this Schedule J, "multi-family premises" shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service, provided that each separate dwelling unit of a multi-family premises shall be separately metered.

Multi-Family Premises
Dollars per Dwelling Unit (DU)

	REGION*					
	1		2		3	
For each Dwelling Unit	\$0.070	\$9.370	\$12.580	\$12.990	\$11.820	\$12.220

*Same regions as described in A.2.

The above SCC shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises. No additional SCC shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

An SCC shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, golf courses, community clubhouse and recreational facilities, and areas designated for public use. The SCC shall be based on meter size as provided under A.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable SCC, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 10-D

08/12/13

EFFECTIVE 08/11/14

SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

B. SEPARATE SCC FOR STANDARD SERVICE FOR ADDITIONAL REGIONS*

The System Capacity Charge for new non-residential and single family residential water service at premises other than multi-family premises shall be as follows (dollars per connection):

1. Non-residential water service at premises other than multi-family premises shall be as follows (dollars per connections)

METER SIZE (INCHES)	ADDITIONAL REGION**		
	3C***	3-D	
5/8	n/a	\$87,770	<u>\$91,170</u>
3/4	n/a	131,660	<u>136,760</u>
1	n/a	219,870	<u>228,390</u>
1-1/2	n/a	439,740	<u>456,780</u>
2	n/a	703,580	<u>730,850</u>

For service connections with larger meters see Sec. 3 below.

2. Single-Family service connections shall be as follows (dollars per connections)

METER SIZE (INCHES)	ADDITIONAL REGION**		
	3C***	3-D	
3/4	\$77,870	<u>\$80,890</u>	\$87,770 <u>\$91,170</u>
1	130,040	<u>135,090</u>	146,580 <u>152,250</u>
1-1/2	260,080	<u>270,180</u>	293,160 <u>304,500</u>

For service connections with larger meters see Sec. 3 below.

- * This charge covers the cost of System-wide Facilities Buy-In, Regional Facilities Buy-In and Future Water Supply. The Additional Regions are low-density, residential in nature. It is not anticipated that meters larger than 3/4 -inch (excluding fire flow requirements) will be installed in these Regions.

**** ADDITIONAL REGION GENERAL DESCRIPTION**

3-C	South of Norris Canyon Road (pumped zones)
3-D	South of Norris Canyon Road outside Wiedemann Ranch (pumped zone)

- *** The Future Water Supply component of the SCC for Region 3C is set by the July 20, 1993 Wiedemann Agreement, indexed to the U.S. City Average of the Consumer Price Index and used by EBMUD to fund conservation programs. The total Future Water Supply component of the SCC for the common areas in Region 3C shall be paid as a condition for the issuance of the first water meter for the common area. The SCC for Non-Residential services (e.g., common area irrigation) shall be uniquely calculated in accordance with the Wiedemann Agreement.



SCHEDULE J

SYSTEM CAPACITY CHARGE
(SCC)
(Continued)

B. SEPARATE SCC FOR STANDARD SERVICE FOR ADDITIONAL REGIONS* (Continued)

3. SCC for Larger Meters

The SCC for non-residential service connections with meters larger than 2 inches and single-family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the same cost components and criteria as apply to the SCC for smaller meters. (See Section A.3)

4. Separate SCC for Standard Service to Multi-Family Premises

The System Capacity Charge for new water service at multi-family premises shall be as listed below. For purposes of this Schedule J, "multi-family premises" shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service, provided that each separate dwelling unit of a multi-family premises shall be separately metered.

Multi-Family Premises
Dollars per Dwelling Unit

	ADDITIONAL REGIONS*	
	3-C	3-D
For each Dwelling Unit	\$30,040	\$31,210
	\$30,800	\$32,000

*Same regions as described in B.1.



SCHEDULE J

SYSTEM CAPACITY CHARGE
(SCC)
(Continued)

B. SEPARATE SCC FOR STANDARD SERVICE FOR ADDITIONAL REGIONS* (Continued)

The above SCC shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises. No additional SCC shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and do not apply to the requirements listed below.

An SCC shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, golf courses, community clubhouse and recreational facilities, and areas designated for public use. The SCC shall be based on meter size as provided under B.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable SCC, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

C. LOW-PRESSURE SERVICE

Where a larger meter is installed because of low-pressure conditions, the applicable System Capacity Charge shall be determined on the basis of the size of the meter which would be required for a standard service as determined by the District based on plumbing code and water industry standards. All other rates and charges shall be based on actual meter size.

D. COMBINATION STANDARD AND FIRE SERVICE

Where a meter is installed to provide both standard service and a supply to a private fire protection system, at other than multi-family premises, the applicable System Capacity Charge shall be based on the meter size required for standard service exclusive of the capacity for supplying the fire protection system as determined by the District based on plumbing code, fire protection code and water industry standards. The installation charges shown in Schedule D and all other rates and charges pertaining to the service shall be based on the actual size of the meter that is installed.

E. FIRE SERVICES AND STANDBY SERVICES

For fire services and standby services (additional service connections for security of supply), there shall be no System Capacity Charges.

*Same regions as described in B.1.



SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

F. ADDITIONAL WATER USE ON PREMISES RECEIVING SERVICE

The System Capacity Charge applicable to enlargement of an existing service at other than multi-family premises shall be based on the difference in the SCC for the new service size and the existing service size.

If additional dwelling units are constructed on premises subsequent to the installation of service and payment of an SCC under B.1, then the SCC applicable to each additional dwelling unit shall be immediately due and payable.

G. CREDIT FOR EXISTING SERVICES

Where one or more new services will replace one or more existing or prior services to a premise where an SCC was paid to initiate the water service, a credit will be given toward the new SCC based on the meter size that was used to calculate the initial SCC payment, but in no instance will the credit be less than that of the minimum meter size for the customer classification. For instances where the existing or prior services were installed prior to 1983 and no SCC was paid, the annual average of the past ten years of water consumption will be used to determine the SCC credit, but in no instance will the credit be less than that of a minimum meter size for the customer classification. If there is no existing service, prior service to the premise must be verified by the applicant. If the SCC is paid with the service connection to be completed by meter installation at a later date, and existing service(s) are to remain in service until that time, the applicable credit for the existing service(s) will be in the form of a refund when the existing services are removed. The SCC credit cannot be applied to a standby meter, fire service meter, or in the case of a combination standard and fire service meter, the portion of the meter oversized for the private fire protection system. Where the initial SCC payment was made under Schedule J Section I Required Separate Irrigation Meter for Single Family Service Connections, the SCC credit can not be applied to the separate irrigation meter without a SCC credit on the residential meter.

For common area meters installed under the July 20, 1993 Wiedemann Agreement, credit toward a new SCC for these meters will be based on the actual SCC payment for each meter installed, not based on the size of the existing meter.

H. TEMPORARY CONSTRUCTION SERVICE

A System Capacity Charge paid on a temporary construction service will be refunded if said service is removed within a 1-year period after installation.



SCHEDULE J

**SYSTEM CAPACITY CHARGE
(SCC)
(Continued)**

I. REQUIRED SEPARATE IRRIGATION METER FOR SINGLE FAMILY SERVICE CONNECTIONS

If an irrigation meter is required for a single-family connection because the landscape exceeds the threshold for a dedicated irrigation meter in Section 31 of the Regulations, two meters will be installed – one for the indoor and private fire service (if applicable) needs of the building and a separate meter dedicated for irrigation. One single-family SCC shall be applicable based on the hydraulic capacity needed to serve the irrigation and indoor needs. The hydraulic capacity of the installed meter or meters will be equal to or exceed the hydraulic capacity of the meter size that was charged in the SCC fee. The installation charges shown in Schedule D and all other rates and charges pertaining to the service(s) based on the actual size of the meter(s) that are installed shall apply.

J. NONPOTABLE WATER SERVICE

1. Nonpotable Water Service Connections (dollars per connection)

METER SIZE (INCHES)	REGION					
	1	2	3			
5/8	\$7,380	<u>\$7,620</u>	\$9,870	<u>\$10,190</u>	\$11,530	<u>\$11,900</u>
3/4	41,070	<u>11,420</u>	44,810	<u>15,280</u>	47,300	<u>17,850</u>
1	48,490	<u>19,080</u>	24,730	<u>25,520</u>	28,890	<u>29,810</u>
1-1/2	36,970	<u>38,160</u>	48,450	<u>51,030</u>	57,770	<u>59,620</u>
2	59,160	<u>61,050</u>	79,120	<u>81,650</u>	92,430	<u>95,390</u>

All SCC for nonpotable water service connections with meters larger than 2 inches shall be determined by applying the Future Water Supply Component unit charge to the defined projected water demand approved by the District. The SCC will not be less than the 2-inch meter charge from Section J.1, above.

K. DUAL STANDARD SERVICES

An SCC shall be applicable for separate meters installed to provide dual (potable and nonpotable) standard service, based on the meter size(s) for each service.



SCHEDULE J

SYSTEM CAPACITY CHARGE
(SCC)
(Continued)

L. ADJUSTMENT OF SCC FOR WATER-CONSERVING LANDSCAPING ON PUBLICLY OWNED PROPERTY

To further encourage water conservation, the SCC for a water service connection exclusively for irrigation of landscaping on property owned by a public agency may be reduced or not required based on long-term water service needs after an initial planting establishment period of not more than three years (the "initial period"); provided that (1) the landscape plan incorporates drought-tolerant and other low-water-use planting materials on a major part of the landscaped area, and (2) the long-term water need would result in replacement of the initial water meter with a smaller meter or water service would be discontinued at the end of the initial period.

A public agency applying for water service under such conditions shall submit a written request to the District prior to the time of payment of the SCC. The request shall set forth in detail the facts supporting an adjustment of the SCC, shall include information and plans clearly describing the planting materials and irrigation system, and shall include data and calculations clearly demonstrating the estimated initial and long-term water needs.

If the District determines that the SCC can be based on a smaller meter or discontinuation of service after the initial period, the public agency shall enter into a water service agreement which provides for (1) payment of the reduced SCC prior to installation of service; (2) verification of the long-term need at the end of the period; and (3) payment of the additional SCC required if the initial meter is not to be replaced, or the replacement meter is larger than initially determined, or water service is not discontinued. If additional SCC payment is required, it shall be based on the charges in effect at the time of initial SCC payment, and shall be due and payable within 30 days of written notice from the District. The agreement shall be binding upon all subsequent owners of the property and shall be recorded.

Installation charges for the service connection shall be based on the meter size initially installed.

The above-mentioned SCC adjustments do not apply to nonpotable water service accounts.

Schedule N

Water Demand Mitigation Fees

FY15



SCHEDULE N

WATER DEMAND MITIGATION FEES

The Water Demand Mitigation Fee funds District conservation programs that are intended to achieve water savings that offset water demand from development within the territory or development where the fees are collected. The Water Demand Mitigation Fee is payable at the time application for service is made or prior to release of the distribution system pipelines and related appurtenances when the installation of water main extensions are required.

A. WATER DEMAND MITIGATION FEES FOR "THE MEADOWS" TERRITORY

For service connections within "The Meadows" territory¹ payment of a Water Demand Mitigation Fee shall be required in addition to all other applicable fees and charges, including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE MEADOWS TERRITORY	
5/8	\$12,570	<u>\$12,970</u>
3/4	18,100	<u>18,680</u>
1	28,150	<u>29,060</u>
1-1/2	54,300	<u>56,030</u>
2	100,550	<u>103,770</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE MEADOWS TERRITORY	
5/8	\$12,310	<u>\$12,700</u>
3/4	18,100	<u>18,680</u>
1	28,150	<u>29,060</u>
1-1/2	54,300	<u>56,030</u>

¹ As defined in Contra Costa Local Agency Formation Commission Resolution No. 96-33, adopted August 13, 1997.



SCHEDULE N

**WATER DEMAND MITIGATION FEES
(Continued)**

3. The Water Demand Mitigation Fee for non-residential service connections with meters larger than 2 inches and single family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.09) established by the Board of Directors for smaller meters.
4. For phased developments within The Meadows territory, the Water Demand Mitigation Fee is payable for all connections within the phase prior to release of the distribution system pipelines and related appurtenances.

B. WATER DEMAND MITIGATION FEES FOR "THE WENDT RANCH" TERRITORY

For service connections within "The Wendt Ranch" territory¹ payment of a Water Demand Mitigation Fee shall be required in addition to all other applicable fees and charges, including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE WENDT RANCH TERRITORY	
5/8	\$16,140	<u>\$16,660</u>
3/4	23,250	<u>23,990</u>
1	36,160	<u>37,320</u>
1-1/2	69,740	<u>71,970</u>
2	129,150	<u>133,280</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE WENDT RANCH TERRITORY	
5/8	\$15,840	<u>\$16,310</u>
3/4	23,250	<u>23,990</u>
1	36,160	<u>37,320</u>
1-1/2	69,740	<u>71,970</u>

¹As defined in Contra Costa Local Agency Formation Commission Resolution 97-5, adopted March 12, 1997.



SCHEDULE N

WATER DEMAND MITIGATION FEES
(Continued)

3. The Water Demand Mitigation Fee for non-residential service connections with meters larger than 2 inches and single family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.40) established by the Board of Directors for smaller meters.
4. For phased developments within The Wendt Ranch territory, the Water Demand Mitigation Fee is payable for all connections within the phase prior to release of the distribution system pipelines and related appurtenances.

C. WATER USE OFFSET FEES FOR THE WIEDEMANN RANCH DEVELOPMENT¹

For service connections within the Wiedemann Ranch Development, payment of a Water Use Offset Fee shall be required in addition to all other applicable fees and charges, including the System Capacity Charge (SCC).²

1. Common Area Offset Fee

The total Water Use Offset Fee for common areas in the Wiedemann Ranch Development is ~~\$65,875~~ \$66,916, payable as a condition of issuance of the first meter for the common area.³

2. Single Family Service Connections

The Water Use Offset Fee for each residential lot in the Wiedemann Ranch Development is ~~\$6,575~~ \$6,679, which amount shall be indexed using the same index as for the common area offset fee.

¹The Wiedemann Ranch Development, SCC Region 3A, a 439 acre development in Contra Costa County, is described with particularity in Exhibit A to the July 20, 1993 Agreement Between EBMUD and HCV & Associates, Ltd., Wiedemann Ranch, Inc. and Sue Christensen ("Wiedemann Agreement").

²The Wiedemann Agreement specifies the amount and other terms related to the Future Water Supply Component of the SCC for the Wiedemann Ranch Development.

³The Water Use Offset Fee shall be indexed to the U.S. City Average of the Consumer Price Index issued by the U.S. Department of Labor for each calendar year or portion thereof from the July 20, 1993 date of the Wiedemann Agreement to the date of payment of the offset fee.



SCHEDULE N

WATER DEMAND MITIGATION FEES
(Continued)

D. ADDITIONAL WATER USE OFFSET FEES FOR THE WIEDEMANN RANCH DEVELOPMENT¹

For water service within Wiedemann Ranch Development, payment of Additional Water Use Offset Fees shall be required in the event the annual water budget⁴ is exceeded.

1. The Additional Water Use Offset Fee shall be determined by the number of gallons of water used during the average of the two consecutive years in excess of the annual water budget times the per gallon fee of ~~\$14.19~~ \$14.42.⁵

¹The Wiedemann Ranch Development, SCC Region 3A, a 439 acre development in Contra Costa County, is described with particularity in Exhibit A to the July 20, 1993 Agreement Between EBMUD and HCV & Associates, Ltd., Wiedemann Ranch, Inc. and Sue Christensen ("Wiedemann Agreement").

⁴The Wiedemann Agreement specifies the formula for calculating the annual water budget and the specific methodology for calculating and collecting the additional water use offset fee.

⁵The Wiedemann Agreement specifies the terms related to the Additional Water Use Offset Fee. The Additional Water Use Offset Fee shall be indexed to the U.S. City Average of the Consumer Price Index issued by the U.S. Department of Labor for each calendar year or portion thereof from the July 20, 1993 date of the Wiedemann Agreement to the date of payment of the additional water use offset fee.



SCHEDULE N

**WATER DEMAND MITIGATION FEES
(Continued)**

E. WATER DEMAND MITIGATION FEES FOR CAMINO TASSAJARA INTEGRATED PROJECT¹

For service connections within the Camino Tassajara Integrated Project², payment of a Water Demand Mitigation Fee (WDMF) shall be required in addition to all other applicable fees and charges including the applicable System Capacity Charge (SCC). The Board of Directors adopted Section 3D to the Water Service Regulations in January 2003 to codify the WDMF and other conservation requirements imposed on the project territory by the County and Local Agency Formation Commission.

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE CAMINO TASSAJARA INTEGRATED PROJECT	
5/8	\$15,560	<u>\$16,060</u>
3/4	22,420	<u>23,140</u>
1	34,860	<u>35,980</u>
1-1/2	67,230	<u>69,380</u>
2	124,490	<u>128,470</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE CAMINO TASSAJARA INTEGRATED PROJECT	
5/8	\$10,690	<u>\$11,030</u>
3/4	15,710	<u>16,210</u>
1	24,470	<u>25,250</u>
1-1/2	47,160	<u>48,670</u>

¹The Water Demand Mitigation Fee shall be indexed to the unit charge of the Future Water Supply component of the EBMUD System Capacity Charge.

²As generally described in the October 9, 2002 Miscellaneous Work Agreement between the District, Shapell Industries, Ponderosa Homes II, and Braddock and Logan Group II.



SCHEDULE N

**WATER DEMAND MITIGATION FEES
(Continued)**

3. The WDMF for non-residential service connections with meters larger than 2 inches and single family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component and multiplier (1.61) established by the Board of Directors for smaller meters.

The WDMF for new water service at multi-family premises shall be as listed below. For purposes of this Schedule N, "multi-family premises" shall mean premises with two or more attached or separate residential dwelling units, rental or owner-occupied, which is determined by the District to be a single premises for receiving water service, provided that each separate residential structure of a multi-family premises shall be separately metered.

Multi-Family Premises – Dollars Per Dwelling Unit (DU)

Each of the first 10 DU in a single structure	\$6,410	<u>\$6,620</u>
Each additional DU in same structure	5,130	<u>5,290</u>

The above WDMF shall apply regardless of the arrangement of water metering or meter size at the premises; however, the District may limit the size and number of service connections to a combined capacity appropriate to the anticipated water use at the premises.

No additional WDMF shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

A WDMF shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, recreational facilities, and areas designated for public use. The WDMF shall be based on meter size as provided under E.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable WDMF, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.



SCHEDULE N

WATER DEMAND MITIGATION FEES
(Continued)

4. The WDMF is payable for all connections within phased developments prior to release for construction, the distribution system pipelines and related appurtenances.

5. Water use in excess of 120 percent of the annual water budget³ shall be subject to an Additional WDMF (on a per-occurrence basis). The Additional WDMF shall be determined by multiplying the amount of water used in excess of 100 percent of the annual water budget times the per gallon fee of ~~\$0.99~~ \$1.02 per gpd.

³The water budget shall be established pursuant to the October 9, 2002 Miscellaneous Work Agreement referenced in Footnote 2.



SCHEDULE N

**WATER DEMAND MITIGATION FEES
(Continued)**

**F. WATER DEMAND MITIGATION FEES FOR GALE RANCH PHASE 2,
SUBDIVISION 9134¹**

For service connections within Gale Ranch Phase 2, Subdivision 9134, payment of a Water Demand Mitigation Fee (WDMF) shall be required in addition to all other applicable fees and charges including the applicable System Capacity Charge (SCC).

1. Non-Residential Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE GALE RANCH PHASE 2 SUBDIVISION 9134	
5/8	\$14,910	<u>\$15,390</u>
3/4	21,470	<u>22,160</u>
1	33,380	<u>34,450</u>
1-1/2	64,420	<u>66,480</u>
2	119,280	<u>123,090</u>

2. Single Family Service Connections (dollars per connection)

METER SIZE (INCHES)	WATER DEMAND MITIGATION FEE FOR STANDARD SERVICE IN THE GALE RANCH PHASE 2 SUBDIVISION 9134	
5/8 ²	\$10,230	<u>\$10,560</u>
3/4	15,060	<u>15,540</u>
1	23,400	<u>24,150</u>
1-1/2	45,140	<u>46,590</u>

¹The Water Demand Mitigation Fee shall be indexed to the unit charge of the Future Water Supply component of the EBMUD System Capacity Charge.

²5/8" fee based on 32,594 gpd demand LUDS demand minus 10,884 gpd middle school demand credit divided by 63 residential units resulting in 345 gpd/residential unit.



SCHEDULE N

**WATER DEMAND MITIGATION FEES
(Continued)**

3. The WDMF for non-residential service connections with meters larger than 2 inches and single family residential service connections with meters larger than 1-1/2 inches shall be determined on a case-by-case basis by the District based on water use information furnished by the applicant and applying the applicable SCC Future Water Supply component.

No additional WDMF shall be applicable for separate meters installed to provide irrigation for landscaping on the premises in the immediate area contiguous to the dwelling unit structures, provided such landscaped area is to be used exclusively by the residents. All other rates and charges shall be based on actual number and size of meters and does not apply to the requirements listed below.

A WDMF shall be applicable for separate meters installed to serve other water uses in the vicinity of the multi-family premises, such as irrigation of open space areas, parks, roadway medians, recreational facilities, and areas designated for public use. The WDMF shall be based on meter size as provided under F.1 above. If these other water uses are included in the water service connection to the multi-family premises, the District shall, for purposes of determining the applicable WDMF, determine the equivalent meter size for these uses based on plumbing code and water industry standards, as if there were a separate service connection.

Regulations

Section 3B

Major Facilities Capacity for Standard Service

FY15



SECTION 3B

MAJOR FACILITIES CAPACITY FOR STANDARD SERVICE

SYSTEM CAPACITY

It is the policy of the District that applicants for water service shall bear the cost of major facilities capacity which must be planned, designed and constructed to provide that service. Therefore, except as otherwise provided in this Section, applicants for water service shall pay the applicable System Capacity Charge (SCC) under Schedule J of the Schedule of Rates and Charges. The SCC is a charge for each region of the District identified in Schedule J, based on the costs of providing water service to applicants within each region. The SCC also includes a component for the allocated cost of providing a future water supply, including nonpotable water supply, to meet the long term increase in water demand in the District.

The number of service connections and meter sizes required for service shall be consistent with the applicant's proposed development and acceptable to the District.

Nonpotable water service is subject only to the future water supply component of the SCC. All other conditions of this section apply to nonpotable water service.

SCHEDULE OF PAYMENT

The applicable SCC shall be due and payable at the time the District accepts the applicant's request for installation of the water meter to complete an individual service connection and when the water service account is opened. The District will accept such a request, and thus payment of the SCC, any time after the applicant has met all the requirements for water service as stated in these regulations and the following:

- Approval of the land use by the city or county with jurisdiction, which for a subdivision means approval of the tentative map;
- Issuance of either the grading permit to prepare the premises for construction of improvements or the building permit for the improvements; and
- Execution of an agreement for installation of the water service connections when installation of a water main extension is required in order to serve the applicant's premises. The applicable charge shall be the SCC in effect at the time payment is due.



SECTION 3B

MAJOR FACILITIES CAPACITY FOR STANDARD SERVICE
(continued)

ADVANCE PAYMENT AGREEMENTS

If the District determines that major facilities must be constructed before service can be extended to the applicant's premises, then prior to planning, design, and construction of any new water service facilities, the applicant shall enter into an agreement or agreements with the District as provided in this section. The location, design, and size of the major facilities to be constructed and the extent of the area to be served by such facilities shall be determined by the District in accordance with the District's Distribution System Master Plan (DSMP) and Engineering Standard Practice (ESP). Advance payment agreements shall be entered into on behalf of the District by the General Manager or his designee.

The agreement or agreements shall provide as follows:

1. Preliminary Work Deposit

The applicant shall pay in advance that portion of the estimated cost of preliminary work allocated to providing major facilities capacity for the applicant's premises and for future customers within the immediate pressure zone area. Preliminary work shall include the planning, preliminary engineering, and environmental documentation necessary for the major facilities. Subject to District approval, payment may be made in a form of credit acceptable to the District.

2. Detailed Design Deposit

Upon completion of the preliminary work and approval of the project by the District, the applicant shall pay that portion of the estimated cost of detailed design, including plans and specifications for the major facilities, allocated to providing major facilities capacity for the applicant's premises and for future customers within the immediate pressure zone area. Subject to District approval, payment may be made in a form of credit acceptable to the District.

3. SCC Guaranty

The District will determine how much of the total service capacity of the proposed major facilities to be constructed will be allocated to existing customers and to other future customers in other bona fide developments that can be served by the major facilities. If the allocation to existing customers is 90 percent or more, then an SCC Guaranty is not required.

For purposes of this Section 3B, "bona fide development" shall mean development by parties other than the applicant that the District has determined meets all city or county requirements.



SECTION 3B

MAJOR FACILITIES CAPACITY FOR STANDARD SERVICE
(continued)

prerequisite to the preparation and filing of the tentative subdivision map(s), including the city or county approval of applicable environmental and other documentation which directly impacts the size or nature of facilities required.

The amount of the SCC Guaranty shall be based on the estimated cost of the major facilities to be constructed less the proportional capacity allocated to bona fide development and existing customers.

The SCC Guaranty shall be due and payable prior to award of a contract or commencement of work by District forces for construction of the major facilities.

4. Refunds

If no SCC Guarantee is collected, deposits paid for the preliminary work and for detailed design shall be refunded to the applicant, without interest, following award of the contract(s), and commencement of work by District forces, for construction of the major facilities.

If a payment is collected by the District on the SCC Guaranty, then refunds will be made to the applicant, without interest, from SCC payments collected within the area served by the major facilities from development other than the bona fide development identified at the time the SCC Guaranty was provided. Refunds will be paid to the applicant once each year in March for refunds which accrued during the previous calendar year. No SCC refunds will be paid after twenty years from the date that the major facilities are placed in service.

EXCEPTIONS

1. Additional Major Facilities

If the District determines that service to an applicant's premises will require construction of major facilities in addition to or significantly different from those already included in the District's DSMP, the average cost of said major facilities will be calculated by dividing their estimated cost by the projected future service connections (measured in 5/8 3/4" meter equivalents) within the area to be served by the major facilities. If that average cost plus the applicable cost components for future water supply and any system and region-wide buy-in costs is more than fifty percent higher than the SCC for the supplying region, then a separate SCC shall apply in the area served by the major facilities in lieu of Schedule J.



SECTION 3B

MAJOR FACILITIES CAPACITY FOR STANDARD SERVICE
(continued)

The separate SCC shall be equal to said average cost of major facilities, plus the applicable cost components for future water supply and any system and region-wide buy-in costs. If a separate SCC is not established, the charges under Schedule J shall apply.

2. SCC Under Section 3A

Applicants for service in the north Oakland hills area, as defined in Section 3A, shall pay the SCC in Schedule J of the Schedule of Rates and Charges.

3. Unusual Conditions

When, in the opinion of the District, applications for service for which major facilities must be constructed present unusual conditions, problems, or situations not adequately covered hereunder, the applicable charges for major facilities capacity shall be determined by the District on a case-by-case basis.

4. Standard Participation Charge

Applicants with major facilities agreements or applicants who made bona fide written requests for water service on or before June 28, 1983 shall pay the applicable Standard Participation Charge under Schedule H of the Schedule of Rates and Charges, in lieu of the SCC, for each service within a project covered by such major facilities agreement or water service request. The Standard Participation Charge shall be paid at the time an applicant requests that the meter be installed to complete an individual service connection and the applicant's account is opened.

In pressure zones in which major facilities constructed prior to June 28, 1983, under a major facilities agreement will not provide adequate capacity to meet estimated service needs, the charge for distribution system capacity applicable to the applicant with such agreement shall be determined by the District on a case-by-case basis. Nothing herein shall be construed to modify agreements which provide for a major facilities contribution in lieu of the Standard Participation Charge.

Recreation Use Fees

Calendar Years 2015



**RECREATION USE FEES FOR 2014 AND 2015
January 2015***

The following fees apply to use of the District's recreation facilities at Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, San Pablo Reservoir and on the District's Watershed Trail System.

All other (not included in this schedule) charges and fees for merchandise and services provided to the public in connection with the public uses of the recreation areas and facilities thereat shall be determined by the concessionaire or District and shall be reasonable and consistent with charges for similar merchandise and services at similar locations.

General Discount Program – Discounts from fees listed may be offered in order to attract new customers and/or improve revenues. General discounts will be applied for specified time frames and apply fairly and uniformly. General discounts must be approved by the Director of Water and Natural Resource Department in advance.

District employees, retirees and immediate family receive free vehicle entry and boat launch, and a camping discount equal the car entry fee (limit one per day).

Volunteer Discount Program – Free one-year Trail Use Permit and 50% discount on vehicle entry/parking and boat launch for those who contribute an annual minimum of 20 hours of volunteer work while participating in a District Volunteer Program.

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of 4, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

No Fishing Access Permit is required on the two annual CDFW Free Fishing Days.

*Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are for the hunting year October 1- September 30.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

CAMANCHE HILLS HUNTING PRESERVE	<u>USE FEE</u>
PRESERVE LICENSE (QUANTITY PRICE BREAK)	
PRESERVE LICENSE:	
Initiation Fee (Family)	2,995.00
Initiation Fee (Corporate)	2,995.00
Annual Maintenance (Family)	200.00
Annual Maintenance (Corporate)	400.00
 LICENSED GUIDE GOOSE HUNT (PER PERSON/HUNT)	 200.00
BIRD PROCESSING: (PRICE PER EACH)	
Pheasant	4.00
Chukar	4.00
20-bird card (pheasant and chukar) for 20	70.00
Duck	4.50
Goose	10.00
Smoking (all birds)	5.00
 Dog Rental	
Half Day	75.00
Full Day	140.00
Special Hunt	140.00
 SPORTING CLAYS	
Full Round Course (100 targets)	38.00
Half Round Course (50 targets)	20.00
Additional Round	10.00
Full-Day	50.00
25 targets (5-Stand/Grouse bunker)	7.00
25 targets (Skeet/trap)	6.00
 ARCHERY RANGE AND COURSE	
7 Station 3-D target Course	
Per person	10.00
Per pair	18.00
Per family (max 4)	34.00
 <u>RV Parking Area</u>	
Nightly	6.00
 Clubhouse Rental (daily)	500.00
Kitchen Rental (daily)	500.00
Grounds (daily)	500.00



**Camanche Hills Hunting Preserve
Discounts, Special Programs and Limitations**

Pricing for planted bird hunting will be reviewed and approved by the Director of Water and Natural Resources.

Free bird hunting and sporting clays shooting is offered to the communications media, based on the availability of birds and the sporting clays course.

Free use of the facilities is offered to non-profit hunting organizations for family, disabled and junior hunting functions.

A Sporting Clay discount of 15% is offered to Senior/Disabled/Former POW/Disabled Veteran visitors.

A Driven Pheasant Shoot discount of 15% is offered to Senior/Disabled/Former POW/Disabled Veteran visitors.

An RV Parking discount of 50% is offered to Senior/Disabled/Former POW/Disabled Veteran visitors.

Daily field trial events are permitted on a limited basis. Fees range from \$0 for qualified non-profit organizations to a maximum of \$200.00.

EBMUD employees and retirees, concession employees and Tri-County (Amador, Calaveras and San Joaquin) Public Safety Personnel receive a 20% discount on food purchases and a 10% discount on sporting clays.

Discounts and incentives are separate and cannot be combined for a larger discount or incentive.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

CAMANCHE RESERVOIR - NORTH SHORE AND SOUTH SHORE RECREATION AREAS	<u>USE FEE</u>
VEHICLE ENTRY/PARKING CAR/MOTORCYCLE/SMALL VAN	
Daily	12.50
Daily, after 3:00pm on non-holiday weekends	8.00
Daily (Off-season)	8.00
Nightly (non-camping)	12.00
Annual	150.00
Senior/Disabled/Former POW/Disabled Veteran Annual	75.00
Combined Car/Boat Daily	16.50
Combined Car and Boat 5 Use Card (Off- season)	60.00
Combined Car and Boat 5 Use Card, after 3:00pm weekdays	37.50
Annual Marina Overnight/Day Use	210.00
VEHICLE ENTRY/PARKING LARGE VANS AND BUSES	
Large Vans - 10-20 Passengers	18.00
Buses - 21+ Passengers	35.00
DOG - daily	5.00
BOAT LAUNCH	
Daily	10.00
Daily (Off-season)	7.00
Night	10.00
Annual	150.00
Senior/Disabled/Former POW/Disabled Veteran Annual	75.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 5

EFFECTIVE 01/01/15

**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

BOAT MOORING (Buoy)

Nightly	15.00
Weekly	80.00
Monthly: under 30 feet	250.00
30 feet & larger	325.00
Annual: under 30 feet	1,450.00
30 feet & larger	1,900.00

BOAT SLIP OPEN (Excl. park entry)

Daily	25.00
Weekly	140.00
Monthly	350.00
Annual	1,650.00
8 Months	1,350.00
Key Security Deposit	10.00

BOAT SLIP COVERED – 24' Length

Maximum

Daily	30.00
Weekly	160.00
Monthly	450.00
Annual	1,850.00
Key Security Deposit	10.00

**BOAT SLIP COVERED – (over 24' Length
Excl. Park Entry)**

Daily	35.00
Weekly	200.00
Monthly	525.00
Annual	2,200.00
Key Security Deposit	10.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 6

EFFECTIVE 01/01/15

**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

**RV/TRAILER/BOAT STORAGE (Excl. park
entry)**

Weekly	50.00
Monthly	120.00
12 Months, consecutive	675.00
Monthly – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	55.00
Monthly – Over 30' (Concurrent with Mooring/Slip Rental)	85.00
Annual – 30' Length Maximum (Concurrent with Mooring/Slip Rental)	300.00
Annual – Over 30' (Concurrent with Mooring/Slip Rental)	425.00
Annual – concurrent with Mobile Home Space rent	425.00

FISHING ACCESS PERMIT

Daily	5.00
Annual	110.00
6 month July 1 through Dec 31 (annual prorated)	55.00

CAMPSITE (w/vehicle parking)

Nightly	28.00
Nightly (Off-season – Friday thru Sunday nights)	16.00
Midweek (Monday thru Thursday night)	8.00
Second Car Parking	12.00
Weekly	150.00
Second Car Weekly	70.00
14 nights	275.00
5 Use Card (Off-season)	75.00
Camping Reservation Fee	10.50



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 7

EFFECTIVE 01/01/15

	<u>USE FEE</u>
CAMANCHE RESERVOIR - NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)	
LAKESIDE PREMIUM CAMPSITES	
Nightly	35.00
Nightly (Off Season Friday thru Sunday nights)	16.50
Midweek (Monday thru Thursday night)	8.25
Second Car Parking	12.00
Weekly	180.00
Second Car Weekly	75.00
14 Nights	330.00
5 Use Card (Off Season)	75.00
CAMPSITES WITH YURT STRUCTURES	
8 person nightly	75.00
16 person nightly	125.00
8 person weekly	395.00
16 person weekly	645.00
CAMPSITE (WALK-IN/BICYCLE PARKING – 8 PERSON/BIKE MAX)	
Nightly	25.00
Weekly	135.00
14 nights	255.00
GROUP CAMP (Nightly)	
Group Assembly Area	80.00
8-Person Limit (Horse Camp, 4 persons, 4 horses max)	50.00
12-Person Limit	85.00
16-Person Limit	105.00
24-Person Limit	125.00
32-Person Limit	165.00
64-Person Limit	295.00
72-Person Limit	350.00
GROUP CAMP (Nightly, off season)	
Group Assembly Area	40.00
8-Person Limit (Horse Camp)	25.00
12-Person Limit	45.00
16-Person Limit	50.00
24-Person Limit	55.00
32-Person Limit	60.00
64-Person Limit	135.00
72-Person Limit	160.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 8

EFFECTIVE 01/01/15

**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

RV SITE

Nightly	48.00
Weekly	270.00
Monthly	500.00
Season (6-Month Max.)	1,850.00
6 night off-season use card (Off Season)	180.00
Premium Sites (Peak Season)	53.00
Premium Sites Weekly (Peak Season)	325.00
TOWING	
Camanche Recreation Area per hour	110.00

MISCELLANEOUS

Camanche Recreation Area Lake Tours	14.00
Holding Tank Pumping	75.00

COTTAGE/MOTEL GENERAL

Camanche Recreation Area – Security Deposit	200.00
Additional Guest Charge (to maximum occupancy)	15.00

COTTAGE (4-Person Base)

May - Sept:	Night	170.00
	Week	800.00
Oct-March:	Night	115.00
	Week	570.00
	Month	1,500.00

COTTAGES (6-Person Base)

May-Sept:	Night	215.00
	Week	935.00
Oct-April:	Night	150.00
	Week	700.00
	Month	1,250.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

CAMANCHE RESERVOIR - NORTH SHORE AND SOUTH SHORE RECREATION AREAS (continued)		<u>USE FEE</u>
COTTAGES (10-Person Base)		
May-Sept:	Night	270.00
	Week	1,325.00
Oct-April:	Night	155.00
	Week	785.00
	Month	1,325.00
MOTEL (TWIN)		
May-Sept:	Night	80.00
	Week	400.00
Oct-April:	Night	60.00
	Week	300.00
	Month	525.00
MOTEL (KING)		
May-Sept:	Night	99.00
	Week	480.00
Oct-April:	Night	79.00
	Week	390.00
	Month	650.00
MOBILE HOME (MONTHLY)		
2 bedroom		CY14 Rate + HUD FMR
3 bedroom		CY14 Rate + HUD FMR
4 bedroom		CY14 Rate + HUD FMR
MOBILE HOME SPACES (MONTHLY)		
North Shore 1A		CY14 Rate + HUD FMR
North Shore 1B		CY14 Rate + HUD FMR
North Shore 2		CY14 Rate + HUD FMR
South Shore		CY14 Rate + HUD FMR



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 10

EFFECTIVE 01/01/15

**CAMANCHE RESERVOIR - NORTH SHORE
AND SOUTH SHORE RECREATION AREAS
(continued)**

USE FEE

**OTHER MOBILE HOME FEES (Per Space –
Monthly)**

Guest Fee	75.00
Late Rent/Returned Check Fee	40.00

FACILITY RENTAL

Lakeside Hall Daily (hall only)	600.00
Lakeside Hall Daily (kitchen & serviceware included)	850.00
Lakeside Hall Cleaning and Equipment Deposit	1,000.00
Camanche Clubhouse Rental Daily	150.00
Camanche Clubhouse Rental	100.00

*HUD FMR is the Housing and Urban Development Fair Market Rents Index which is published by HUD each October. The mobile home rental space rate will be adjusted annually based on the percent change in the HUD FMR index for 2-bedroom homes averaged for Amador and Calaveras Counties.



Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations.

Concessionaire Employees may receive free entrance and use of rental boats during off-hours, 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g. disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled/Former POW/Disabled Veterans – 50% Discount on annual entry and boat launch fees, and on non-weekend, non-holiday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Mobilehome Park Tenants-50% off non-holiday weekday boat rentals and additional 25% off for qualifying Senior/Disabled/Former POW/Disabled Veteran tenants. Special additional incentives for non-holiday Tuesday boat rentals. 40% discount on off-season monthly open slip, covered slip and mooring buoy fees. 10% discount on regularly priced marina/store items not including fishing access permits, fishing license, prepared food/beverage, gasoline and propane.

Groups of four or less individuals meeting the criteria for disabled discounts shall be eligible to rent the 6-person ADA cottages at Camanche for the 4-person cottage rate.

Turkey Hill Equestrian Campground single site customers renting larger spaces due to single sites being occupied shall be charged the lesser prorated rate.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Short-term visitor passes may be issued for periods up to one-hour.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle. Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately. Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset.



Camanche Reservoir – North and South Shore Recreation Area Discounts, Special Programs, Limitations (continued).

Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period. The seasonal charges noted for each recreation area shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Check out time for all RV sites in 1:00 p.m.

Peak Season is May 1 – September 30. Off-season is October 1 – April 30.

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods up to one-hour.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

LAFAYETTE RECREATION AREA	<u>USE FEE</u>
ENTRY AND PARKING - CAR/MOTORCYCLE/SMALL VAN	
Daily	7.00
Annual (new; includes \$25 access card)	145.00
Annual (renewal, using existing access card)	120.00
Replacement access card (gate card)	25.00
Parking Meters ½ hour (may be increased up to a maximum rate of 0.75 per ½ hour prior to CY13)	.75
Senior/Disabled/Former POW/Disabled Veteran Season (new)	105.00
Senior/Disabled/Former POW/Disabled Veteran Season (renewal upon existing access card)	80.00
ENTRY AND PARKING LARGE VANS AND BUSES	
Large Vans - 10-20 Passengers	18.00
Buses – 21+ Passengers	33.00
DOG (no charge)	
COMMERCIAL USES (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover District's direct costs plus overhead.)	
Commercial Use	
Small (up to 10 people)	100.00
Medium (from 11 to 50 people)	500.00
Large (from 51 to 150 people)	1,000.00
BOAT LAUNCH	
Daily	4.00
Annual	50.00
Boat Inspection Fee	6.00
FISHING ACCESS	
Daily	5.00
GROUP PICNIC	
Small Site (Weekend/Holiday)	200.00
Small Site (Weekday/Non-Holiday)	100.00
Large Site (Weekend/Holiday)	350.00
Large Site (Weekday/Non-Holiday)	175.00
Special Events Fee	500.00
	+ \$1/ participant



Lafayette Reservoir – Discounts, Special Programs, Limitations.

District may provide free entry and use of rental boats for disadvantaged groups (e.g. disabled, senior, youth, veteran), and for media to promote the recreation area.

Senior/Disabled/Former POW/Disabled Veterans – 50% discount on boat launch fees and on non-weekend non-holiday boat rentals. Senior rates are for individuals with a drivers' license showing age 62 or older.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

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EFFECTIVE 01/01/15

PARDEE RECREATION AREA	<u>USE FEE</u>
VEHICLE ENTRY AND PARKING - CAR/MOTORCYCLE/SMALL VAN	
Daily/Nightly (Non-Camping)	9.00
Season	104.00
Combined Car/Boat Daily	15.00
VEHICLE ENTRY AND PARKING LARGE VANS AND BUSES	
Large Vans - 10-20 Passengers	20.00
Buses - 21+ Passengers	35.00
DOG	4.00
STANDARD BOAT LAUNCH	
Daily (Weekend included)	8.00
Season	90.00
CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)	
Daily	4.00
Season	40.00
BOAT MOORING	
Monthly	120.00
Season	420.00
BOAT SLIP (excl. park entry)	
Daily	9.00
Weekly	43.50
Monthly	132.00
Season	660.00
Season (concurrent with season RV)	610.00
FISHING ACCESS	
Daily	5.00
Annual	140.00
MISCELLANEOUS	
RV/Campsite Reservation Fee	9.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 16

EFFECTIVE 01/01/15

PARDEE RECREATION AREA (continued)	<u>USE FEE</u>
STANDARD CAMPSITE (w/vehicle parking)	
Nightly	24.00
Second Car Parking	12.00
Weekly	144.00
Second Car Parking	72.00
PREMIUM CAMPSITE (w/vehicle parking)	
Nightly	27.00
Weekly	162.00
CAMPSITE (walk-in/bicycle parking) (8 person/8 bike maximum)	
Nightly	18.00
Weekly	108.00
DOUBLE CAMPSITE (16 people/ 2 vehicles)	
Nightly	48.00
Third or Fourth Vehicle	12.00
RV SITE	
Nightly	33.00
Weekly	198.00
Monthly	430.00
Season	2,350.00
Season – Premium Site	2,650.00
RV/TRAILER/BOAT STORAGE (Excl. park entry)	
Weekly	26.00
Monthly	60.00
Season	480.00
Season – concurrent with season RV Site	430.00
TOWING	80.00
RESERVABLE SITE/FACILITY (charges in addition to above fees)	
Small (25 or less persons)	55.00
Medium (26-100 persons)	80.00
Large (101-150 persons)	110.00
Over 150 persons	220.00
Café/Pool Day Use Area (refundable deposit)	50.00



PARDEE RESERVOIR - DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS.

Concessionaire Employees may receive free entrance and use of rental boats during off-season hours, 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g. disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled/Former POW/Disabled Veterans – 50% Discount on annual entry and boat launch fees, and on non-weekend, non-holiday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle.

Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately.

Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset. Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period.

Each of the nightly charges shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.

Premium Campsite or Premium RV site is a site that, due to enhanced amenities, waterfront access or other special features, is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods of up to one hour.



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 18

EFFECTIVE 01/01/15

	<u>Proposed</u> <u>CY15</u>
SAN PABLO RECREATION AREA	
ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN	
Daily	7.00
Daily (Special Events)	5.00
Season	110.00
3-Month Season	36.00
ENTRY AND PARKING LARGE VANS AND BUSES	
Large Vans - 10-20 Passengers	22.00
Buses – 21+ Passengers	40.00
DOG	4.00
COMMERCIAL USE (in addition to the base fee noted below, the Director of Water and Natural Resources may set an additional fee to recover District's direct costs plus overhead.)	
Small (up to 10 people)	120.00
Medium (11 to 50 people)	600.00
Large (51 to 150 people)	1,200.00
STANDARD BOAT LAUNCH	
Daily	8.00
Season (Entry & Boat Launch)	163.00
3-Month Season (Entry & Boat)	62.00
Boat Inspection Fee	6.00
CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)	
Daily	4.00
Season (Entry and Cartop Launch)	124.00
3-Month Season (Entry & Cartop Launch)	41.00
FISHING ACCESS	
Daily	5.00
GROUP PICNIC	
Large Sites (Oaks & Pine) daily	260.00
GAZEBO	60.00
TOWING	65.00



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 19

EFFECTIVE 01/01/15

SAN PABLO RECREATION AREA (continued) VISITOR CENTER & DECK RENTAL	<u>USE FEE</u>
WEEKDAY EVENING VISITOR CENTER & DECK (Minimum charge for up to 3 hours)	250.00
Extra hours	70.00
WEEKEND EVENING VISITOR CENTER & DECK (Minimum charge for up to 5 hours)	400.00
Extra hours	70.00
Evening Event Cleaning and Damage Deposit	
Events ending before 7:00 pm	150.00
Events ending after 7:00 pm	350.00
WEEKDAY VISITOR CENTER & DECK (8:00am-4:00pm)	200.00
2 consecutive days	350.00
3 consecutive days	500.00
Daytime Event Cleaning and Damage Deposit	125.00



SAN PABLO RESERVOIR – Discounts, Special Programs, Limitations.

Concessionaire employees may receive free entrance and use of rental boats during off-hours, and 20% discount on food and merchandise. Discount is limited to one free vehicle entry and one free boat rental per employee per day. To qualify, a concession employee must work a minimum of 20 hours per week, Sunday through Saturday.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g. disabled, senior, youth, veteran), and for media to promote the recreation area.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Each of the daily charges, including the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from the time the park opens until it closes each day.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry fees.

Senior/Disabled/Former POW/Disabled Veterans – 50% Discount on annual, 6-month and 3-month entry and boat launch fees, and on non-weekend, non-holiday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Unless determined otherwise, the recreation season is mid-February through October (dates selected by concessionaire with District approval).



**SCHEDULE OF RATES AND CHARGES TO CUSTOMERS
OF THE EAST BAY MUNICIPAL UTILITY DISTRICT**

PAGE NUMBER 21

EFFECTIVE 01/01/15

WATERSHED TRAIL SYSTEM

USE FEE

WATERSHED TRAILS

Daily Permit	2.50 <u>3.00</u>
Annual Permit	10.00
Three-Year Permit	20.00
Five-Year Permit	30.00

Public Records Act Fee Schedule

FY15



PUBLIC RECORDS ACT FEE SCHEDULE

INTRODUCTION

The following Fee Schedule has been established by the East Bay Municipal Utility District to cover the costs for duplicating District documents, drawings, maps, recordings, and other records, as required by the Public Records Act.

East Bay Municipal Utility District offers access to its records upon receipt of a request, which reasonably describes an identifiable record. Any questions or requests concerning District documents should be addressed to the Secretary of the District, East Bay Municipal Utility District, P.O. Box 24055, Oakland, California 94623-1055, or by calling (510) 287-0404.

CHARGES

Pursuant to the Public Records Act, the District can recover the "direct cost of duplication" for disclosable public records, unless a different charge is provided by statute. The direct cost of duplication generally covers two types of expenses – materials & equipment costs and labor costs.

- Materials & Equipment costs generally include the capital cost of the equipment, the maintenance contract, paper supplies, and other necessary expenses that must be incurred in order to make the equipment operational.
- Labor costs ordinarily include the pro rata salary and benefits of the clerical or technical employee operating the equipment.

The total cost for providing copies is a combination of materials, labor for actual duplication time, equipment usage, and postage, if applicable. The direct cost of duplication may vary depending on the size and type of media requested and the kind of reproduction equipment required.

Photocopies of non-District materials housed in the District Library or in other areas are charged at the same rate as District documents.

Prices quoted in this fee schedule are subject to change. An estimate of cost will be provided upon request.

Any records sent outside for duplication will be billed the actual cost of duplication by the outside vendor.

PAYMENT

For requests estimated to cost over \$100 in duplication fees, a deposit in the amount of the estimated fee will be required before duplication.

For all requests, payment in advance is required before release of records. Acceptable methods of payment include cash or check (payable to East Bay Municipal Utility District).

**PUBLIC RECORDS ACT FEE SCHEDULE**

(Continued)

INSPECTION/DELIVERY/PICK UP

The requestor is entitled to inspect records and/or obtain copies of records during normal business hours (8:00 a.m. to 4:30 p.m., Monday through Friday).

If the requestor wishes records to be delivered, copies will be sent first class mail unless the requestor makes other arrangements for pick up or delivery with the Secretary's Office. Postage will be charged for copies mailed to the requestor.

Federal Express service is available if the requestor supplies a Federal Express account number.

LEGAL COMPLIANCE OBLIGATIONS

Responsibility for adherence to copyright law rests with the individual requesting copies.

CATEGORIES

This Fee Schedule covers the following categories of document types or formats:

- I. Paper Based Records
 - A. General Business Documents & Engineering Drawings
 - B. Printed Maps
 - C. Bid Documents for Publicly Bid Projects

- II. Electronically Stored or Generated Records
 - A. Records that already exist
 - B. Records that do not already exist
 - C. Audio Cassette Tapes
 - D. Compact Disks (CDs)
 - E. Digital Versatile Disks (DVDs)

Fees for document types/requests not covered herein will be provided upon request.



PUBLIC RECORDS ACT FEE SCHEDULE
 (Continued)

I. PAPER BASED RECORDS

A. GENERAL BUSINESS DOCUMENTS & ENGINEERING DRAWINGS

The fees charged for reproducing general business documents and engineering drawings, and printed maps photocopied onto regular paper in the sizes indicated below are based on the actual cost of duplication by District.

Fee = Labor Cost (\$0.5148 per minute duplicating time)
+ Materials & Equipment Cost (e.g., cost per sheet or media)
+ Postage (if applicable)

- Labor Cost: Labor cost for duplication time is charged at the rate of \$0.5148 per minute. Labor cost is based on the labor rate of a clerical employee and is charged only for the actual time spent on duplication.
- Material & Equipment: The duplicating cost per sheet or media type is based on the actual cost of materials and equipment needed to reproduce documents. As detailed below, fees will vary depending on the type and size of documents and the method used for duplication.

1) Regular copies

8-1/2 x 11	\$0.09/pg
11 x 17	0.17/pg

2) Color copies

Requests for color copies may be sent to an outside vendor and charged back to the requestor.

3) Facsimile copies within the continental U.S.

8-1/2 x 11	0.50/pg
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PUBLIC RECORDS ACT FEE SCHEDULE
(Continued)

4) ENGINEERING DRAWINGS

Size	Bond	Vellum
8-1/2 x 11	\$0.09	N/A
11 x 17	0.17	N/A
17 width	0.33	N/A
22 width	0.66	\$1.77
28 x 38	0.96	N/A

For sizes larger than those indicated in this chart, Engineering Records will determine the cost.

Drawings having a width greater than 36 inches cannot be reproduced on District equipment and must be sent out for commercial copying. These charges will be billed to the requestor.

B. PRINTED MAPS

The fees in this section apply to the duplication of existing hard copy B-maps. The fee listed is the cost per map for duplication by EBMUD's print shop. All other pre-printed map sizes require special formatting and the cost for duplication by an outside vendor will be determined upon request.

- **B-maps** 250' scale (11 x 17) includes Map View prints...\$0.99/map
- **Map Book Covers.** 38.64/cover

C. BID DOCUMENTS FOR PUBLICLY BID PROJECTS

Copies of plans and specifications for publicly bid construction projects are available through EBMUD's Specifications, Cost Estimating, and Engineering Standard Records (ESR) Section at a per set cost established as each project is issued for bid. The fee will be based on the cost for duplication at EBMUD's print shop or an outside copy service and postage, if applicable.

Pre-paid documents will be sent first class mail unless the requestor makes other arrangements for document pickup or delivery with the Specification's Clerk. Federal Express service is available if the requestor supplies a Federal Express account number.



PUBLIC RECORDS ACT FEE SCHEDULE
(Continued)

Contract Documents are also available for viewing and downloading online at EBMUD's public website: www.ebmud.com, via the "Business Opportunities" and "Construction Bid Opportunities" Link.

Copies of CD-ROM versions of contract documents in Adobe Acrobat format are available free of charge from the Specifications Clerk at 510-287-1040.

Copies of historic contract documents can be provided in accordance with the provisions of item 1: General Business Documents.

II. ELECTRONICALLY STORED OR GENERATED DATA

The fees in this section apply to records stored electronically.

In general, there are two types of electronic records: (a) records that already exist on the system and merely require printing; and (b) records that do not currently exist and requires data compilation, extraction, or programming to produce. A different fee rate applies to each of these types of records.

A. RECORDS THAT ALREADY EXIST

When a requester seeks a record that already exists on the system (i.e., record merely needs to be retrieved and printed, and does not require data compilation, extraction, programming to produce), the following fee applies:

Fee = Labor Cost (\$0.5148 per minute duplicating time)
Materials & Equipment Cost
+ Postage (if applicable)

Materials & Equipment cost varies with the types/formats of records requested, as specified below:

1) Digital copies – PDF Files of B-maps

Cost of Media:

▪ CD	\$ 3.05
▪ DVD	6.35
▪ Electronic transfer	N/C



PUBLIC RECORDS ACT FEE SCHEDULE
(Continued)

2) Maps on Demand

Cost per copy:

Size	Bond	Vellum*	Bond Color
8-1/2 x 11	\$0.10	\$0.19	\$0.38
11 x 17	0.19	0.36	0.73
17 x 22	0.33	0.60	2.05
22 x 34	0.49	0.84	3.38
28 x 38	0.66	1.10	5.02

*These costs reflect color plots produced only from existing files.

3) Other Electronic Records

Description	Charge Per Unit
- 8-1/2 x 11 (PC Printer)	\$0.09/pg
- CD	3.05/ea
- DVD	6.35/ea

B. RECORDS THAT DO NOT ALREADY EXIST

When a requester seeks records that do not currently exist on the system and requires data compilation, extraction, or programming to produce, the requestor shall pay the cost to construct a new record, and the cost of programming and computer services necessary to produce a copy of the record. However, please note that the District is under no obligation to provide records that do not already exist. Accordingly, the applicable fee is:

**Fee = Labor Cost (~~\$0.9694~~ per minute production time)
+ Materials & Equipment Cost (rates specified in Section II.A)
+ Postage (if applicable)**

Labor cost is based on the "average technical labor" rate and is charged only for the actual time spent producing the record.

**PUBLIC RECORDS ACT FEE SCHEDULE**

(Continued)

This fee also applies when the request requires producing a record outside of the regularly scheduled interval.

C. AUDIO CASSETTE TAPES

Regular meetings of the Board of Directors are recorded on audiotape. Copies of tapes are available upon request.

Fee = Labor Cost (\$0.5148 per minute duplicating time)
Cost per tape (90-minute cassette tape = \$1.68/tape)
+ Postage (if applicable)

D. COMPACT DISCS (CDs)

Fee = Labor Cost (\$0.5148 per minute duplicating time)
Cost per disc (CD-R Disc, Write-Once, 700MB, 80 Minute, 52X = \$3.05/disc)
+ Postage (if applicable)

E. DIGITAL VERSATILE DISCS (DVDs)

Fee = Labor Cost (\$0.5148 per minute duplicating time)
Cost per disc (DVD+R, 16X, Single Sided, 4.7 GB/120 Minutes = \$6.35/disc)
+ Postage (if applicable)

Wastewater Department

Schedule B

Rates for Resource Recovery Waste Treatment

FY15



SCHEDULE B ⁽¹⁾

WASTEWATER DEPARTMENT
RATES FOR RESOURCE RECOVERY MATERIAL TREATMENT

MATERIAL TYPE	RATE ⁽²⁾
Septage	\$0.07/gal
Fats, Oil and Grease	\$0.11 \$0.08/gal nonconcentrated \$0.15/gal concentrated ⁽³⁾
Groundwater	\$0.02/gal
Process Water	\$0.04 \$0.05/gal
Gray Water	Variable with Total Dissolved Solid (TDS) \$0.03/gal 0-75k mg/l TDS <u>\$0.04/gal 0-100,000 mg/l TDS</u> \$0.06/gal 75k-200k mg/l TDS <u>\$0.08/gal > 100,000 mg/l TDS</u>
Sludge	Variable with % Total Solids (TS) \$0.05/gal up to 3% TS plus \$0.04 \$0.005/gal per %TS for TS between 3% to 20%
Liquid Organic Material	\$0.03 \$0.04/gal
Protein Material	\$0.06/gal up to 10% Total Solids \$0.08/gal over 10% Total Solids
Solid Organic Material	\$30-65/ton ⁽⁴³⁾
Permit Fee	\$200 \$300 (per year)

(1) Payment collection for all Resource Recovery accounts shall follow the payment collection provisions contained in Section 13, Payment of Bills in the Regulations Governing Water Service to the Customers of EBMUD and Items C and K, Returned Payment Charge and Late Payment Penalty and Interest, of Schedule C of the Water System Rates and Charges.

(2) For special accommodations, additional charges for actual personnel costs, equipment costs, and lab costs associated with the special accommodation will apply. Special accommodations include services provided by the District above and beyond what is typical, such as evaluation and testing of a unique material stream, special equipment to receive and process material, accommodations for large volumes, special off-hour deliveries that require additional staff support, or special treatment requirements.

⁽³⁾ Concentrated Fats, Oils and Grease are defined as any Fats, Oil and Grease material that has undergone any process to remove water fraction from the material.

⁽⁴³⁾ Based on treatment costs (residual solids dewatering and disposal), gas production, volumes and other costs or benefits to the District.

Wastewater Department

Schedule G

Capacity Fees

FY15



SCHEDULE G
WASTEWATER DEPARTMENT
CAPACITY FEES

TABLE 1

Residential (\$/dwelling unit) ^{1,5}		\$1,385 ²	<u>\$1,607²</u>
Non-Residential (\$/ccf/mo) ^{3,5}			
2010	Meat Products	\$567	<u>\$704</u>
2011	Slaughterhouses	627	<u>737</u>
2020	Dairy Product Processing	458	<u>563</u>
2030	Fruit and Vegetable Canning	380	<u>462</u>
2040	Grain Mills	412	<u>485</u>
2050	Bakeries (including Pastries)	675	<u>809</u>
2060	Sugar Processing	346	<u>434</u>
2077	Rendering Tallow	1,263	<u>1,471</u>
2080	Beverage Manufacturing & Bottling	284	<u>343</u>
2090	Specialty Foods Manufacturing	1,150	<u>1,426</u>
2600	Pulp and Paper Products	357	<u>419</u>
2810	Inorganic Chemicals Manufacturing	497	<u>567</u>
2820	Synthetic Material Manufacturing	119	<u>137</u>
2830	Drug Manufacturing	215	<u>261</u>
2840	Cleaning and Sanitation Products	422	<u>515</u>
2850	Paint Manufacturing	830	<u>1,002</u>
2893	Ink and Pigment Manufacturing	288	<u>355</u>
3110	Leather Tanning and Finishing	1,113	<u>1,359</u>
3200	Earthenware Manufacturing	272	<u>312</u>
3300	Primary Metals Manufacturing	217	<u>249</u>
3400	Metal Products Fabricating	127	<u>146</u>
3410	Drum and Barrel Manufacturing	1,105	<u>1,362</u>
3470	Metal Coating	137	<u>158</u>
4500	Air Transportation	170	<u>200</u>
5812	Food Service Establishments	440	<u>514</u>
7000	Hotels, Motels with Food Service	327	<u>378</u>
7210	Commercial Laundries	273	<u>324</u>
7215	Coin Operated Laundromats	210	<u>248</u>
7218	Industrial Laundries	696	<u>858</u>



SCHEDULE G
WASTEWATER DEPARTMENT
CAPACITY FEES
(Continued)

7300	Laboratories	\$156	<u>\$182</u>
7542	Automobile Washing and Polishing	203	<u>238</u>
8060	Hospitals	203	<u>234</u>
8200	Schools	149	<u>173</u>
	All Other BCC (includes dischargers of only segregated domestic wastes from sanitary conveniences)	207	<u>240</u>

Permit Accounts⁶

Flow (\$/ccf/mo)	\$106.98	<u>\$121.97</u>
CODF (\$/lb/mo)	23.18	<u>30.34</u>
TSS (\$/lb/mo)	43.00	<u>48.77</u>

¹ Includes BCC 6514 and 8800.

² Residential fee is calculated as follows:

Flow:	6.7	x	\$106.98	<u>\$121.97</u>	=	\$717	<u>\$817</u>
CODF:	7.9	x	23.18	<u>30.34</u>	=	183	<u>240</u>
TSS:	11.29	x	43.00	<u>48.77</u>	=	485	<u>550</u>
						\$1,385	<u>\$1,607</u>

³ Capacity Fee is based on the anticipated maximum monthly flow contributions multiplied by the average wastewater strength measured or assigned for each classification of customer. The District may review the actual flow and strength within 24 months, once the business is fully established to verify the estimated demand for wastewater capacity. The review may result in the assessment of additional capacity fees if the actual flow and strength exceeds the original estimate.

⁴ For non-residential customers with projected treatment revenues equal to or greater than 0.1% of the total District treatment revenue, the calculated capacity fee will be reduced by a Rate Stabilization Factor of 25%. Projected treatment revenue will be based on permit conditions at the time of application or on average wastewater strength measured for each classification of customer if a permit is not required for discharge. Total District treatment revenue will be based on the budgeted fiscal year amount at the time of application.



SCHEDULE G

**WASTEWATER DEPARTMENT
CAPACITY FEES
(Continued)**

⁵A credit may be provided for existing services. Where a new service will replace one or more existing or prior services to a premise where a capacity fee was paid, a credit will be given toward the new capacity fee demand and based on the previous capacity unit paid or if the existing service had not paid a capacity fee but in service since July 1, 1987 then the credit is based on historic use contributions.

⁶ Total fee is a summation of the unit rates for flow, CODF, and TSS times permit conditions at the time of application.



AGENDA NO. _____

MEETING DATE _____

111
June 10, 2014

TITLE WATER AND WASTEWATER SYSTEM BUDGETS FOR FISCAL YEAR 2015

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Affirm the Fiscal Year 2015 (FY15) Operating and Capital Budgets for the Water System and Wastewater System as recommended in the Fiscal Year 2014-2015 Mid-Cycle Budget Report submitted to the Board of Directors on May 22, 2014, and in accordance with the provisions of the Municipal Utility District Act. The FY15 Operating and Capital Budgets remain unchanged from that which was initially adopted by the Board on June 11, 2013.

DISCUSSION

The Board of Directors held a workshop on May 27, 2014, to review the FY15 Operating and Capital Budgets. The attached proposed budget resolution affirms an FY15 Operating and Capital Budget for both the Water and Wastewater Systems as follows:

WATER SYSTEM:	FY15
Operating Budget	\$246,929,993
Debt Service	\$163,212,788
Capital Budget	<u>\$185,022,000</u>
Total Water System	<u>\$595,164,781</u>

WASTEWATER SYSTEM:	
Operating Budget	\$63,358,060
Debt Service	\$34,306,660
Capital Budget	<u>\$46,814,000</u>
Total Wastewater System	<u>\$144,478,720</u>

Implementation of the FY15 Operating and Capital Budgets effective July 1, 2014 reflects the adoption of Proposition 218 and non-Proposition 218 rates and charges, already approved by the Board, that provide adequate funding to support the budgets. Section 11891.5 of the MUD Act authorizes the General Manager to approve the payment of demands against the District in FY15, without further Board authorization, so long as those payments are made for the purposes and within the amounts established for

Funds Available: FY 15		Budget Code:
DEPARTMENT SUBMITTING Finance	DEPARTMENT MANAGER or DIRECTOR Eric L. Sandler	APPROVED General Manager

Water and Wastewater System Budgets for Fiscal Year 2015

June 10, 2014



Page 2

FY15 in the two-year budget adopted by the Board, as supplemented and confirmed in this year's mid-cycle budget resolution.

The attached budget resolution authorizes certain actions and delegates certain powers to the General Manager and the Director of Finance to facilitate ongoing administration of the District budget. This includes the authority to appropriate and spend any grant funds awarded and to reimburse the District for capital expenditures from the proceeds of tax-exempt debt.

Attachment

I:\SEC\06-10-14 Agenda Items\FIN - BD1 Affirm Water and Wastewater FY15 Budgets 061014.docx

 
Office of General Counsel

RESOLUTION NO. _____

AFFIRMING THE BUDGET OF THE EAST BAY MUNICIPAL UTILITY DISTRICT WATER AND WASTEWATER SYSTEMS FOR FY15 AND ESTABLISHING THE TERMS AND CONDITIONS FOR THE PAYMENT OF DEMANDS AGAINST THE DISTRICT

Introduced by Director _____ ; Seconded by Director _____

WHEREAS, the budget for Fiscal Year 2014 and Fiscal Year 2015 as set forth in Resolution No. 33935-13 was approved and adopted by the Board of Directors on June 11, 2013; and

WHEREAS, the General Manager has prepared a mid-cycle budget update on the status of the Fiscal Year 2015 budget in a document entitled "Fiscal Year 2014 - 2015 Mid-Cycle Budget Report," and no changes are proposed to the previously adopted Fiscal Year 2015 operating and capital budget; and

WHEREAS, a workshop was held on May 27, 2014, at which time the members of the Board of Directors and members of the public were provided an opportunity to review and ask questions about the Fiscal Year 2015 budget; and

WHEREAS, the Board has considered all the oral and written information presented to it;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that the Operating and Capital Budget for both the Water and Wastewater systems for Fiscal Year 2015 is hereby affirmed as follows:

For the purposes of complying with section 11891.5 of the Public Utilities Code, the Fiscal Year 2015 budget is expressed in major groups of accounts as indicated below. The following amounts have been appropriated for expenditure:

WATER SYSTEM:	FY15
Operating Budget	\$246,929,993
Debt Service	\$163,212,788
Capital Budget	<u>\$185,022,000</u>
Total Water System	<u>\$595,164,781</u>

WASTEWATER SYSTEM:	
Operating Budget	\$63,358,060
Debt Service	\$34,306,660
Capital Budget	<u>\$46,814,000</u>
Total Wastewater System	<u>\$144,478,720</u>

BE IT FURTHER RESOLVED that the General Manager is authorized to approve the payment of demands against the District in Fiscal Year 2015 without further Board authorization, so long as the demands are incurred for purposes and within the amounts set forth in the projection of the District's operations set forth above with respect to Fiscal Year 2015.

BE IT FURTHER RESOLVED that, except as otherwise amended herein, Resolution No. 33935-13 shall continue in full force and effect, including all authorizations to the General Manager and Director of Finance with respect to the transfer of funds between operating and capital budgets and the distribution of Fiscal Year 2015 appropriations, including monies received as a consequence of any grant approved for acceptance by the Board of Directors.

Adopted this 10th day of June, 2014 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE

General Counsel



AGENDA NO. 12.
MEETING DATE June 10, 2014

TITLE FY15 MID-CYCLE POSITION RESOLUTION

MOTION RESOLUTION ORDINANCE

RECOMMENDED ACTION

Adopt the Mid-cycle Position Resolution for Fiscal Year 2015 to implement necessary staffing and classification changes.

SUMMARY

The recommended action will ensure that position changes funded in the FY15 Budget and on the Board's agenda for consideration on June 10, 2014 are in place for implementation on July 1, 2014.

DISCUSSION

The Position Resolution reflects those staffing and classification changes requiring Board approval that will implement the update to the Operating and Capital Budget for FY15. Proposed staffing changes are consistent with the FY14/15 Strategic Plan goals and business plans to achieve them. The attached Exhibit A summarizes the number of estimated staff years and net change in overall staffing for each department for FY15.

FY15 staffing levels were approved by the Board as part of the FY14-15 budget in June 2013 pursuant to Resolution No. 33936-13. Changes now being proposed for FY15 will result in a net reduction of 1 FTE to 2019.0 FTEs.

Exhibit B itemizes by organizational unit the additions, deletions, reallocations, and flex-staffing changes to positions included in the mid-cycle update to previously approved FY15 staffing levels.

Highlights include:

- The deletion of 1.0 FTE TC Survey Technician I/II because of the completion of the Mokelumne Aqueduct Interconnection project.

Funds Available: FY13		Budget Code:
DEPARTMENT SUBMITTING <u>Human Resources</u>	DEPARTMENT MANAGER or DIRECTOR <u>Delores Turner</u> Delores Turner	APPROVED <u>[Signature]</u> General Manager

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

Exhibit C (attached) includes the addition of new classes. Additions typically occur when current categories do not appropriately cover the existing or planned scope of work and the required knowledge, skills and abilities. In FY15, two classes will be added: Facility Foreman and Supervising Legal Secretary.

The recommended actions contained in Exhibits A and B are consistent with the staffing changes included in the proposed budget documents discussed with the Board at the May 27, 2014 mid-cycle budget workshop.

FISCAL IMPACT

The estimated FY15 net salary and benefit impact for staffing changes reflected in Exhibits A and B of this Mid-cycle Position Resolution is a cost saving of approximately \$138,632. This consists of a fiscal impact of approximately \$138,632 in Water System. These amounts are included in the District's FY15 Operating and Capital budgets.

UNION NOTIFICATION

Local 2019, the union affected, was notified last year as part of the FY14/FY15 Position Resolution that the District anticipated deletion of the TC Survey Technician I/II position. The deletion was also verbally conveyed during the May 27, 2014 mid-cycle budget workshop. A notice was also sent to the union on Monday, June 2, 2014, to remind them of this action and a meeting will be scheduled to discuss if they have any questions.

ALTERNATIVE

Do not adopt the FY15 Mid-cycle Position Resolution. This alternative is not recommended because it would prevent authorization of staffing changes that support implementation of the Strategic Plan, Operating Budget, and Capital Improvement Program as described in the Proposed Mid-cycle Budget for FY15.

Attachments

EXHIBIT "A"
FY14-FY15 MID CYCLE BUDGET UPDATE
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
(June 10, 2014)

Group/Department	FY14	FY15	FY15	FY15	Net Change
	Amended Staff Years ⁽¹⁾	Amended Staff Years ⁽²⁾	Approved Staff Years ⁽²⁾	Amended Staff Years (Mid Cycle) ⁽²⁾	
ADMINISTRATION	<u>2.0</u>	<u>56.0</u>	<u>2.0</u>	<u>2.0</u>	<u>-54.0</u>
CUSTOMER AND COMMUNITY SERVICES	<u>142.5</u>	<u>101.0</u>	<u>142.5</u>	<u>142.5</u>	<u>+41.5</u>
ENGINEERING AND CONSTRUCTION	<u>250.5</u>	<u>249.5</u>	<u>249.5</u>	<u>249.5</u>	<u>0.0</u>
FINANCE	<u>189.5</u>	<u>189.5</u>	<u>189.5</u>	<u>189.5</u>	<u>0.0</u>
Finance	96.5	96.5	96.5	96.5	0.0
Information Systems	93.0	93.0	93.0	93.0	0.0
HUMAN RESOURCES	<u>58.0</u>	<u>47.5</u>	<u>58.0</u>	<u>58.0</u>	<u>+10.5</u>
OFFICE OF THE GENERAL COUNSEL	<u>17.0</u>	<u>17.0</u>	<u>17.0</u>	<u>17.0</u>	<u>0.0</u>
OFFICE OF THE GENERAL MANAGER	<u>26.5</u>	<u>25.5</u>	<u>26.5</u>	<u>26.5</u>	<u>+1.0</u>
MAINTENANCE AND CONSTRUCTION	<u>665.5</u>	<u>660.5</u>	<u>665.5</u>	<u>665.5</u>	<u>+5.0</u>
OPERATIONS & MAINTENANCE SUPPORT	<u>68.0</u>	<u>72.0</u>	<u>68.0</u>	<u>68.0</u>	<u>-4.0</u>
WATER OPERATIONS	<u>196.5</u>	<u>196.5</u>	<u>196.5</u>	<u>196.5</u>	<u>0.0</u>
WATER AND NATURAL RESOURCES	<u>108.5</u>	<u>109.5</u>	<u>108.5</u>	<u>108.5</u>	<u>-1.0</u>
Water Resources	39.0	40.0	39.0	39.0	-1.0
Natural Resources	69.5	69.5	69.5	69.5	0.0
WATER RECYCLING PROGRAM	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>	<u>0.0</u>
WATER SYSTEM TOTAL	<u>1732.5</u>	<u>1732.5</u>	<u>1732.5</u>	<u>1731.5</u>	<u>-1.0</u>
WASTEWATER	<u>287.5</u>	<u>286.5</u>	<u>287.5</u>	<u>287.5</u>	<u>+1.0</u>
DISTRICT-WIDE TOTAL IN FTEs ⁽³⁾	<u>2020.0</u>	<u>2019.0</u>	<u>2019.0</u>	<u>2019.0</u>	<u>0.0</u>

Notes ⁽¹⁾, ⁽²⁾, ⁽³⁾ - See page 2, Notes to Exhibit A

EXHIBIT "A"
FY14-FY15 MID CYCLE BUDGET UPDATE
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
(June 10, 2014)

TOTAL POSITIONS AUTHORIZED BY TYPE OF STATUS	FY14 Amended Positions	FY15 Approved Positions	FY15 Amended Positions (Mid Cycle)	FY15 Net Change
Full-Time	1943.0	1943.0	1943.0	0.0
Temporary	57.0	57.0	57.0	0.0
Part-Time	17.0	17.0	17.0	0.0
Intermittent	4.0	4.0	4.0	0.0
Temporary Construction and Limited-Term	37.0	36.0	36.0	0.0
DISTRICT-WIDE TOTAL IN POSITIONS⁽³⁾	2058.0	2057.0	2057.0	0.0

Notes to Exhibit A:

- (1) Amended staffing applies mid-year Board actions, changes to the FY14 Position Resolution under the General Manager's authority, position transfers, and administrative corrections.
- (2) Regular Full-Time, Temporary Construction, and Limited Term Positions = 1.0 staff year
 Part-Time and Temporary = .5 staff year
 Intermittent = .75 staff year
- (3) The District-wide full-time equivalent (FTE) total takes into account that temporary, part-time and intermittent positions are valued at less than 1.0 staff years each. The District-wide position total does not make that distinction.

EXHIBIT "B"
FY14-FY15 MID CYCLE BUDGET UPDATE
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
(June 10, 2014)

Engineering

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change					Explanation
					2019	444	21	39	MC	
570	-1.0	1.0 TC Survey Technician III	None	62	-1.0					Completion of the Mokolurne Aqueduct Interconnection project
Total FY15 Representation (NET FTE)					-1.0	0.0	0.0	0.0	0.0	0.0

EXHIBIT "C"
FY14-FY15 MID CYCLE BUDGET UPDATE
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
(June 10, 2014)

CLASSIFICATION ADDITIONS

Class Code	Class Title	Monthly Salary Range	Rep. Unit	Explanation
8707	Facility Foreman	67 (\$7,115 - \$8,237)	444	New classification is to provide additional support beyond that of the Senior Facility Technician classification
5933	Supervising Legal Secretary	66 (\$6,612 - \$8,037)	Conf	This new classification is to provide uniform supervision over the administrative staff.

RESOLUTION NO. _____

MID-CYCLE POSITION RESOLUTION
AMENDING RESOLUTION NO. 33936-13 FOR FISCAL YEAR 2015 AND
AUTHORIZING THE GENERAL MANAGER TO TAKE ACTION
IN CONNECTION THEREWITH

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors of the East Bay Municipal Utility District is charged with the responsibility to determine and create the number and character of positions required to carry on the functions of the District; and

WHEREAS, on June 11, 2013 the Board of Directors adopted Resolution No. 33936-13 which is the two-year Position Resolution (effective July 1, 2013) that authorizes the number and character of positions for Fiscal Years 2014 and Fiscal Year 2015, and further authorizes the General Manager to take action in connection with it; and

WHEREAS, there is a need to make changes in staffing levels consistent with updates to the Operating and Capital Budget for FY 2015; and

WHEREAS, it is necessary to amend Sections 1, 2 and 3 of Resolution No. 33936-13 in the middle of its cycle to implement additional necessary staffing and classification changes for Fiscal Year 2015; and

WHEREAS, the remaining sections of Resolution No. 33936-13 shall remain in full force and effect; and

WHEREAS, the General Manager has filed a report with the Board of Directors recommending that 2019.0 Full-Time Employee (FTE) positions be authorized to carry on the functions of the District in Fiscal Year 2015;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that Sections 1, 2 and 3 of Resolution No. 33936-13 are hereby amended as follows:

1. That 2019.0 FTE positions be and hereby are authorized for Fiscal Year 2015, and that said positions and job classifications are hereby converted, reallocated, created, deleted, and/or transferred in accordance with Exhibits A, B and C, which are attached hereto and incorporated herein by this reference, and that the character of the positions (Full-Time Civil Service, Full-Time Civil Service Exempt, Limited Term, Temporary Construction, Temporary, and Part Time) so authorized shall be as set forth in said exhibits; and

2. That the necessary amounts for salaries and benefits for the positions authorized in Section 1 of this Resolution for Fiscal Year 2015 are hereby authorized and appropriated, and that the salary schedules and monthly salary or wage rates for the positions and new classifications authorized in Section 1 of this Resolution and as set forth in Exhibits B and C which are attached hereto and incorporated by reference herein, are approved; and
3. That in each fiscal year, the Board hereby authorizes the General Manager to determine the specific classification and organizational placement within the District for each of the authorized positions and authorizes the General Manager to reallocate, flexibly staff, reassign and/or transfer said existing positions and personnel within the District during that fiscal year, provided that:
 - (1) the total number of positions that are represented remains unchanged during that fiscal year; and
 - (2) the character of the positions as enumerated and set forth in the Position Resolution or Mid-Cycle Position Resolution is not changed during that fiscal year provided, however, that the General Manager is authorized to flexibly staff regular full-time civil service positions with intermittent civil service positions consistent with procedures adopted by the General Manager for that purpose; and
 - (3) staffing changes approved under the General Manager's authority as provided herein may not exceed 0.075% of the total approved salaries and benefits for that fiscal year staffing plan; and
 - (4) the General Manager's authority as provided herein is exercised in accordance with applicable District rules, regulations, policies and procedures, including those adopted to implement the District's civil service system set forth at sections 12051 *et seq.* of the Municipal Utility District Act and any applicable provisions of relevant Memoranda of Understanding between the District and AFSCME Local 444, AFSCME Local 2019, IFPTE Local 21, and Stationary Engineers Local 39; and
 - (5) the General Manager shall post notice of such proposed changes in a conspicuous place at the District, and shall also notify the Board of Directors, AFSCME Local 444, AFSCME Local 2019, IFPTE Local 21, and Stationary Engineers Local 39 of such proposed changes at least seven (7) calendar days prior to making any such changes.
4. That the General Manager's authority to designate the classification, organizational assignment, duration, and appointments for up to ten (10) Workforce Transition (WT) positions to mitigate near term retirements (Resolution 33676-08) in accordance with applicable District Civil Service Rules shall remain in full force and effect.

The delegated authority to the General Manager, set forth according to the terms and conditions stated herein, shall be in full force and effect in this and all future position resolutions unless and until otherwise changed or repealed by the Board of Directors.

BE IT FURTHER RESOLVED that this Resolution shall become effective July 1, 2014.

ADOPTED this 10th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

EXHIBIT "A"
FY14-FY15 MID CYCLE BUDGET UPDATE
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
(June 10, 2014)

Group/Department	FY14		FY15		Net Change
	Amended Staff Years ⁽¹⁾	Approved Staff Years ⁽²⁾	Amended Staff Years (Mid Cycle) ⁽²⁾	FY15	
ADMINISTRATION	<u>2.0</u>	<u>56.0</u>	<u>2.0</u>	<u>-54.0</u>	
CUSTOMER AND COMMUNITY SERVICES	<u>142.5</u>	<u>101.0</u>	<u>142.5</u>	<u>+41.5</u>	
ENGINEERING AND CONSTRUCTION	<u>250.5</u>	<u>249.5</u>	<u>249.5</u>	<u>0.0</u>	
FINANCE	<u>189.5</u>	<u>189.5</u>	<u>189.5</u>	<u>0.0</u>	
Finance	96.5	96.5	96.5	0.0	
Information Systems	93.0	93.0	93.0	0.0	
HUMAN RESOURCES	<u>58.0</u>	<u>47.5</u>	<u>58.0</u>	<u>+10.5</u>	
OFFICE OF THE GENERAL COUNSEL	<u>17.0</u>	<u>17.0</u>	<u>17.0</u>	<u>0.0</u>	
OFFICE OF THE GENERAL MANAGER	<u>26.5</u>	<u>25.5</u>	<u>26.5</u>	<u>+1.0</u>	
MAINTENANCE AND CONSTRUCTION	<u>665.5</u>	<u>660.5</u>	<u>665.5</u>	<u>+5.0</u>	
OPERATIONS & MAINTENANCE SUPPORT	<u>68.0</u>	<u>72.0</u>	<u>68.0</u>	<u>-4.0</u>	
WATER OPERATIONS	<u>196.5</u>	<u>196.5</u>	<u>196.5</u>	<u>0.0</u>	
WATER AND NATURAL RESOURCES	<u>108.5</u>	<u>109.5</u>	<u>108.5</u>	<u>-1.0</u>	
Water Resources	39.0	40.0	39.0	-1.0	
Natural Resources	69.5	69.5	69.5	0.0	
WATER RECYCLING PROGRAM	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>	<u>0.0</u>	
WATER SYSTEM TOTAL	1732.5	1732.5	1731.5	-1.0	
WASTEWATER	<u>287.5</u>	<u>286.5</u>	<u>287.5</u>	<u>+1.0</u>	
DISTRICT-WIDE TOTAL IN FTEs ⁽³⁾	2020.0	2019.0	2019.0	0.0	

Notes ⁽¹⁾, ⁽²⁾, ⁽³⁾ - See page 2, Notes to Exhibit A

EXHIBIT "A"
FY14-FY15 MID CYCLE BUDGET UPDATE
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
 (June 10, 2014)

TOTAL POSITIONS AUTHORIZED BY TYPE OF STATUS	FY14 Amended Positions	FY15 Approved Positions	FY15 Amended Positions (Mid Cycle)	FY15 Net Change
Full-Time	1943.0	1943.0	1943.0	0.0
Temporary	57.0	57.0	57.0	0.0
Part-Time	17.0	17.0	17.0	0.0
Intermittent	4.0	4.0	4.0	0.0
Temporary Construction and Limited-Term	37.0	36.0	36.0	0.0
DISTRICT-WIDE TOTAL IN POSITIONS⁽³⁾	2058.0	2057.0	2057.0	0.0

Notes to Exhibit A:

- (1) Amended staffing applies mid-year Board actions, changes to the FY14 Position Resolution under the General Manager's authority, position transfers, and administrative corrections.
- (2) Regular Full-Time, Temporary Construction, and Limited Term Positions = 1.0 staff year
 Part-Time and Temporary = .5 staff year
 Intermittent = .75 staff year
- (3) The District-wide full-time equivalent (FTE) total takes into account that temporary, part-time and intermittent positions are valued at less than 1.0 staff years each. The District-wide position total does not make that distinction.

EXHIBIT "B"
FY14-FY15 MID CYCLE BUDGET UPDATE
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
(June 10, 2014)

Engineering

ORG	FTE Change	From	To	Monthly Salary Range	Representation Change						Explanation
					2019	444	21	39	MC	NR/ Exempt	
570	-1.0	1.0 TC Survey Technician III	None	62	-1.0						Completion of the Mokelumne Aqueduct Interconnection project
Total FY15 Representation (NET FTE)					-1.0	0.0	0.0	0.0	0.0	0.0	0.0

EXHIBIT "C"
FY14-FY15 MID CYCLE BUDGET UPDATE
CLASSIFICATION ADDITIONS, DELETIONS, AND OTHER CHANGES
 (June 10, 2014)

CLASSIFICATION ADDITIONS

Class Code	Class Title	Monthly Salary Range	Rep. Unit	Explanation
8707	Facility Foreman	67 (\$7,115 - \$8,237)	444	New classification is to provide additional support beyond that of the Senior Facility Technician classification
5933	Supervising Legal Secretary	66 (\$6,612 - \$8,037)	Conf	This new classification is to provide uniform supervision over the administrative staff.



AGENDA NO.
MEETING DATE

13
June 10, 2014

TITLE DISTRICT'S STRATEGIC PLAN

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

Adopt the 2014 update of the District's Strategic Plan.

SUMMARY

The Strategic Plan provides a blueprint for how EBMUD will respond to future challenges and changing priorities. It reconfirms our mission and values as a public utility dedicated to high quality service and preservation of our precious resources for future generations. It outlines the specific goals, strategies, and objectives we will pursue to move us from where we are to where we want to be and establishes a set of criteria to measure our progress.

In 2012, significant prolonged fiscal challenges due to the drought and national economic recession required actions to be focused on ongoing activities rather than the pursuit of new initiatives that could have resulted in added costs. Therefore, only the Key Performance Indicators (KPI) were updated in the July 2012 Strategic Plan.

The attached draft Strategic Plan reflects the most comprehensive update since 2010. This Strategic Plan represents the collaborative work of cross-functional teams that examined each goal in light of the upcoming challenges and priorities in the next three to five years. This effort validated that the goals are still relevant, but modest changes were incorporated into the plan to reflect current practices and priorities. A number of new KPI's have been added to monitor progress in priorities areas such as effective maintenance practices and customer service. In addition, new targets for existing KPI's have been set. We will report on our performance against the FY14 targets in the fall upon conclusion of the fiscal year. The Workforce Planning and Development goal, strategies and objectives reflect modest changes since the District's workforce make-up will change over the next several years due to a significant number of retirements.

The updates to the Strategic Plan were presented to the Board in three separate workshops. The Long-Term Water Supply and Long-Term Financial Stability goals were presented on February 25, 2014 and March 25, 2014 respectively. The updates to the remaining four goals were presented at the May 27, 2014 workshop. During this workshop in depth presentations were made by the responsible managers, public

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

District's Strategic Plan
June 10, 2014
Page 2

comment was heard and Board questions were addressed. Changes were made under the Long Term Financial Stability goal to include our strategic needs when planning for rates, and under the Workforce Planning and Development goal to retain language concerning labor market scarcity and competition for talent to maintain focus on this growing issue.

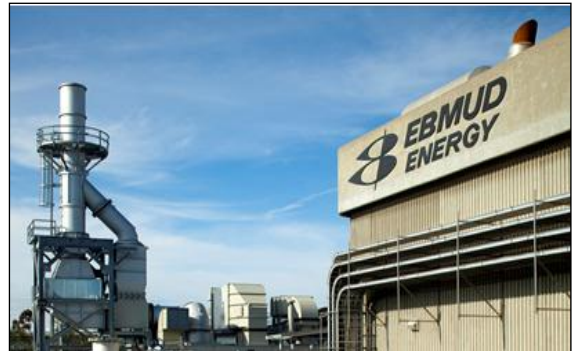
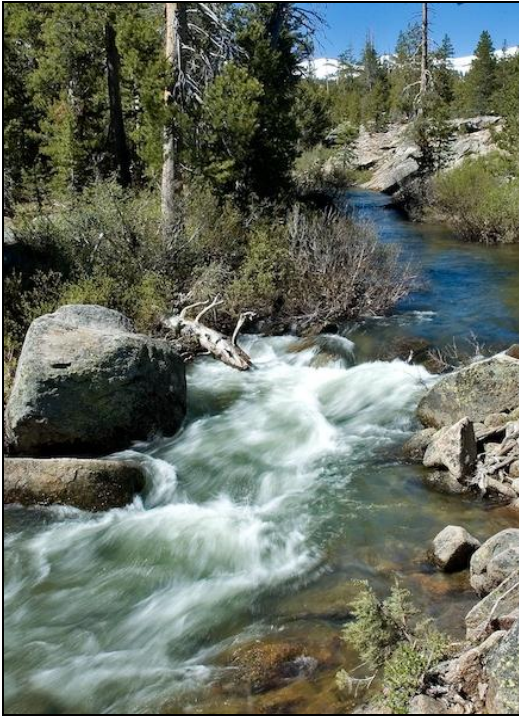
The attached draft of the 2014 Strategic Plan incorporates all changes and updates as they will appear in the final document once adopted by the Board. Final copies of the Plan will be available in print and on the District's website.

Attachment

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Strategic Plan

July 2014



*East Bay Municipal Utility District
Oakland, California*



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Introduction

Welcome to the East Bay Municipal Utility District's Strategic Plan. This document is a blueprint for how EBMUD will respond to future challenges and changing priorities. It confirms our mission and values as a public utility dedicated to high quality service and preservation of our precious resources for future generations. Our plan incorporates the principles of sustainability and effective use of resources that minimize our environmental footprint. It also outlines the specific goals, strategies, and objectives we will pursue to move us from where we are to where we want to be and establishes a set of criteria to measure our progress.

The Planning Process

The District's first Strategic Plan was adopted in May 2004. It took many months for the first plan to develop and take shape. With the help of our Board of Directors, we reconfirmed our mission and values, which were first established in February 1992. Our senior management team then took on the task of identifying the critical issues facing the District in the future and determining how best to address them. The result was a plan that outlined the goals, strategies, objectives, and key performance indicators that would help us carry out our mission.

- **Goals** are the important outcomes we want to achieve;
- **Strategies** are the direction or course we want to take to reach those goals;
- **Objectives** reflect what we need to accomplish in the near term; and
- **Key Performance Indicators** measure how well we are doing in achieving our goals.



It has been ten years since the first Strategic Plan was published. Since that time we have developed and updated action plans designed to carry out the objectives contained in the Strategic Plan. We have also used these plans to set priorities for the biennial budgets and individual performance plans. We refined the Key Performance Indicators that measure our progress in achieving our goals.

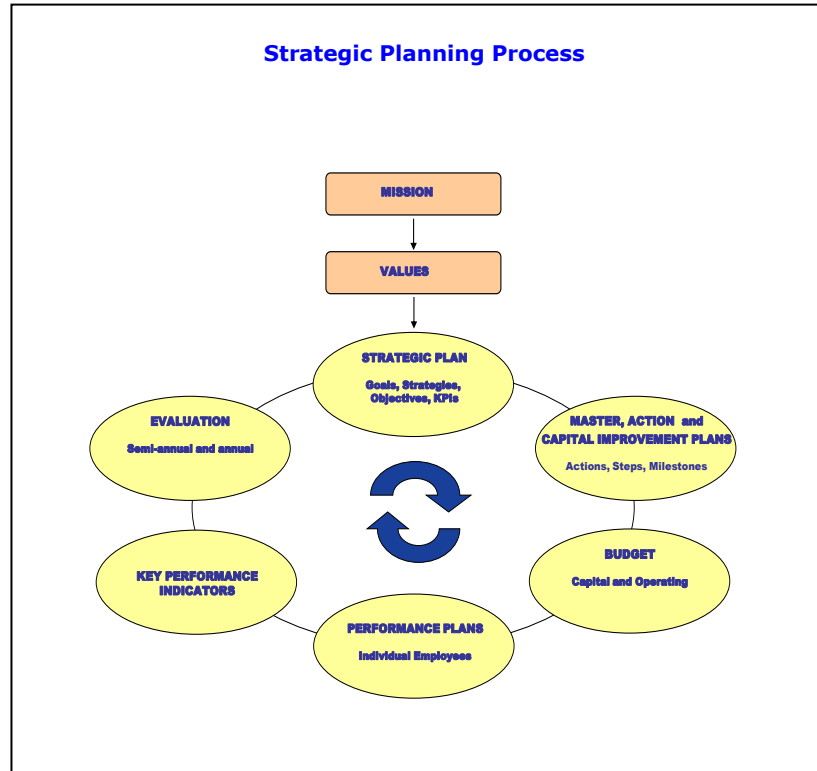
This sixth publication of our Strategic Plan builds on the efforts of the first five plans. Most of our goals and many of the strategies have remained the same over the past several years. We continue to optimize our infrastructure investments, look for ways to use new technology to our advantage, and adapt to evolving demographic and workforce trends. The updated Strategic Plan continues to maintain our commitment to the mission of the District while anticipating new challenges that the District will face in future years.

Implementing the Plan

This plan provides the District with overall direction on how to achieve future success. It does not, however, describe all of the specific actions we will need to take in order to achieve our objectives. These actions are spelled out in a series of master plans, action plans and the Capital Improvement Plan.

These plans are developed to guide the budget preparation cycle. By developing plans that are tied to the strategic plan and utilizing these plans to guide our budget priorities, we can ensure that we focus our resources on the highest priorities of the District.

Individual employee performance plans prepared on an annual basis reflect the priorities contained in the master, action, capital improvement and strategic plans, giving the employee a clear understanding of how his/her work relates to the District as a whole.



Key Performance Indicators

The plan includes 56 KPIs that are appropriate, measurable, comprehensive, and reflect the various strategies contained within the six Strategic Plan goals. Included in this Strategic Plan is a description of each indicator, actual performance in FY13, as well as performance targets for FY14 and FY15. Performance against our targets is measured annually and enables us to evaluate our progress in meeting our Strategic Plan goals. The last evaluation report was completed in September 2013 and included information on targets met and not met in FY13.

Mission

To manage the natural resources with which the District is entrusted; to provide reliable, high quality water and wastewater services at fair and reasonable rates for the people of the East Bay; and to preserve and protect the environment for future generations.

Values

- Exercise responsible financial management
 - Ensure fair rates and charges
 - Provide responsive customer service
 - Promote ethical behavior in the conduct of District business
 - Ensure fair and open processes involving the public
 - Provide a healthy work environment
 - Promote diversity and equality in personnel matters and contracting
 - Promote environmental responsibility and sustainability
-

Sustainability Principles

Sustainability means using resources (economic, environmental, and human) in a responsible manner that meets the needs of today without compromising the ability of future generations to meet the needs of tomorrow. This business approach applies a holistic view and strives to minimize waste; conserve energy and natural resources; promote long-term economic viability; support safety and well-being for employees, communities, and customers; and benefit society.

Goals

The District has established a comprehensive set of goals integrating sustainability principles.

- **Long Term Water Supply**
Ensure a reliable high quality water supply for the future.
 - **Water Quality and Environmental Protection**
Meet or surpass environmental and public health standards and protect public trust values.
-

- **Long Term Infrastructure Investment**

Maintain and improve the District's infrastructure in a cost effective manner to ensure sustainable delivery of reliable, high quality service now and in the future, addressing environmental, social, and financial concerns.

- **Long Term Financial Stability**

Manage the District's finances to meet funding needs and maintain reasonable water and wastewater rates.

- **Customer Service**

Understand and be responsive to customer expectations for service.

- **Workforce Planning and Development**

Create an environment that attracts, retains, and engages a high performing diverse workforce in support of the District's mission.

Long Term Water Supply

Goal: Ensure a reliable high quality water supply for the future.

Strategy 1

Preserve current entitlements and augment the District's successful water supply projects by obtaining an additional 32 Million Gallons per Day (MGD) of supplemental supplies by the year 2040 to meet annual customer demands while limiting rationing to a maximum of 15% during droughts.



Mokelumne River, EBMUD's primary water source.

Objectives:

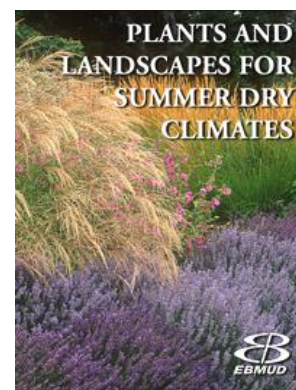
- ◆ Secure water rights and entitlements that maximize benefits to District customers.
- ◆ Prioritize water transfers, conjunctive use, desalination, and other water supply opportunities and cost-effectively improve reliability while providing the best available water quality.
- ◆ Diversify dry year water supply through regional partnerships.
- ◆ Update Urban Water Master Plans which assess supply and demand conditions, analyze future needs, anticipate obstacles, and prescribe strategies and actions for meeting future requirements consistent with District policy.
- ◆ Integrate the District's long term water supply strategies and infrastructure planning efforts into the regional and statewide planning processes.

Strategy 2

Continue the District's conservation program to reduce potable water demand and build on past success to achieve 62 MGD of conservation by the year 2040.

Objectives:

- ◆ Implement a comprehensive water conservation education and marketing plan for customers.
- ◆ Offer a range of flexible water conservation services and incentive programs designed to change customers' habits and hardware that lead to water savings.



EBMUD's award winning plant book

- 💧 Identify, encourage, and create partnerships to promote, benchmark, research, and test new water efficiency technologies, applications, and measurement methodologies.
- 💧 Evaluate and prioritize water conservation measures to achieve demand reduction most cost-effectively.
- 💧 Pursue regulatory and legislative initiatives that promote water conservation.

Strategy 3

Continue the District’s recycling program to reduce potable water demand and build on past success to achieve 20 MGD from recycling projects by the year 2040.

Objectives:

- 💧 Maximize use of recycled water projects while achieving public health regulations and customer contract requirements.
- 💧 Invest in innovative technology to improve cost-effectiveness.
- 💧 Identify, evaluate and implement new opportunities for recycled water.



East Bayshore Recycled Water Project supplies water for landscape, industrial, and commercial use.

Strategy 4

Maintain an updated Climate Change Monitoring and Response Plan to inform the District’s planning efforts for future water supply, water quality and infrastructure and support sound water and wastewater infrastructure investment decisions.

Objectives:

- 💧 Assess climate change science and develop scenarios that illustrate a range of potential impacts from key variables (temperature rise, sea level rise, precipitation, snow pack and runoff).
- 💧 Use the scenarios to identify infrastructure vulnerabilities and make cost-effective infrastructure investments adaptable to a range of foreseeable conditions (i.e. “no regrets” investments).
- 💧 Educate the public and policymakers on District and industry climate change concerns and interests, and advocate for reasonable legislation and regulatory changes.



Pardee Reservoir during 1977 drought.

Long Term Water Supply Key Performance Indicators

Key Performance Indicator	FY13 Performance	FY13 Target Met?	FY14 Target	FY15 Target
Supplemental Supply				
●32 MGD of supplemental dry year supply by 2040	POA with CCWD approved by EBMUD Board	++		
			Develop an agreement with Placer County Water Agency to implement a long - term water transfer	Proceed with permitting and environmental review processes for Placer County Water Agency/ EBMUD long term water transfer
	Agreements with Yuba County Water Agency executed to implement the Freeport Point of Rediversion Project	++	Complete the Yuba Accord-Freeport Point of Re-diversion Project	
	Executed BAWSCA MOU to develop a pilot water transfer plan	++	Complete Phase II water transfer agreement with BAWSCA to complete permits and CEQA, and related agreements	Execute BAWSCA water transfer (if Freeport operated)
●Sufficient supplies to hold rationing to a maximum of 15% during the next 3 years, based on projected demand and drought planning sequence	East Bay Plain Groundwater Management Plan adopted by EBMUD Board	++		
	Regional Desalination system modeling work completed; final report anticipated by Jan 2014	++		
	Need for Water and Implementation Work Group assembled to assist in project prioritizing; securing water transfers assigned top priority thru FY16	++		
	Concept for SJC-EBMUD banking project completed; Memo of Agreement for demonstration project in development	++	Execute MOU with San Joaquin County to develop groundwater banking demonstration project	Execute an implementation agreement for groundwater banking demonstration project with San Joaquin County

Key Performance Indicator	FY13 Performance	FY13 Target Met?	FY14 Target	FY15 Target
Water Conservation				
●62 MGD savings from conservation programs/ natural replacement by 2040 (baseline yr. 1995)	Exceeded 1.2MGD savings (mainly thru natural savings)	++	1.2MGD avg annual conservation savings	1.2MGD avg annual conservation savings
	Ahead of schedule to meet per capita reductions by 2018 and 2020	++	18% reduction in per capita demand by 2018; 20% by 2020	18% reduction in per capita demand by 2018; 20% by 2020
	FY13 WCMP measures fully implemented	++	Implement Water Conservation Master Plan	
	Filed 2011-12 BMP reports with MOU	++	Achieve MOU Best Management Practice compliance	Achieve MOU Best Management Practice compliance
Water Recycling				
●20 MGD of recycled water capacity by 2040	East Bayshore I-80 pipeline construction completed	++	Complete design of East Bayshore Emeryville/ Christie pipeline	Begin construction of East Bayshore Emeryville/ Christie pipeline pending final funding agreement with State
●Continue East Bayshore Phase 1A customer connections/retrofits	East Bayshore connections continue in FY13 with Pixar, Oakland Museum, Caltrans	++	Complete East Bayshore on-site treatment study	Conduct East Bayshore Expansion Study
●Coordinate with City of Albany to install a recycled water pipeline in their Buchanan bike trail	Completed Buchanan recycled water pipeline installation in Albany	++		
			Initiate study of alternatives at North Richmond, RARE, or West County to improve water quality	Complete study of alternatives at North Richmond, RARE, or West County to improve water quality
●Coordinate with USACE to award a contract for San Ramon Valle Phase 2A (Bishop Ranch)	Bishop Ranch project did not move forward due to tight schedule prior to City's street paving, unsuccessful negotiation between USACE and contractor	--	Coordinate with USACE to determine next opportunity to expand San Ramon Valley Recycled Water Project if funding is available	Continue to expand San Ramon Valley Recycled Water Project including Bishop Ranch if funding is available

Key Performance Indicator	FY13 Performance	FY13 Target Met?	FY14 Target	FY15 Target
Climate Change				
<p>●<i>Update the Climate Change Monitoring and Response Plan. Explore approaches for how to adapt to potential future conditions and identify "no regrets" infrastructure investment decisions</i></p>	n/a	#	<p>Update the Climate Change Monitoring & Response Plan to account for new information when the Intergovernmental Panel releases its Fifth Assessment Working Group 1 and II reports.</p>	<p>Update the Climate Change Monitoring and Response Plan to account for new information when the Intergovernmental Panel releases its Fifth Assessment Working Group III report. Complete climate change assessment using the EPA's Climate Resilience Evaluation and Assessment Tool</p>

n/a = not available

++Target met +Target not met but on track --Target not met #Target/Data not available ■Performance Measure Only

Water Quality and Environmental Protection

Goal: Meet or surpass environmental and public health standards and protect public trust values.

Strategy 1

Manage the Mokelumne and East Bay watersheds in a way that ensures a high quality water supply and protects natural resources while providing appropriate public access.



Objectives:

- ◆ Use the Watershed Master Plans as the foundation for standards and protocols to protect natural resources and ensure drinking water quality.
- ◆ Perform water quality monitoring and data assessment to adaptively manage the watersheds.
- ◆ Promote and administer watershed protection measures based on sound science.
- ◆ Provide public access and recreational opportunities, and education and outreach compatible with water quality and natural resource protection, and collect user feedback.
- ◆ Protect the Mokelumne River salmonid fishery through coordinated reservoir and river operations, habitat enhancement projects, effective and efficient hatchery operations, and a robust science program.

Strategy 2

Operate and maintain District facilities to surpass federal and state drinking water regulations.

Objectives:

- ◆ Establish and meet District water quality goals to exceed customers' expectations.
- ◆ Promote drinking water quality as a key principle in long-term infrastructure and water supply planning.
- ◆ Advocate for water quality and environmental regulations that are based on sound science, are protective of public health and beneficial uses and that are attainable and sustainable.
- ◆ Develop collaborative relationships within the professional community to further regulatory and legislative initiatives and advocate for funding of needed research.

Strategy 3

Operate and maintain District facilities to anticipate and meet all water discharge, air emission, and land disposal requirements to protect and enhance the environment.

Objectives:

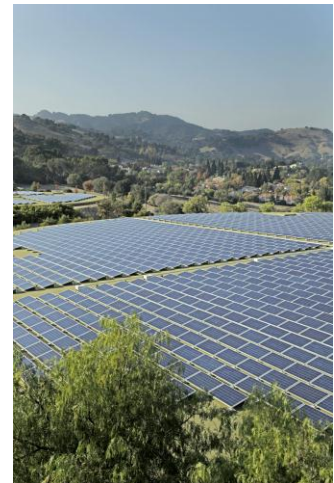
- 💧 Meet or surpass all water discharge, air, and land requirements.
- 💧 Ensure that management of biosolids is cost-effective and environmentally safe.
- 💧 Advocate for funding of research needs.
- 💧 Promote environmental regulations that are based on watershed approaches and result in achieving water quality objectives through the most cost-effective and sustainable means.
- 💧 Address odor concerns from the District's wastewater facilities by conducting timely odor investigations, implementing capital improvements, and optimizing operating and maintenance practices.

Strategy 4

Minimize impacts to the environment by reducing, recycling, reusing and reclaiming waste, and by conserving natural resources.

Objectives:

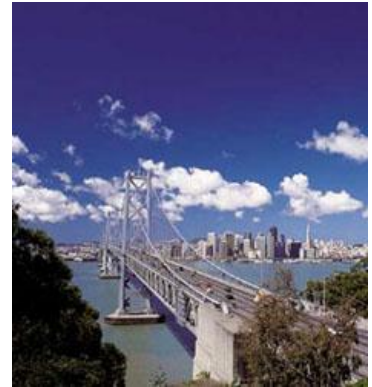
- 💧 Increase the cost effective use of renewable energy sources.
- 💧 Identify and implement energy efficiency projects.
- 💧 Reduce the District's greenhouse gas emissions.
- 💧 Focus on reduction of pollutants at the source.
- 💧 Identify and implement waste reduction and recycling programs.



Solar panels installed on District reservoir.

Strategy 5**Ensure protection and stewardship of San Francisco Bay.****Objectives:**

- Proactively develop and implement regional Pollution Prevention activities that will further reduce pollutant discharges to San Francisco Bay.
- Support collaborative efforts and programs that develop science-based watershed solutions to address nutrients in the San Francisco Bay.
- In collaboration with the satellite collection system communities and the regulators, implement an Inflow and Infiltration Control Program that will, over the long-term, meet standards for wet weather facilities.

**Strategy 6****Operate Pardee and Camanche Reservoirs jointly as an integrated system to achieve multiple objectives including municipal water supply, stream flow regulation, environmental protection, flood control, and releases for downstream water rights holders.****Objectives:**

- Balance the competing objectives and requirements by planning diversions and releases from the combined storage in the reservoirs.
- Work collaboratively with stakeholders to adaptively operate Pardee and Camanche Reservoirs together to manage storage and downstream releases.

Water Quality and Environmental Protection Key Performance Indicators

Key Performance Indicator	FY13 Performance	FY13 Target Met?	FY14 Target	FY15 Target
Watershed Protection				
●Mokelumne River fall-run chinook salmon escapement (long term average)	6,997	++	4,514	4,514
Compliance with Drinking Water Regulations				
●% of water quality goals met	96%	+	100%	100%
●% of water quality regulations met	100%	++	100%	100%
Compliance with Wastewater Regulations				
●Number of NPDES and Waste Discharge Permit Notices of violation received	0	++	0	0
●% reduction in average odor complaints near the MWWTP	n/a - new indicator		n/a - new indicator	10% reduction
Reduce, Recycle, Reuse, Reclaim				
●Reduce indirect emissions to zero by 2040 and reduce direct emissions by 50% by 2040 compared to the 2000 baseline	n/a - new indicator		n/a - new indicator	40,198 MT CO2
●% of Main Wastewater Treatment Plant electric power demand met by on-site generation with renewable resources	n/a - new indicator		n/a - new indicator	100%
Protect SF Bay				
●Implement Private Sewer Lateral Program to reduce wet weather flows and achieve a high compliance rate at point of sales	n/a - new indicator		n/a - new indicator	90%
Operate Pardee and Camanche				
●Meet JSA Mokelumne River minimum flow releases 100% of the time	100%	++	100%	100%

n/a = not available

++Target met +Target not met but on track --Target not met #Target/Data not available ■Performance Measure Only

Long Term Infrastructure Investment

Goal: Maintain and improve the District's infrastructure in a cost effective manner to ensure sustainable delivery of reliable, high quality service now and in the future, addressing environmental, social, and financial concerns.

Strategy 1

Maintain coordinated master plans for all facilities that reflect asset condition and performance and address service requirements as well as potential threats, challenges, and opportunities.

Objectives:

- ◆ Maintain and update a master plan for each facility or group of facilities incorporating new information.
- ◆ Coordinate master plans and capital projects to optimize investments and maximize reliability, safety, flexibility, and overall efficiency of the water and wastewater system.
- ◆ Periodically inspect and evaluate facilities to support capital and maintenance planning.
- ◆ Consider risk, community and stakeholder concerns, workforce and technology trends, and the potential impacts of climate change as part of the planning process. Involve stakeholders to develop effective project mitigations.
- ◆ Ensure that all system improvements and capital projects meet or surpass environmental and regulatory requirements, and evaluate for implementation sustainable practices as embodied in Leadership in Energy and Environmental Design (LEED).

Strategy 2

Meet operational needs and reliability goals by implementing effective maintenance practices.

Objectives:

- ◆ Define and document operational needs and reliability goals to inform maintenance decision making.
- ◆ Expand and refine the use of cost-effective methods and practices to determine the need for maintenance or replacement.
- ◆ Implement preventive, predictive, and corrective maintenance programs that promote service reliability and are based on Reliability Centered Maintenance principles.
- ◆ Develop and maintain accurate and accessible asset management information.



Strategy 3

Implement the master plans and set priorities in the operating and capital budget process to reflect the needs identified in those plans.

Objectives:

- Reflect a balance of costs and risks in the operating and capital budgets that accounts for near-term needs as well as long-term sustainability.
- Complete capital projects on schedule and within budget.
- Use life-cycle cost analysis and value engineering of proposed capital projects to help determine the most cost-effective projects.



Mokelumne Aqueduct Interconnection
Pipeline Project

Long Term Infrastructure Investment Key Performance Indicators

Key Performance Indicator	FY13 Performance	FY13 Target Met?	FY14 Target	FY15 Target
Effective Management of Infrastructure				
●Number of water system pipeline breaks per 100 miles of pipe	19.3	++	≤20	≤20
●Availability of wastewater assets	0.97	++	.90 - 1.0	.90 - 1.0
●% of water system corrective work orders that are high priority	n/a - new indicator		n/a - new indicator	≤10%
●Critical meter repair backlog	n/a - new indicator		n/a - new indicator	<5,000
●% of water system valves exercised	n/a - new indicator		n/a - new indicator	10%
●% of asset maintenance activities accurately recorded for analysis	n/a - new indicator		n/a - new indicator	100% of data collected for work tracked by AIM and Maximo
●% of meter repair orders completed in 60 days	n/a - new indicator		n/a - new indicator	90%
Capital Budget Priorities				
●Miles of distribution pipe replaced	11.1	++	10	10
●Design errors and omission change orders on construction contracts	2.20%	++	<3%	<3%
●Rehabilitate steel water tanks	3	++	3	3
●% of interceptor assets repaired that have major defects	n/a - new indicator		n/a - new indicator	15%
●Pumping plants rehabilitated	n/a - new indicator		n/a - new indicator	3

n/a = not available

++Target met +Target not met but on track --Target not met #Target/Data not available ■Performance Measure Only

Long Term Financial Stability

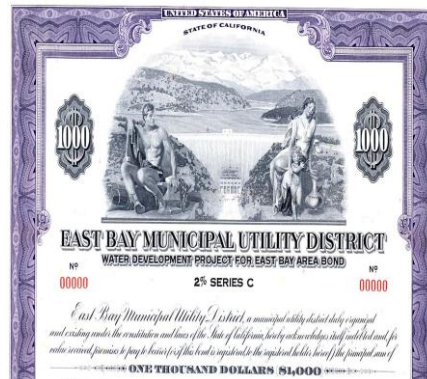
Goal: Manage the District's finances to meet funding needs and maintain reasonable water and wastewater rates.

Strategy 1

Develop a Long-Range Financing Plan that sets forth the long-term funding needs of the District.

Objectives:

- ◆ Develop and maintain financial planning models to include long-term forecasts of operating and capital expenditures, revenue requirements and rates and charges.
- ◆ Ensure the long-term financial plan is based on reasonable, conservative assumptions and accounts for uncertainties.
- ◆ Ensure the long-term plan maintains the District's good standing in the credit markets to provide ready access to cost-effective capital financing.
- ◆ Evaluate the District's capital financing and debt service coverage policies to optimize cash funding of capital investments.
- ◆ Evaluate the District's cash reserve policies to consider optimal uses and levels of reserves, including alternative strategies for funding drought-related costs.



Strategy 2

Implement water and wastewater rates and charges that are legal, fair, and equitable.

Objectives:

- ◆ Plan for rate increases that are steady, predictable, and based on our strategic needs.
- ◆ Mitigate increases in rates and charges by optimizing use of non-rate revenue and pursue opportunities for cost efficiencies and new technologies.
- ◆ Establish rates and charges based on cost of service principles.
- ◆ Periodically conduct third-party cost of service studies.

Strategy 3**Ensure integrity, accountability and transparency in financial management.****Objectives:**

- Develop operating and capital budgets aligned with the strategic plan.
- Manage operating and capital expenditures within their respective budgets.
- Develop and maintain accurate, timely, and meaningful financial and operational data.
- Enhance the usability, clarity and accessibility of District financial information.
- Maintain and regularly evaluate internal financial controls.
- Conduct regular internal and external financial audits.
- Promote diversity and equity in contracting, consistent with state and federal laws.

Strategy 4**Implement new technologies that improve the efficiency and effectiveness of business processes.****Objectives:**

- Monitor technology markets for changes and advances to maximize benefits and minimize negative impacts on District technology investments.
- Develop and apply a consistent approach for technology evaluation, planning and implementation that considers and responds to the needs and potential impacts to customers, employees, and other stakeholders.
- Structure and manage data and applications to facilitate sharing of high quality, consistent data by all users on various platforms, including mobile.
- Proactively ensure adequate security and meet all regulatory requirements.



Long Term Financial Stability Key Performance Indicators

Key Performance Indicator	FY13 Performance	FY13 Target Met?	FY14 Target	FY15 Target
Sufficient Revenue/Fair Rates & Charges				
•Rates as compared to other Bay Area agencies	Water below median-12 other agencies surveyed	++	At or below median	At or below median
	Wastewater above median-15 other agencies surveyed	--	At or below median	At or below median
Financial Position				
•% of capital program funded from debt	62% Water 78% Wastewater	++ --	≤65%	≤65%
•Debt service coverage	1.71 Water 1.59 Wastewater	++ ++	≥1.6 times coverage ≥1.54 times coverage	≥1.6 times coverage ≥1.54 times coverage
•Actual reserves as % of target	100% Water 100% Wastewater	++ ++	≥100%	≥100%
Integrity, Accountability and Transparency				
•% of planned audits completed	75%	--	100%	100%
•% of audit findings resolved within 90 days	n/a	#	100%	100%
Budget Performance				
•Operating expenditures as a percentage of operating budget	88% Water 95% Wastewater	++ ++	≤100%	≤100%
•Capital expenditures as a percentage of capital budgeted cash flow	102% Water 105% Wastewater	+ +	≤100%	≤100%

n/a = not available

++Target met +Target not met but on track --Target not met #Target/Data not available ■Performance Measure Only

Customer Service

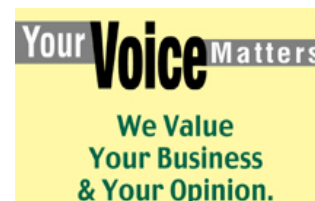
Goal: Understand and be responsive to customer expectations for service.

Strategy 1

Understand customer expectations, opinions and satisfaction levels by obtaining feedback, and use customer input to inform our business decisions.

Objectives:

- ◆ Survey customers and conduct research to assess customer expectations, to monitor customer satisfaction with the District's performance and to measure the impact of public education and marketing campaigns.
- ◆ Compare customer feedback over time to identify trends and changes in customer expectations and to establish and evaluate performance standards related to customer service.
- ◆ Use customer feedback to evaluate and improve programs and services.



Strategy 2

Enhance customer experience by investing in business process changes and technologies.

Objectives:

- ◆ Invest in cost-effective technologies that help customers use water wisely and promote cost-effectiveness in service delivery.
- ◆ Implement initiatives that meet the needs and expectations of a diverse customer base.
- ◆ Invest in cost-effective technologies that improve timely customer access to information and services.
- ◆ Cultivate a strong customer service focus in District operations and procedures and a customer service ethic among employees.

Strategy 3

Maintain an active Emergency Preparedness Program to plan for and manage the District's functions during an emergency and allow for an efficient and effective recovery following an emergency.

Objectives:

- Ensure effective and current documentation of Emergency Response Plans, including regional coordination and mutual aid agreements.
- Ensure effective and current documentation of Business Continuity Plans.
- Review and upgrade emergency communication/information technology infrastructure and protocols to meet emergency response and recovery goals.

Customer Service Key Performance Indicators

Key Performance Indicator	FY13 Performance	FY13 Target Met?	FY14 Target	FY15 Target
Customer Satisfaction				
●% of customers rating "Overall Job" as "Good" or "Excellent"	n/a - overall customer surveys not conducted in FY13	#	70%	70%
●Average speed of answer to calls coming into the Contact Center	n/a - new indicator		≤60 seconds	≤60 seconds
●Contact Center service level: % of calls answered within the target of ≤60 seconds	n/a - new indicator		80%	80%
●Abandonment rate	n/a - new indicator		n/a - new indicator	3%
●% of Customers rating the District's field response as "Good" or "Excellent"	93%	++	90%	90%
●% of time customer dependent systems are available	99.9%	++	99.9%	99.9%
●Unplanned water service interruptions per 1,000 active accounts				
<4 hrs.	6.1	++	≤10	≤10
4-12 hrs.	4.2	++	≤5	≤5
>12 hrs.	0.7	++	≤2	≤2
●Electronic bill presentment & payment enhancements	n/a - new indicator		Issue RFP	Implement testing by December 2015
Emergency Preparedness				
●Update the District's Emergency Operation Plan every two years and conduct and EOT exercise annually	100%	++	100%	100%
●Update all Business Continuity plans every two years and conduct an exercise for each annually	100% Plans 100% Exercises	++	100%	100% 100%
●Draft and/or update 2-3 event-specific emergency communication plans annually	n/a - new indicator		100%	100%

n/a = not available

++Target met +Target not met but on track --Target not met #Target/Data not available ■Performance Measure Only

Workforce Planning and Development

Goal: Create an environment that attracts, retains and engages a high performing diverse workforce in support of the District's mission.

Strategy 1

Develop robust workforce plans to determine current and future needs, identify gaps that may exist and create and implement a plan to close the gaps.

Objectives:

- ◆ Regularly evaluate advances in technology that afford opportunities for improved efficiency and effectiveness, and changing business needs.
- ◆ Analyze workforce plans to ensure the right people with the right skills are in the right jobs.



Strategy 2

Enhance the District's ability to recruit a highly qualified, diverse staff.

Objectives:

- ◆ Promote EBMUD's industry reputation as an employer of choice.
- ◆ Engage our employees as ambassadors to work within our communities (peer, industry, education) to educate and share knowledge about the District's culture, career opportunities and work.
- ◆ Target specific employment markets to improve the District's ability to attract and hire quality candidates for employment in a timely fashion.



Strategy 3

Develop employees to meet workforce demands.

Objectives:

- ◆ Offer District career opportunities and support for employees to expand their skills to meet emerging needs.
- ◆ Maximize opportunities to "grow our own" in anticipation of labor market scarcity and increased competition for talent.
- ◆ Foster accountability and encourage personal professional development for all employees.

- Preserve intellectual capital (knowledge retention) at all levels of the organization.
- Implement organizational practices that value employee contributions and encourage learning and networking.
- Implement organization practices that promote and value employee safety and employee well-being.
- Engage employees and labor unions in improving the work of the District.

Strategy 4

Foster a performance culture that includes performance measures recognizing employee's contributions.

Objectives:

- Establish and communicate clear performance expectations and standards.
- Regularly assess and communicate performance against standards.
- Enhance managers' and supervisors' ability to accurately evaluate performance including recognition of good performance and corrective action to address performance deficiencies.



Workforce Planning and Development Key Performance Indicators

Key Performance Indicator	FY13 Performance	FY13 Target Met?	FY14 Target	FY15 Target
Recruitment				
●% of exams resulting in hiring Lists within 60 days	74%	++	75%	75%
●% of District eligibility lists with AA hire opportunities	49%	■	■	■
Employee Development				
●% of competing Leadership Program graduates who place on applicable promotional lists	81%	++	75%	75%
●Annual average training hours per employee	31	++	30	30
Performance Planning & Appraisal				
●% of performance plans completed on time	98.2%	+	100%	100%
●% of performance appraisals completed on time	98.9%	+	100%	100%
Employee Wellness				
●Employee injury & illness lost time incident rate	2.1	++	≤3.0	≤3.0
●Annually implement outreach campaigns on four wellness ("Well Being") themes	n/a - new indicator	#	■	■

n/a = not available

++Target met +Target not met but on track --Target not met #Target/Data not available ■Performance Measure Only



East Bay Municipal Utility District

Post Office Box 24055
Oakland, CA 94623-1055

1-866-40-EBMUD

Web site Address: www.ebmud.com

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 5, 2014
MEMO TO: Board of Directors
FROM: Alexander R. Coate, General Manager *ARC*
SUBJECT: Legislative Report No. 08-14

The following issues are being referred to the Board of Directors for action, as appropriate.

<u>STATE LEGISLATION</u>	<u>RECOMMENDED POSITION</u>
SB 1199 (Hancock)	DISCUSSION
WILD AND SCENIC RIVERS: MOKELUMNE RIVER	

Existing law, the California Wild and Scenic Rivers Act (Act), designates certain rivers and river segments as components of the state wild and scenic river system and generally prohibits the construction of new dams, reservoirs, diversions, other impoundments, or water diversion facilities along the specified river segments. Designated rivers are classified as wild, scenic, or recreational depending upon the level of development along the river; however, the rivers are commonly referred to as "wild and scenic."

SB 1199 (Hancock), as amended on May 28, 2014, would designate approximately 37 miles of the Mokelumne River as "wild and scenic." The proposed designation includes eight specified segments within two main areas:

- North Fork segment – from 0.50 miles downstream of Salt Springs Dam to the Middle Fork Mokelumne River confluence; and
- Main Stem segment – from the Middle Fork Mokelumne River confluence to the Pardee Reservoir flood surcharge pool at 580 feet above mean sea level. The language in the current version of the bill for this segment includes language requested by EBMUD to protect Pardee Reservoir operations.

By designating these portions of the Mokelumne River as wild and scenic, SB 1199 would prohibit the construction of new dams, reservoirs, or other water impoundment facilities on the identified segments on the river. SB 1199 is co-sponsored by the Foothill Conservancy and Friends of the River.

The primary result of a state "wild and scenic" designation is the protection from future on-stream development. Specific provisions of the state's "wild and scenic" act that serve to provide this protection are as follows:

- The Act prevents the construction of new dams, reservoirs, or other water impoundment facilities. Further, no new diversion facilities (stream intakes) may be constructed on any protected river segment unless the state determines that the facility is needed to supply domestic water to local residents and that the facility will not adversely affect the river's free-flowing condition and natural character;
- The Act prevents agencies of the State from offering assistance to local, state, and federal agencies in the planning and construction of any dam, reservoir, diversion, or other water impoundment facility that could adversely affect the free-flowing condition and natural character of river segments included in the system;
- While the designation does not affect existing water rights and facilities, proposed changes in existing rights and facilities or applications for new water rights and facilities on designated segments are subject to the domestic use restriction and the non-degradation standard; and
- With regard to forestry, special treatment areas identifying significant resource features are established along rivers in the system and are further defined in California's Forest Practice Rules as a 200-foot wide area on each side of the designated river (14 CCR 895.1). The Act includes provisions for the temporary suspension of timber operations in special treatment areas. Staff has not conducted a review of where these areas currently exist and where they might exist in the future, and who the affected stakeholders might be.

EBMUD

At the May 13th Board meeting, the Board adopted an “oppose unless amended” position on SB 1199 on the basis that any “wild and scenic” designation for the Mokelumne River must satisfy two overriding principles: (1) it cannot interfere with existing EBMUD water operations and water rights; and (2) it must be achieved through a stakeholder process that includes EBMUD as a participant.

EBMUD's first principle has been satisfied. EBMUD advanced amendments to ensure the proposed designation does not interfere with EBMUD's existing water operations and water rights. These amendments were ultimately accepted by Senator Hancock and amended into the May 28th version of the bill.

With regard to the second principle, discussions have been occurring between other water agency stakeholders and Senator Hancock and her staff as well as among water agencies. To date, language to address the concerns of the other water agency stakeholders has not been agreed on.

Other water agency stakeholders

The Amador Water Agency (AWA), Calaveras County Water District (CCWD), Jackson Valley Irrigation District (JVID), and Calaveras- Amador Mokelumne River Joint Powers Authority

(CAMRA) have all expressed concern regarding SB 1199's potential to impact current and future water supply needs and are opposed to the bill.

Since the Board adopted its position on May 13th other water agency stakeholders have met with Senator Hancock. AWA requested amendments, based on the existing Cache Creek "wild and scenic" statute, that were not accepted. However, language was amended into the May 28th version of SB 1199, based on the existing South Yuba River "wild and scenic" statute. According to AWA, this language was not agreed to and does not fully address their concerns.

Both sets of language would preclude future on-stream development, including dams, over the entire 37-mile designated stretch of the river. The language requested by AWA would allow for the development of future projects outside the 37-mile designated area while the language that has been amended into SB1199 is more restrictive. The language that was amended into SB 1199 would preclude the development of any new water supply projects upstream or offstream of the 37-mile designated area unless it "avoids an adverse effect on the free-flowing condition and natural character of the river..." It is unclear what would constitute an "adverse effect."

UMRWA

The Upper Mokelumne River Watershed Authority (UMRWA) was formed in 2000 and is a Joint Powers Authority comprised of six water agencies, AWA, CCWD, Calaveras Public Utility District, JVID, Alpine County Water Agency, and EBMUD, and the counties of Amador, Calaveras and Alpine. UMRWA assumed responsibility for water resource planning in the Mokelumne-Amador-Calaveras Region, which is an integrated regional water management (IRWM) region.

SB 1199 was discussed at the April 25th UMRWA meeting. The UMRWA Board Advisory Committee is scheduled to meet on June 10th to develop the July 25th UMRWA meeting agenda and SB 1199 will be a part of that discussion. UMRWA does not have a formal position on SB 1199.

MokeWISE

The Mokelumne Watershed Interregional Sustainability Evaluation (MokeWISE) is a two-year IRWM planning effort that combines the efforts of two IRWM regions – the Mokelumne-Amador-Calaveras and Eastern San Joaquin. Over 20 stakeholder organizations/agencies are represented in the Mokelumne Collaborative Group, including water agency stakeholders with a direct interest in SB 1199 as well as one of SB 1199's sponsors, the Foothill Conservancy. The two-year MokeWISE effort will culminate with a regional plan to implement a preferred alternative to provide water supply and environment benefits for the stakeholders and the region and is expected to conclude in September 2015. A wild and scenic designation for the Mokelumne River is one of the issues being discussed by MokeWISE.

Discussion

Since the Board adopted EBMUD's "oppose unless amended" position on May 13th, there has been one month for stakeholder discussions to continue. During that time, EBMUD's issues

regarding its operation have been addressed and Senator Hancock and other water agency stakeholders have discussed amendments, though an agreement has not been reached. The Board may wish to consider how best to encourage continued stakeholder engagement on the proposed “wild and scenic” designation in the context of its current “oppose unless amended” position and whether it wishes to consider a new position in light of developments over the past month, which include the amendments to the bill that address EBMUD’s water operations and water rights concerns.

There are several ways in which stakeholder discussions can continue – through the legislative process, through an existing local process (UMRWA and MokeWISE), or through some other yet-to-be identified process. This last option is not recommended since there are existing processes and the time frame necessary to initiate and conclude a new process is likely to extend beyond that which would occur via one of the existing processes.

Legislative process

The legislative process can spur stakeholder involvement and discussions that might not otherwise occur. However, it is an inherently adversarial process that is amplified under time constraints. Accordingly, it can be difficult to work through complex issues and gain meaningful agreement within a short time frame. For entities concerned about negative impacts of a bill, it can be risky to rely on the legislative process to resolve complex issues quickly while being comfortable with a bill continuing to move forward through the various legislative milestones.

Approximately two months remain in the current two-year legislative session with the next significant milestone at the end of June. If SB 1199 fails to advance during the remainder of this session, a new bill could be introduced at the start of the next two-year session.

If the Board wishes to rely solely on the legislative process and not utilize the UMRWA or MokeWISE process to further discussions on the proposed “wild and scenic” designation, a position change from “oppose unless amended” to “support and amend,” to signal the need to address the concerns of others, may be desired.

Existing local process – UMRWA/MokeWISE

If the Board wishes to encourage continued local discussion that can be used to inform the legislative process, consideration should be given to facilitating further discussion at UMRWA and MokeWISE. This approach would continue to engage the other water agency stakeholders and leverage existing process. The timing on this approach is uncertain and could extend beyond the current legislative session. This could necessitate the introduction of a new bill during the next two-year legislative session. A continuation of EBMUD’s current “oppose unless amended” position would be consistent with this approach.

EBMUD has been asked by CCWD to consider allowing UMRWA to be the voice on SB 1199 rather than taking a direct position on the bill. This is not recommended as EBMUD currently has a direct position on SB 1199.

Intermediate path

The intermediate path would rely on both the legislative process and local process. However, in order to facilitate timely discussion during the time that remains in this legislative session, a special UMRWA meeting may be needed prior to its July 25th scheduled meeting. Staff could bring SB 1199 to the Board at the July 22nd meeting for reconsideration in the context of the progress of stakeholder discussions. A continuation of EBMUD's current "oppose unless amended" position would be consistent with this approach, with the bill scheduled for reconsideration at the July 22nd meeting.

FEDERAL LEGISLATION

H.R. 3080 **WATER RESOURCES REFORM AND** **INFORMATION**
(Conference **DEVELOPMENT ACT**
Report)

In May, Congress approved the conference report to the Water Resources Reform and Development Act (WRRDA) of 2014, H.R. 3080, and the measure is expected to be enacted into law within the next two weeks. H.R. 3080 represents a new approach to water resources funding going forward and does not contain traditional earmarks that congressional sponsors sought in past water resources bills. The four aspects of the bill of particular interest to EBMUD are project authorizations, including a new process for project authorizations, a new pilot infrastructure financing assistance program (the Water Infrastructure and Finance Innovation Act), modifications to the State Water Pollution Control Revolving Fund loan program for wastewater, and "reform" provisions intended to expedite project delivery. Staff will continue to seek opportunities to pursue funding for EBMUD projects under these new WRRDA provisions.

Project Authorizations

In the past, water resources legislation has included authorizations for specific projects and historically Congress reauthorized the legislation every two years. However, a reauthorization has not occurred since 2007 and since that time the house adopted a rule, and the senate a policy, to prohibit earmarks. In keeping with the prohibition, H.R. 3080 does not contain traditional earmarks; rather H.R. 3080 authorizes major water resources projects, such as navigation, port, harbor, and flood protection projects that have a completed Chief of Engineers' Report (Chief's Report) from the Army Corps of Engineers (Corps). Chief's Reports are usually prepared for major water resources projects related to the direct civil mission of the Corps and essentially serve as the Corps recommendations for which water resources projects to authorize for construction. Projects considered environmental infrastructure projects, such as EBMUD's authorized projects including the San Ramon Valley Recycled Water Project, the Integrated Regional Recycled Water Program, and the Bay Area Regional Desalination Project, have not been required to obtain Chief's Reports in the past. Projects with completed Chief's Reports in H.R. 3080 must still obtain appropriations.

Going forward, all new projects, including environmental infrastructure projects, may require the completion of a Chief's Report or other formal requests by the Corps to obtain congressional funding. The bill sets up a process by which the Corps will solicit requests from non-federal entities, review the project requests, and recommend to Congress in an annual report which projects should be authorized and which projects should not be authorized. Congress will use these reports to determine which projects should move forward. Once a project is authorized, the Corps can request that project funding be included in the federal budget.

While the guidance documents to implement this new authorization process must still be developed, it will likely be necessary for EBMUD to work directly with the Corps to secure funding through the federal budget process for its projects with existing authorizations, the San Ramon Valley Recycled Water Project, the Integrated Regional Recycled Water Program, and the Bay Area Regional Desalination Project, as well as to secure future project authorizations and appropriations.

H.R. 3080 also provides that projects authorized prior to 2007 are subject to review and deauthorization. This would not impact EBMUD's authorized projects, as these were authorized in the 2007 Water Resources and Development Act.

Water Infrastructure Finance and Innovation Act (WIFIA)

H.R. 3080 authorizes a pilot infrastructure assistance program, WIFIA, to provide \$175 million over five years for assistance for projects via low interest loans and loan guarantees to augment, but not replace, existing assistance programs such as the State Water Pollution Control Revolving Fund program. Eligibility for the WIFIA pilot program would be limited to infrastructure projects costing in excess of \$20 million, but projects could be bundled to meet that threshold. WIFIA assistance is limited to 49 percent or less of the project's cost, however WIFIA assistance can be combined with other forms of federal assistance as long the total federal assistance is no more than 80 percent of the project's total cost. Under H.R. 3080, a project receiving WIFIA assistance would likely have to use taxable bond financing for the non-federal share of the project as the measure prohibits these projects from using tax-exempt bond financing. Projects receiving WIFIA assistance will also be required to use iron and steel manufactured in the United States.

Preliminary analysis suggests that WIFIA would have limited applicability to EBMUD projects and may not be advantageous for EBMUD projects due to the program's parameters including the limited size of the program, cost share requirements, and the prohibition on the use of tax-exempt bonds. If it is determined, based on pending guidelines, that an EBMUD project would be suitable for WIFIA assistance, staff will bring that information to the Board.

State Water Pollution Control Revolving Fund

H.R. 3080 modifies the State Water Pollution Control Revolving Fund program, also known as the Clean Water State Revolving Fund (CWSRF) program, to provide increased fiscal oversight and project assistance. The measure requires states to maintain their CWSRF funds in perpetuity

regardless of whether federal funding is available, extends the term of repayment from 20 years to 30 years, requires asset management reporting by recipients as a condition of receiving CWSRF funds, and beginning in fiscal year 2016, requires recipients to certify that they have evaluated the cost effectiveness of a project and that the project maximizes, to the extent practicable, efficient water use, reuse, recapture, and conservation, as well as energy conservation.

The measure also expands the type of projects which are eligible for CWSRF funds to include projects that address water conservation, reuse, recycling, reduction of energy consumption and security at publicly owned treatment works. In addition, for any year in which at least \$1 billion of federal funding is appropriated to support the CWSRF program, H.R. 3080 provides states the ability to provide up to 30 percent of the federal funds they receive in additional assistance via loan forgiveness or negative interest loans if projects meet specific conditions, such as meeting affordability requirements, addressing water-efficiency or energy-efficiency goals, or encouraging sustainable project planning, design, and construction. Similar to a provision for WIFIA, H.R. 3080 also requires that projects receiving CWSRF funds use iron and steel manufactured in the United States.

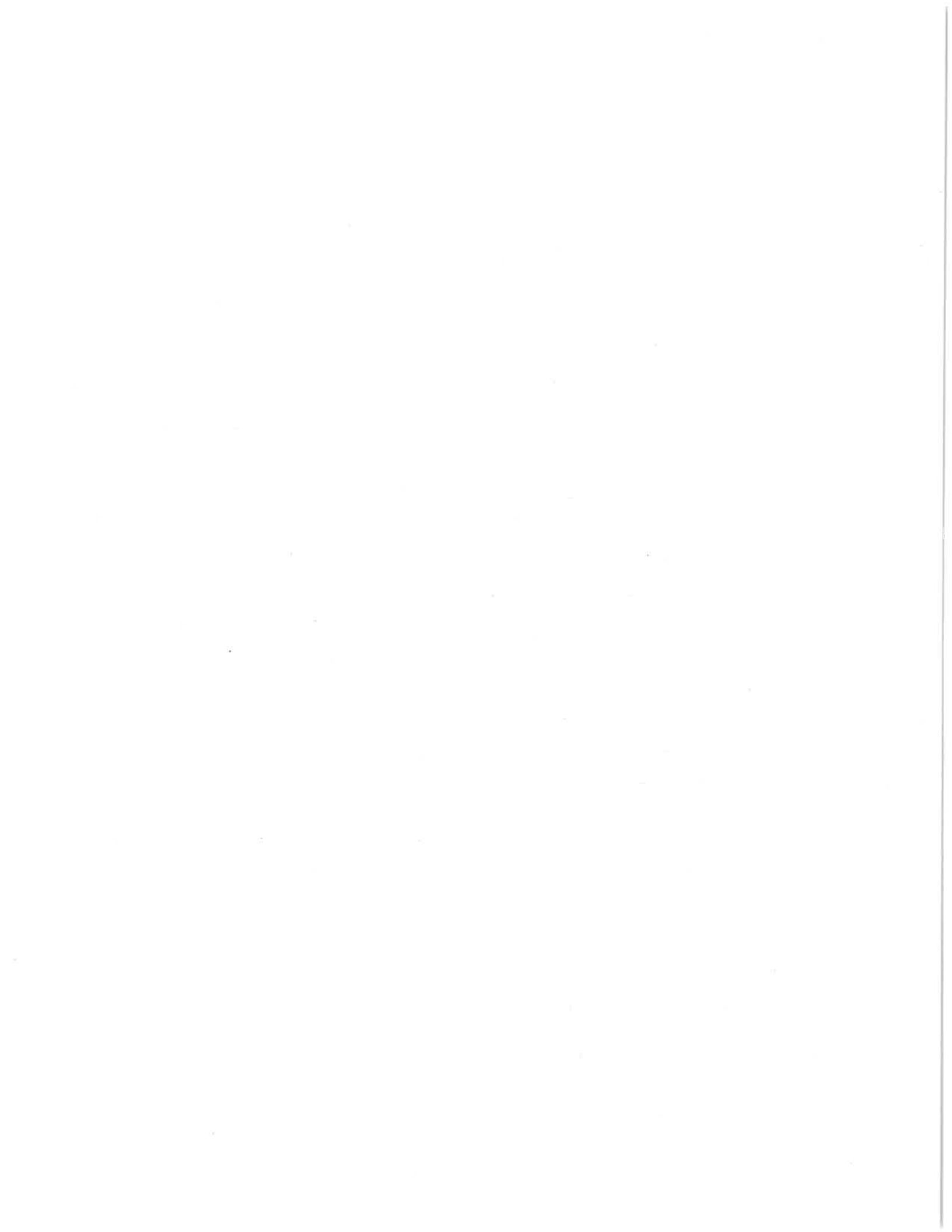
In the near term, the benefits to EBMUD from changes in the CWSRF program appear to be limited as EBMUD currently has the ability to obtain financing at rates comparable to CWSRF assistance. However, the expanded project eligibility, extended repayment period, and additional assistance for projects could be beneficial to EBMUD if, in the future, seeking assistance from the CWSRF becomes more advantageous than obtaining other financing.

Accelerated Project Delivery / Increased Flexibility

H.R. 3080 seeks to accelerate project delivery by, among other things, requiring the Corps to complete most feasibility studies within three years, and increases the flexibility for non-federal entities pursuing projects by allowing non-federal entities with authorized projects to, upon written agreement of the Corps, study, design and build projects using their own funds and be eligible to seek future reimbursement or credit for funds expended above non-federal cost share of projects.

Staff will work with the Corps to evaluate these provisions and their potential benefit to EBMUD.

ARC:MD:JF





AGENDA NO. 15.
MEETING DATE June 10, 2014

TITLE CHABOT DAM SEISMIC UPGRADE PROJECT - CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND PROJECT APPROVAL

MOTION _____ RESOLUTION _____ ORDINANCE _____

RECOMMENDED ACTION

- Certify the Final Environmental Impact Report (EIR) for the Chabot Dam Seismic Upgrade Project and make findings in accordance with the California Environmental Quality Act (CEQA) including a Statement of Overriding Considerations.
- Adopt the Mitigation Monitoring and Reporting Program in accordance with CEQA.
- Approve the Chabot Dam Seismic Upgrade Project using the Cement Deep Soil Mixing (CDSM) construction method.

SUMMARY

The Chabot Dam Seismic Upgrade Project will seismically upgrade the dam to better resist dam crest deformation during an earthquake and seismically retrofit the outlet works as required by the California Division of Safety of Dams (DSOD). The project, including haul routes and stockpile areas, is located within EBMUD property, which reduces truck traffic in nearby neighborhoods. A Draft EIR was prepared for the project and released for a 60-day public review on December 6, 2013. All comments received are responded to in the Final EIR. Of the two dam embankment construction methods (CDSM and Conventional Earthwork) evaluated in the Draft EIR, the CDSM method has lower overall environmental impacts, shorter construction duration and less risk of delay. A presentation on this project was provided to the Planning Committee on June 10, 2014.

DISCUSSION

Project Purpose and Description

Chabot Reservoir, originally constructed in 1874 for urban water supply, currently provides approximately 10,400 acre feet (3.4 billion gallons) of water for irrigation of two nearby golf courses, recreational use at the reservoir, maintenance of downstream flows, and storage including fire suppression and emergency drinking supply. EBMUD leases Lake Chabot watershed property to East Bay Regional Park District (EBRPD) to operate Lake Chabot Regional Park and leases property downstream of the dam to the City of San Leandro to operate Chabot Park. The location map for the project site is shown in Attachment A.

Funds Available: FY14-15; CIP #000861, page 12		Budget Code: WSC/524/7999/2007682
DEPARTMENT SUBMITTING Engineering and Construction	DEPARTMENT MANAGER or DIRECTOR Xavier J. Irias	APPROVED General Manager

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

Chabot Dam Seismic Upgrade Project - Certify the Final Environmental Impact Report and Project Approval

June 10, 2014

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In 2005, EBMUD evaluated the seismic stability of Chabot Dam and concluded that under a maximum credible earthquake, the dam crest could settle up to about 3.5 feet. Although the post-earthquake estimated settlement presents no risk to public safety, it could require reservoir drawdown and costly emergency repairs. In addition, the existing outlet tower would likely fail, potentially damaging the outlet pipeline and impacting the ability to drain the reservoir, which is a safety concern.

To improve the embankment soils on the downstream side of Chabot Dam, two alternative methods (shown in Attachments B and C) were evaluated and included in the Draft EIR: 1) improve the soils in-place by mixing them with cement grout in a process termed cement deep soil mixing (CDSM), and 2) remove and replace a portion of the dam with conventional earthmoving equipment (Conventional Earthwork). Both methods require excavation and stockpiling, though CDSM requires far less. Work at the outlet works (tower and pipeline) would include removing the seismically-unstable tower and pavilion and strengthening the shaft and outlet pipes, as illustrated in Attachment D.

Environmental Review Process/Public Outreach

Approximately 800 residents, businesses and agencies were sent notices for two community meetings convened from September 2012 through June 2013 to discuss the proposed project and solicit public input. A Notice of Preparation was published on April 25, 2013. Responses were submitted by Alameda County, the City of San Leandro, the United States National Marine Fisheries Service, the Friends of San Leandro Creek, the East Bay Watershed Center, and three individuals. A Draft EIR for the project was prepared and published on December 6, 2013 and circulated for a 60-day public review period through February 4, 2014; notices were also posted on EBMUD's website and published in the Oakland Tribune. A community meeting to discuss the Draft EIR was held on January 16, 2014.

In addition to providing input on the project, some commenters also requested consideration of stream bank restoration, improved access, and greater and more consistent flows in the creek below the dam, as well as fish passage around the dam. These aspects are not part of the project and thus were not evaluated in the EIR. However staff is meeting with creek stakeholders separately to discuss reservoir flow releases and creek issues.

Summary of Impacts, Mitigation Measures and Comments

The EIR analysis concluded that several environmental impacts would be significant and unavoidable because there are no feasible mitigation measures available that can reduce the impacts to a level that is considered less than significant, and therefore CEQA requires the District to approve a Statement of Overriding Considerations when approving the project. These impacts are exceedance of air quality thresholds due to construction emissions; adverse change to a historic resource due to the removal of the outlet tower; recreational impacts to other parks/trails due to temporary closure of Chabot Park and trails in Lake Chabot Regional Park; and potential for fishing piers at the lake to sustain physical damage due

to lowering the lake's water level. Cumulative air quality impacts are also deemed to be temporarily significant and unavoidable due to construction emissions.

The key mitigation measure for air quality is to implement a plan for off-road construction equipment that would achieve a project-wide fleet-average 20 percent nitrogen oxide reduction and 45 percent particulate matter reduction compared to the most recent California Air Resources Board fleet average. The key mitigation measure for the removal of the outlet tower is to prepare an electronic document on the history of Lake Chabot Waterworks District that is easily accessible to the public. The key mitigation measure for the lake drawdown is to provide advanced notification to EBRPD regarding the anticipated lake level during construction. Key mitigation measures for traffic include staging equipment and materials on-site, limiting truck trips to 7:00 a.m. until 7:00 p.m., Monday through Friday, posting signs at all entrances to the project site and along roadways, and posting a flagger at the intersection of Benedict Drive and Estudillo Avenue during the AM peak hour. No feasible mitigation measures were identified for the park and trail closures.

The District received eight letters/emails from agencies, organizations and the public. Between the comment letters and the community meeting, there were a total of 91 comments. Key comments focused on temporary construction impacts including air quality, traffic, noise, hydrology, biology, recreation, the restoration of Chabot Park after construction, and long-term cultural resource impacts due to the removal of the outlet tower and pavilion. All comments on the project were addressed in the Final EIR. Master responses were prepared for multiple comments regarding the outlet works cultural resource, public access during construction, the Chabot Park facilities, the lake level, and potential impacts to San Leandro Creek.

Selection of the Preferred Construction Method

The two construction methods were evaluated using the following criteria: 1) construction cost, 2) competitive bidding prospects, 3) construction duration, 4) construction schedule risk, and 5) environmental impact. The two methods have similar construction costs, which are \$9M to \$12M for CDSM and \$8.5M to \$13.5M for Conventional Earthwork. The two also have similar competitive bidding prospects since both would require work from a specialty contractor. However, the CDSM method is preferred based on:

Construction Duration - The duration of CDSM method is approximately 30 to 40 weeks, depending on the number of rigs used and if the contractor works day and night shifts. The Conventional Earthwork method construction duration is approximately 60 weeks.

Construction Schedule Risk - The delays are more likely for Conventional Earthwork method because a) groundwater must be pumped from the dam prior to excavation which may take longer than expected, and b) the excavation is larger and is therefore more likely to encounter unexpected conditions that could delay the construction. The CDSM excavation is much smaller and does not require groundwater pumping.

Chabot Dam Seismic Upgrade Project - Certify the Final Environmental Impact Report and
Project Approval

June 10, 2014

Page 4

Environmental Impact - The CDSM method has less overall impact for all resource areas because the areas of disturbance at the stockpile and excavation are smaller. The stockpile volume is approximately one-third that of Conventional Earth. Also, because the construction duration is shorter, the duration of the temporary construction impacts is also shorter.

Public Notice

Pursuant to Section 21092.5 of the Public Resources Code, the Response to Comments (RTC) document was mailed to agencies, the public, and organizations. Copies of the RTC were also posted on EBMUD's website and sent to three libraries in the project area. Notice of the Board of Directors meeting was also included in the Notice of Availability of the Final EIR (Draft EIR and RTC).

Project Schedule

Design will begin in June 2014. Construction is scheduled to begin in the spring of 2016 and be completed by the end of 2016.

FISCAL IMPACT

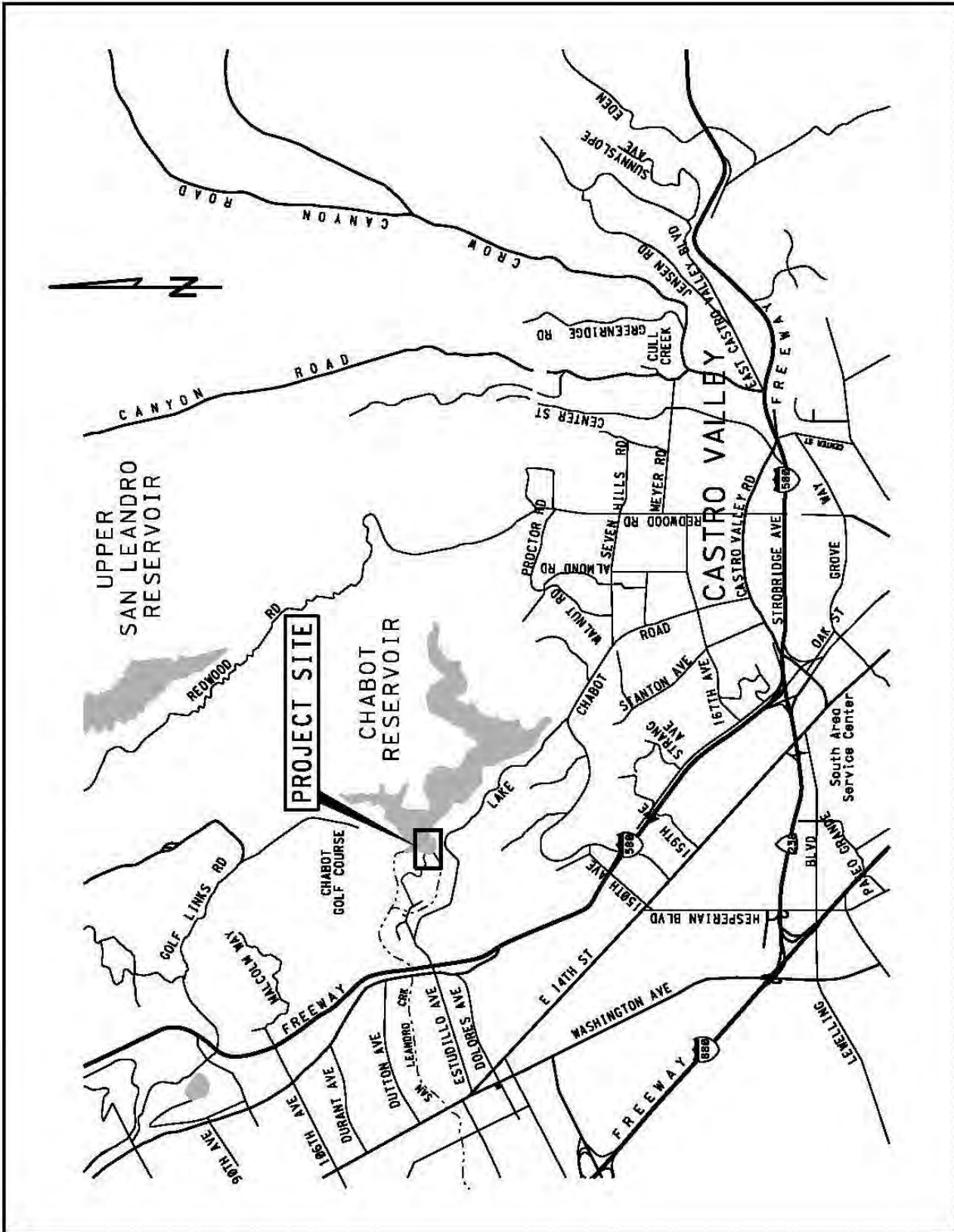
Funds for the Chabot Dam Seismic Upgrade Project are included in the FY14-15 Capital Improvement Program under the Dam Seismic Upgrades Project.

ALTERNATIVES

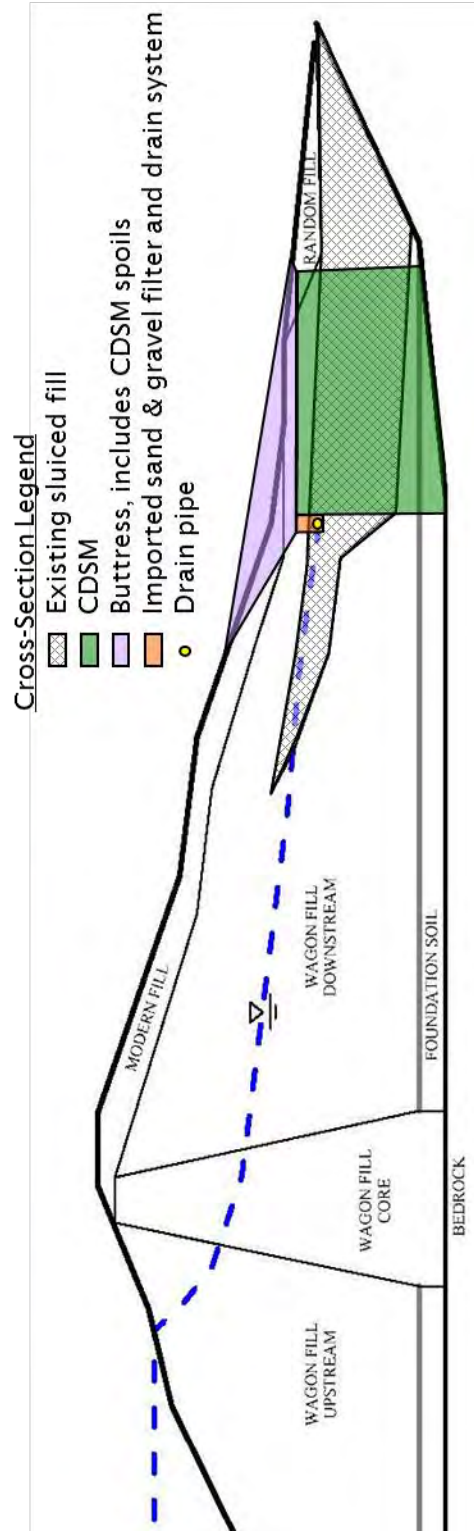
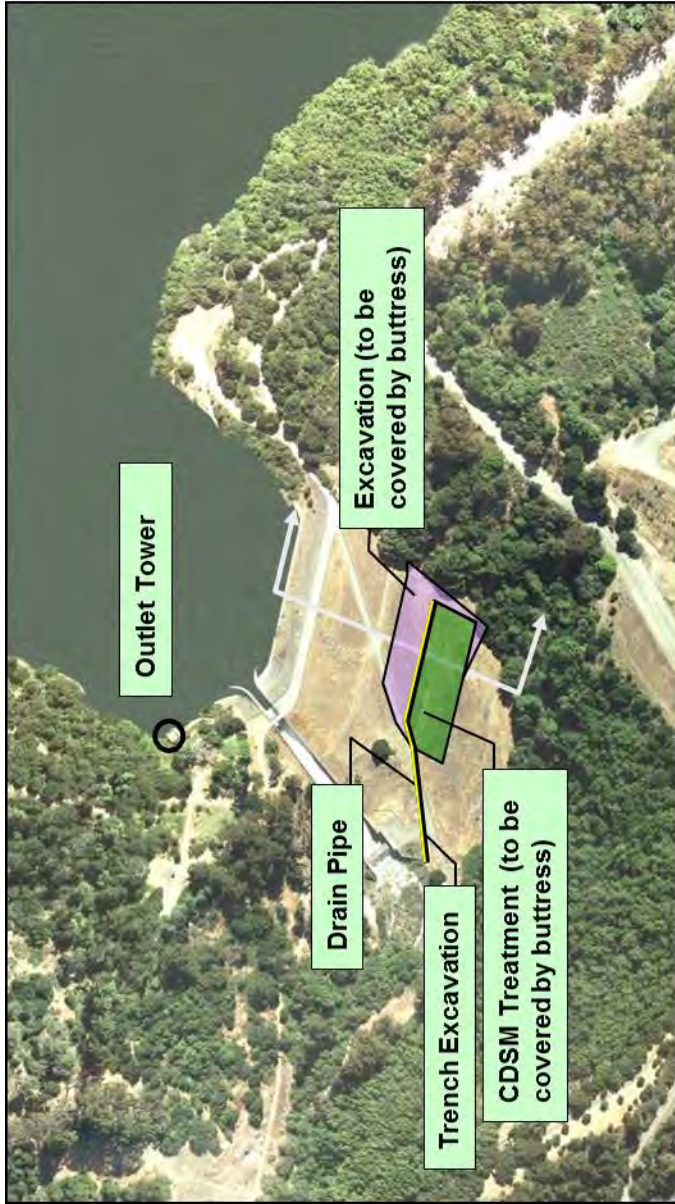
Do not certify the Final EIR or approve the project. This alternative is not recommended because the Final EIR meets CEQA requirements and the proposed project was evaluated against several alternatives that either had equal or greater environmental impacts or failed to achieve project objectives in a cost-effective manner.

Do not proceed with the project. This alternative is not recommended as this alternative does not satisfy the project objectives nor does it meet DSOD requirements.

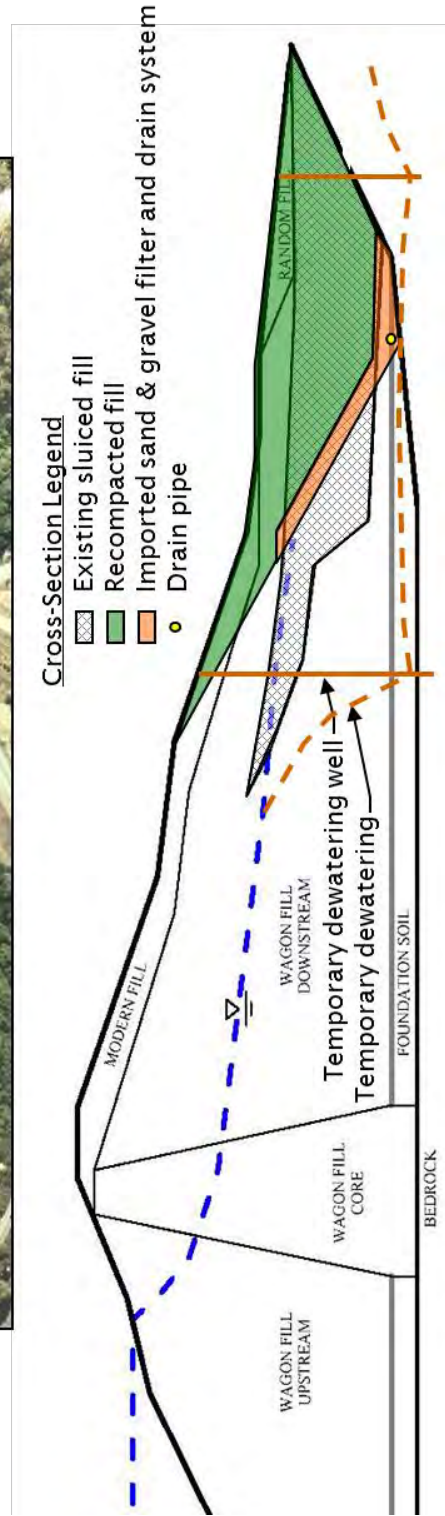
Attachments: A – Vicinity Map
B – Cement Deep Soil Mixing Option
C – Conventional Earthwork Option
D – Outlet Works Retrofit



Vicinity Map – Chabot Dam Seismic Upgrade Project



Cement Deep Soil Mixing Option - Preferred Construction Method



Conventional Earthwork Option

RESOLUTION NO. _____

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CHABOT
DAM SEISMIC UPGRADE PROJECT, MAKING FINDINGS, ADOPTING THE
MITIGATION MONITORING AND REPORTING PROGRAM,
AND APPROVING THE PROJECT

Introduced by Director

; Seconded by Director

WHEREAS, in 2005 at the request of the California Division of Safety of Dams (“DSOD”), the East Bay Municipal Utility District (“EBMUD”) prepared a report on the seismic stability of Chabot Dam (“Dam”) and a report on a seismic evaluation of the Dam’s outlet works tower; and

WHEREAS, the report indicated that at the dam local displacements of several feet could occur in the direction of the downstream channel and the top of the dam (crest) would settle up to about 3.5 feet; and

WHEREAS, the results indicated that in a severe earthquake the reinforced concrete pavilion atop the outlet works tower would suffer severe damage and would likely collapse; and

WHEREAS, the results also indicated that in a severe earthquake the outlet works tower itself would experience cracking and could separate completely from the rock it is built upon, thus diminishing its load resisting capabilities; and

WHEREAS, in a severe earthquake the outlet works tower’s valve shafts and shaft supports could be damaged and cause blockage of the sluice valves such that the release of water from Lake Chabot would be blocked; and

WHEREAS, the inability to release water from the lake due to such a blockage could create a risk to public safety and welfare; and

WHEREAS, the blocked outlet would not satisfy DSOD discharge requirements; and

WHEREAS, DSOD requires seismic upgrades to address these issues; and

WHEREAS, EBMUD proposed plans at a conceptual level to achieve the necessary seismic upgrades; and

WHEREAS, DSOD has reviewed EBMUD’s proposed conceptual plans and found them to be acceptable; and

WHEREAS, on April 25, 2013, a Notice of Preparation of an Environmental Impact Report (“EIR”) for the Chabot Dam Seismic Upgrade Project (“the Project”) was prepared and circulated by EBMUD as lead agency in accordance with the California Environmental Quality Act (“CEQA”) and applicable laws and regulations; and

WHEREAS, the Project would implement the seismic upgrades found necessary and acceptable to minimize the risk to public safety and welfare posed by the Dam in its current condition; and

WHEREAS, EBMUD mailed public notices announcing a scoping meeting for the Project EIR to local and regional agencies, including the State Clearinghouse, Department of Water Resources - Division of Safety of Dams, East Bay Regional Park District, the cities of San Leandro and Oakland, and Alameda County; and

WHEREAS, by close of the Notice of Preparation comment period on May 27 2013, six responses were submitted by various public agencies and members of the public; and

WHEREAS, following the close of the Notice of Preparation comment period, EBMUD received two additional comment letters and also received comments from members of the public at a meeting held in Chabot Park on June 20, 2013; and

WHEREAS, both prior to and following circulation of the Notice of Preparation for the Project, EBMUD held and participated in several meetings with interested public agencies and community groups; and

WHEREAS, the Draft EIR on the Project was completed by EBMUD and circulated for review and comment on December 6, 2013, providing a sixty-day comment period ending on February 4, 2014, in accordance with CEQA regulations; and

WHEREAS, approximately 800 postcards were mailed to notify residents and interested parties as well as state, local and regional agencies, including the State Clearinghouse, Department of Water Resources - Division of Safety of Dams, East Bay Regional Park District, the cities of San Leandro and Oakland, and Alameda County of the availability of the Draft EIR; and

WHEREAS, EBMUD also provided internet access to the Draft EIR on the EBMUD website; and

WHEREAS, EBMUD also provided copies of the Draft EIR for public review at the San Leandro Library, Castro Valley Library, and Oakland Main Public Library; and

WHEREAS, on January 16, 2014, as part of EBMUD's public information efforts on the Project and Draft EIR, EBMUD held public meetings during the Draft EIR comment period to present the Draft EIR and receive verbal and written comments from the public; and

WHEREAS, the Draft EIR comment period concluded on February 4, 2014; and

WHEREAS, EBMUD considered and responded to eight letters and e-mail public comments and public comments received at the public meetings on the Draft EIR and Project, and subsequently modified portions of the Draft EIR to provide further clarity and to address public concerns; and

WHEREAS, EBMUD prepared a Final EIR, which includes responses to all comments on the Draft EIR received by EBMUD during the public comment period and includes clarifications in response to public concerns; and

WHEREAS, EBMUD sent a Notice of Availability of the Final EIR to all commenting public agencies and affected local agencies on May 30, 2014; and

WHEREAS, EBMUD sent a Notice of Availability of the Final EIR to all commenting residents on May 30, 2014; and

WHEREAS, the Notice of Availability of the Final EIR was sent to all commenting public agencies, residents and affected local agencies at least ten days before Board action to adopt the EIR, in accordance with CEQA regulations; and

WHEREAS, EBMUD has prepared a detailed Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as Exhibit B and incorporated by this reference into the resolution;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby find, determine and certify that:

1. The Final EIR, which includes the Draft EIR, has been presented to the Board of Directors. The Board has reviewed and considered the information contained therein, and the Final EIR reflects the Board’s independent judgment and analysis.
2. All proceedings of the environmental review process, including the Draft and Final EIR and all required notices, have been conducted and completed in accordance with CEQA, the CEQA guidelines, and all other applicable laws, regulations, and procedures.
3. The potential environmental impacts of the Project are fully disclosed in the Draft EIR and Final EIR, and the Draft EIR and Final EIR are adequate for use by EBMUD for approval, design and construction of the Project.
4. The documents and materials constituting the record of the proceeding are located at EBMUD’s administrative offices, 375-11th Street, Oakland, CA 94607. The custodian of these records is the District Secretary.
5. No substantial change in circumstances has occurred since preparation of the Draft EIR and Final EIR which would require revisions to the Draft EIR and Final EIR due to the discovery or disclosure of new, significant impacts not covered in the Draft EIR and Final EIR, and there is no requirement to recirculate the Draft and Final EIRs.
6. Public consultation conducted prior to completing the Draft EIR has been a valuable component of the planning process. Efforts to encourage early public participation in the process included extensive community outreach. These efforts, which are described in detail in the EIR, allowed for early and continued public input throughout the planning process.
7. The Board of Directors makes the findings and determinations regarding the Project set forth in the Findings, attached hereto as Exhibit A, and including a statement of overriding considerations. Exhibit A is hereby incorporated into this Resolution by this reference.

8. The Board of Directors hereby approves, adopts, and imposes the MMRP, attached hereto as Exhibit B and incorporated herein by this reference. The mitigation measures adopted by the Board of Directors are hereby imposed as conditions of Project approval.

BE IT FURTHER RESOLVED that the Final EIR is hereby certified as having been completed in compliance with CEQA.

BE IT FURTHER RESOLVED that the Project, to be constructed using the Cement Deep Soil Mixing method, as described in the Draft and Final EIR, is hereby approved. The Project involves two components: improvement of the dam embankment and improvement to the outlet works. The Project as approved is described in sections 1.2 through 1.3.4 of Exhibit A, which has been incorporated by reference into this resolution.

BE IT FURTHER RESOLVED that the General Manager is hereby directed to take such actions as shall be necessary to implement the Project as described in the EIR, subject to compliance with all mitigation measures in the MMRP.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby directed to file a Notice of Determination, in accordance with the law, with the County Clerks of Alameda and Contra Costa Counties and with the State Clearinghouse.

ADOPTED this 10th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

President

Secretary

APPROVED AS TO FORM AND PROCEDURE:

General Counsel

Exhibit A

EBMUD Board of Directors Findings Regarding Chabot Dam Seismic Upgrade Project

1.0 Introduction

This is the findings document adopted by the East Bay Municipal Utility District (EBMUD) Board of Directors for the Chabot Dam Seismic Upgrade Project (Project). As approved by the Board, the Project includes:

- Upgrading the dam by using the Cement Deep Soil Mixing (CDSM) option
- Retrofit of the outlet works by lining the shaft behind the tower, moving the valves and controls from the tower to the shaft, relining or installing new outlet pipes from the shaft to the lake, and removing the tower and pavilion.

Sections 1.1 through 1.3, describes the Project and its objectives, and the need to complete the project.

Section 2, "CEQA Requirements Regarding Project Impacts," describes the requirements under the California Environmental Quality Act ("CEQA") regarding Project impacts.

Section 3, "Findings Regarding Independent Review and Judgment," contains the findings regarding the independent review and judgment of the Board of Directors.

Section 4, "Findings Regarding the Project," contains the findings regarding potential Project impacts and the CDSM construction option. This section is divided into three parts. Section 4.1 contains findings regarding potentially significant and unavoidable environmental impacts. As explained in detail in the Statement of Overriding Considerations found in Section 5, the Board of Directors finds that the Project benefits, including engineering and regulatory necessity, improving dam operations and reliability, and minimizing the loss of public access and costs associated with responding to a major earthquake, outweigh or override these impacts, such that they are acceptable. Section 4.2 contains the findings regarding significant or potentially significant Project impacts that will be mitigated to a less-than-significant level. Section 4.3 contains the findings regarding Project impacts that will be less than significant or where there will be no impact. Section 4.4 contains findings regarding the CDSM construction option.

Section 5, "Statement of Overriding Considerations," sets forth the statement of overriding considerations regarding the economic, legal, social, technological or other benefits that justify the Project despite the identified significant and unavoidable impacts.

Section 6, "Findings Related to Potential Growth Inducing Impacts," contains the findings concerning the potential growth-inducing impact of the Project. The Board of Directors finds that the Project would not indirectly or directly support growth.

Section 7, "Findings Regarding Alternatives and Selecting the Project," contains the findings concerning the alternative Project configurations considered in the Draft Environmental Impact Report ("Draft EIR"). The Board of Directors finds that the selected alternative is feasible, and that the other

alternatives are either infeasible or do not provide any clear environmental or other benefit beyond those of the proposed Project.

The findings presented here also summarize the mitigation measures set forth in the Final EIR and agreed to by EBMUD or incorporated into the Project. The mitigation measures are summarized below for convenience, but the summary is not intended to change any aspects of the complete text of the mitigation measures described in the Final Environmental Impact Report ("Final EIR") and adopted by the Board of Directors.

1.1 Project Need and Objectives

1.1.1 Project Need

Need for the Chabot Dam Seismic Upgrade Project.

In 2005, at the request of the Division of Safety of Dams (DSOD), EBMUD prepared a report on the seismic stability of Chabot Dam, and a report on the seismic evaluation on the outlet works tower. The seismic stability of the dam was evaluated using site-specific earthquake ground motions, estimated for a maximum credible earthquake with a moment magnitude of 7.25 on the Hayward Fault, at a distance of approximately 0.3 miles from Chabot Dam. Earthquake-induced effects within the embankment and foundation were estimated for representative cross-sections of the embankment and foundation. The results of the evaluation indicated that the sluiced fill in the downstream portion of the dam is susceptible to liquefaction, and would likely liquefy during the maximum credible earthquake. In the stability analysis, the wagon fill and foundation soils were judged not to be susceptible to liquefaction.

The stability analysis indicated that the top of the dam (crest) would settle up to about 3.5 feet but would remain stable. Because the dam has a freeboard (distance between the crest of the dam and the maximum reservoir surface water level) of about 23 feet, the estimated crest settlements would not lead to overtopping of the embankment, and the dam would remain safe. Local displacements of several feet could occur in the sluiced fill buttress at the toe of the dam in the direction of the downstream channel.

The outlet works tower was evaluated for a maximum design earthquake, which has a 475-year return period. The results indicated that the reinforced concrete pavilion would suffer severe damage and probably would collapse. The results also showed that the masonry tower would experience cracking that could lead to formation of disjointed blocks and a complete separation of the tower from the rock. Although the tower may not collapse, the cracking and separation could diminish its load-resisting capabilities. The valve shafts or shaft supports could be damaged causing accidental blockage of the sluice valves, and thus blocking release of water from the lake, which could become a safety concern.

In light of these findings, DSOD required, and EBMUD proposed, seismic upgrades to the dam and outlet works. DSOD reviewed the proposed project approach at the conceptual level and found it to be acceptable.

1.1.2 Project Objectives

The objectives for the Project include the following:

- improve the sluiced fill buttress at the embankment toe to withstand shaking generated by the maximum credible earthquake on the Hayward Fault without significant strength loss,

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- prevent damage to the outlet works from the design level earthquake so that the outlet works remain operational following the earthquake, and
 - continue use of Lake Chabot and outlet works during the dam construction.

The tower was evaluated considering the following additional objectives:

- All structures should serve operational functions. The project should avoid building, retrofitting, or maintaining features not related to the storage or conveyance of water.
- The outlet works retrofit should minimize the potential for earthquake damage to outlet works.

The outlet works retrofit should minimize future maintenance requirements.

1.2 The Project

The Project involves the seismic upgrade of Chabot Dam using the CDSM method and retrofitting the outlet works. The seismic upgrade would improve the safety of the dam operations in that the dam embankment would withstand shaking generated by the maximum credible earthquake on the Hayward Fault and the outlet works would remain operational following the earthquake.

1.3 Project Location and Description

The Project is located within the jurisdictions of the City of Oakland, City of San Leandro, and a portion of unincorporated Alameda County. The project components are described below.

1.3.1 Outlet Works

The outlet works would be improved by lining the shaft, moving the valves and controls from the tower to the shaft, relining or installing new outlet pipes from the shaft to the lake, and removing the tower and pavilion. As shown on Figure 2-7 of the DEIR, the 30-inch pipe from the tower to the shaft and the 38-3/4 inch pipe would be replaced with a single 36-inch pipe. The 20-inch by 20-inch sluiceway would be relined or replaced. New concrete headwalls would be constructed above the sluiceway and bottom pipe. New gates would be installed in the vertical shaft, and electrical power lines would be installed and connected to the valve operators. The abandoned waste tunnel would be filled with low-strength concrete or flowable fill. A 3/4-inch-thick steel liner would be installed in the shaft. This outlet works retrofit is EBMUD's preferred method for the long term performance of the outlet works when compared with alternatives where the tower is left in place because even if retrofit, it could damage the outlet pipes and valves in an earthquake. Also, the pavilion and tower have become a target of trespassers and vandals, and if the project were to retain them, they would require continued future inspection and maintenance.

The outlet tower would no longer serve any operational functions when the controls are removed and installed in the relined shaft. If left in place, the tower may collapse during a major seismic event, damaging the outlet pipes and preventing the ability to make controlled releases from the lake. The removal of the tower would improve future maintenance as well as current constructability of the outlet pipes because access to the pipes would not be impeded by the tower. The pavilion and tower are accessible from land, but not intended for occupied uses.

1.3.2 CDSM Design Characteristics

Two construction options were evaluated for the improvement of the dam embankment: Conventional Earthwork or CDSM. As mentioned above, the CDSM construction option was selected as discussed in section 4.4 below, "Findings Regarding CDSM Construction Option". Under the CDSM option, cement slurry is injected through drilling augers and mixed with the existing sluice fill in-place to form a system of interconnected non-liquefiable walls that would strengthen the sluiced fill, and thereby improve the seismic performance of the dam. The CDSM process would generate excess material, namely a mixture of soil and cement grout (termed "spoil"), which would harden and be used to buttress the downstream portion of the dam. Construction at the outlet works potentially could begin concurrently with work at the dam. As part of this option, a drain would be installed upstream from the CDSM treatment area to provide adequate control of groundwater flow within the dam embankment.

The Project would include the construction of a permanent filter and drain system at the upstream end of the excavation. The filter and drain system would maintain dam stability by keeping lake water from seeping into the recompacted soils. The drain system would include graded filter materials which would slope down to a perforated drain pipe that would connect to a solid pipe with an outfall in the riprap section of the spillway stilling basin downstream of the dam, at or near the location of the existing drain outfall.

Prior to excavation activities, the lake surface water level may need to be lowered to ensure stability of the dam. To lower the surface water level, blowoff releases to San Leandro Creek may be required and would take place in months where blowoffs typically take place. The release rate and duration of release would depend on the amount of rainfall, lake levels prior to construction, and the required lake level during construction. The lake would remain in service during construction activities, at a surface water level of 211 feet or greater, which may be lower than typical.

If the reservoir needs to be lowered to elevation 211 feet, then lowering would begin as early as December 2015. The reservoir would remain restricted for the period of construction. Based on historical hydrology, the reservoir would return to elevation 219 feet by winter 2016/2017 in a wet year (where 9 out of 10 years is drier) and by spring 2017 in a normal precipitation year. In a dry year (where 1 out of 10 years is drier), it would take more than 1 year to return to elevation 219 feet.

If the reservoir needs to be lowered to elevation 216 feet, then lowering would begin as early as December 2015. The reservoir would remain restricted for the period of construction. Based on historical hydrology, the reservoir would return to elevation 219 feet by winter 2016/2017 in a wet year (where 9 out of 10 years is drier) or a normal precipitation year. In a dry year (where 1 out of 10 years is drier), it would take more than 1 year to return to elevation 219 feet.

The time frame for the surface water level to return to its typical operating range after construction would depend on the surface water level during construction and amount of rainfall. The Project has no impact on planned releases from Lake Chabot or the surface water operating range after construction is complete.

1.3.3 Stockpiles

Two main potential stockpile locations are proposed: the Filter Pond Stockpile and the Park Stockpile. Either or both stockpile locations may be used under either construction option; however the CDSM

option will require smaller stockpile areas than would the Conventional Earthwork option. In addition, the laydown, parking, and trailer areas also may be used for stockpiles.

The Filter Pond Stockpile would be located at the former filter ponds, which are located on EBMUD property in the project area. The maximum capacity of the Filter Pond Stockpile would be approximately 60,000 cubic yards (cy), and the Filter Pond Stockpile would require clearing, grubbing, and grading of approximately 2.5 acres of currently fenced-off land. The Filter Pond Stockpile would be at maximum 50 feet high. Tree removal would be required.

The Park Stockpile would be located at Chabot Park. The property is owned by EBMUD and leased to the City of San Leandro, which operates the park. The maximum capacity of the Park Stockpile would be approximately 110,000 cy. The Park Stockpile would require clearing, grubbing, and grading of approximately 4 acres of land and the temporary relocation of existing electrical transmission lines. The Park Stockpile would be at maximum 60 feet high. Tree removal also would be required. Equipment and facilities removed at Chabot Park as a result of construction would be temporarily stored and reinstalled at its original location at the end of construction, in consultation with the City of San Leandro. Any equipment that is demolished or damaged beyond repair would be replaced in kind.

1.3.4 Haul Routes

Two potential haul routes are proposed: the Upper Haul Route and the Lower Haul Route. Either or both haul routes may be used and each would require some improvements.

The Upper Haul Route is approximately 4,740 feet long, starts at the gate at the east side of the dam crest and ends at the trailhead of the West Shore trail. The 3,500-foot segment west of the gate is part of the West Shore Trail, which is normally open to the public, would be closed for the duration of the project. The West Shore Trail is part of Lake Chabot Regional Park, which is property owned by EBMUD and leased to the East Bay Regional Park District (EBRPD), which operates the park. The Upper Haul Route also includes an unpaved 1,240-foot segment starting at the gate and running east to a turnaround. The turnaround allows trucks to avoid the hairpin turn between the Upper Haul Route and the steep road running diagonally across the downstream face of the dam. The Upper Haul Route is entirely paved with asphalt, except for the turnout at the lake. Because it is a moderately steep one-lane road with several small-radius turns, haul trucks would be limited to 10 cy capacity on the Upper Haul Route.

The Lower Haul Route is approximately 2,380 feet long, starts at the bottom of the dam and ends at the park road near the proposed Park Stockpile location. The road is mostly flat, with no sharp turns along its alignment. The route is unpaved, bordered by vegetation on either side, and covered by a canopy of trees in most locations. The Lower Haul Route currently is closed to the public and is used only by EBMUD service vehicles or emergency vehicles only. Because it is essentially flat and straight, haul trucks with a capacity up to 20 cy could use the Lower Haul Route.

2.0 CEQA Requirements Regarding Project Impacts

The California Environmental Quality Act (CEQA), Public Resources Code, Section 21000 et seq., requires written findings of project impacts, pursuant to Section 21081. Regarding these findings, CEQA Guidelines, Title 14, California Code of Regulations (CEQA Guidelines), Section 15091, states the following:

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- a. No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternative identified in the final EIR.
 - b. The findings required by subsection (a) shall be supported by substantial evidence in the record.
 - c. The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
 - d. When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
 - e. The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
 - f. A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The changes or alterations referred to in State law, as quoted above, may be mitigation measures, alternatives to the project or changes to the project by the project proponent. The Final EIR identifies mitigation measures that are proposed to minimize significant environmental effects of the project or to mitigate other potential effects that may not be, strictly speaking, environmental effects under CEQA. These mitigation measures will be incorporated into the project. A Mitigation Monitoring and Reporting Plan ("MMRP", see Exhibit B) is also adopted by the EBMUD Board of Directors to ensure implementation of all relevant mitigation measures identified in the Final EIR and these Findings.

3.0 Findings Regarding Independent Review and Judgment

Each member of the EBMUD Board of Directors ("Board") was provided access to a complete electronic copy of the Draft EIR in December 2013 and of the Final EIR for the Project in May 2014. The Board hereby finds that the Final EIR reflects the Board's own independent judgment, and that the Board has independently reviewed and analyzed the Final EIR prior to taking any final action with respect to the Project.

4.0 Findings Regarding the Project

Having reviewed and considered the information contained in the Final EIR and the MMRP, the EBMUD Board of Directors hereby adopts the following findings regarding Project impacts and mitigation measures.

4.1 Findings Regarding Significant and Unavoidable Effects

There are five potentially significant and unavoidable impacts resulting from the Project. Mitigation measures proposed in the Final EIR will lessen the impacts of its effects, but may not completely mitigate adverse environmental impacts to a less-than-significant level. These findings reflect the EBMUD Board's decision to adopt the Project.

A. Cultural Resources

1. **Significant and Unavoidable Impact CR-1:** The demolition of the outlet tower would result in a substantial adverse change to a historical resource (Lake Chabot Waterworks District).

Findings: The Lake Chabot Waterworks District is a historic district eligible for inclusion in the California Register of Historical Resources (CRHR). DEIR at 3.5-6. The outlet tower is a prominent visual and functional component of Lake Chabot Waterworks District, and removal of the tower would affect a major physical characteristic of that district, and would impair its ability to convey significance under CRHR criteria 1, 2, and 3. DEIR at 3.5-14. For this reason, the Project would result in a substantial adverse change to the Lake Chabot Waterworks District. *Id.*

The demolition of the tower (not the pavilion) and the loss of the ability for the public to view the relationship between functional parts of the water works, rather than the loss of the aesthetic features of the pavilion, causes a significant unavoidable impact under CEQA. *Id.* Impacts to the pavilion do not cause a significant impact to the Lake Chabot Waterworks District because the pavilion only contributes to the District's eligibility under CRHR Criterion 1, and it provides no major function to the waterworks.

Historical resource impacts would be reduced with the implementation of Mitigation Measure CR-1.1, Produce and distribute an interpretive/educational document about the Lake Chabot Waterworks District (see Draft EIR page 3.5-14). However even with implementation of Mitigation Measure CR-1.1, this impact to a historical resource would remain significant and unavoidable. Therefore, EBMUD hereby makes finding (a)(3), as described in Section 2.0 above, as required by CEQA, Section 21081, and as stated in the CEQA Guidelines, Section 15091, with respect to these effects.

Facts in Support of Findings: Mitigation Measure CR-1.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to incorporate the following requirements into the contract specifications for the Project:

As an addition to the existing on-site interpretive panels of the Lake Chabot Waterworks District and the cultural resources inventory and evaluation report (**Appendix E-1** of the Draft EIR and provided to the Northwest Information Center at Sonoma State University), EBMUD will prepare an electronic document on the history of Lake Chabot Waterworks District that documents the site in its entirety and is easily

accessible to the public, to help compensate for the impact of the proposed project on Lake Chabot Waterworks District. A hard copy of the document will be provided to the San Leandro Main Library, Oakland Main Library, and the Castro Valley Library.

Mitigation Measure CR-1.1, which is recommended on Draft EIR page 3.5-14, is hereby imposed and shall be implemented and monitored in compliance with the MMRP. Mitigation measure CR-1.1 would mitigate impacts to the Lake Chabot Waterworks District by requiring documentation of the district that will be easily accessible to the public. While EBMUD has agreed to this mitigation, impacts related to historical resources would not be reduced to a less-than-significant level for the Project. In addition, as explained in Section 7.0 of this Exhibit A, project alternatives that would mitigate this impact were found to be infeasible.

B. Air Quality.

1. **Significant and Unavoidable Impact AQ-1:** Construction activities could result in substantial short-term and temporary emissions that potentially would conflict with the applicable air quality plan.

Findings: The Project would result in short-term, temporary construction-related emissions impacts. See DEIR at 3.7-17 through -19. The most current regional air quality plan is the Bay Area 2010 Clean Air Plan, which was developed as a multi-pollutant plan for ozone, particulate matter, TACs, and greenhouse gas emissions. *Id.* at 3.7-19. Project construction-related NO_x emissions would exceed BAAQMD's threshold of significance. *Id.* Although project construction-related NO_x emissions would be short-term and temporary, because of the nonattainment status of the region with respect to ozone (i.e., NO_x is an ozone precursor), project construction emissions potentially would conflict or obstruct implementation of the applicable air quality plan. *Id.* The impact would be significant and unavoidable.

Emissions would be reduced with the implementation of Mitigation Measure AQ-2.1, Implement BAAQMD's Basic and Additional Construction Control Measures (see Draft EIR page 3.7-21); however even with implementation of Mitigation Measure AQ-2.1, this impact to air quality would remain significant and unavoidable. Therefore, EBMUD hereby makes finding (a)(3), as described in Section 2.0 above, as required by CEQA, Section 21081, and as stated in the CEQA Guidelines, Section 15091, with respect to these effects.

Facts in Support of Findings: Mitigation Measure AQ-2.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD as follows:

EBMUD will follow BAAQMD's recommendations and will implement the Basic Construction Control Measures during construction. The Basic Construction Control Measures include:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads, stockpiles) will be watered as necessitated by soil and air conditions or applied with (nontoxic) soil stabilizers.
- All haul trucks transporting soil, sand, or other loose material off-site will be covered.
- All visible mud or dirt track-out onto adjacent public roads will be removed, using wet power vacuum street sweepers at least once per day, if visible soil material is tracked into public streets. The use of dry power sweeping will be prohibited.

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- All vehicle speeds on unpaved roads will be limited to 15 miles per hour.
 - Idling times will be minimized, by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of the California Code of Regulations). Clear signage will be provided to construction workers at all access points.
 - All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. A schedule of tune-ups will be developed, and the tune-ups will be performed for all equipment that is operating within the project area. A log of required tune-ups will be maintained, and a copy of the log will be submitted to EBMUD for review every 2,000 service hours.
 - Publicly visible signs will be posted at all entrances to the project site and along roadways adjacent to the project site where citizens could be traveling, with the telephone number and person to contact at EBMUD regarding dust complaints. This person will respond and take corrective action within 48 hours.

In addition, because the proposed project would exceed the NO_x threshold of significance under both construction options, will include a substantial amount of cut/fill operations, and will be located approximately 500 to 1,200 feet from the nearest sensitive receptor (see Sensitive Receptors under Section 3.7.2, Environmental Setting, and Table 3.7-2), additional mitigation measures will be implemented to reduce emissions and avoid exposing nearby receptors to substantial construction emissions. BAAQMD has developed Additional Construction Mitigation Measures for those projects that either will include extensive earthmoving activities or that will be located near sensitive receptors. The following measures from BAAQMD's Additional Construction Measures also will be implemented during construction:

- EBMUD or the contractor will develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in project construction (i.e., owned, leased, and subcontractor vehicles) would achieve a project-wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions would include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, restricting idling time of diesel-powered construction equipment to 2 minutes or less, equipping diesel engines with Best Available Control Technology for emission reductions of NO_x and PM, using equipment that meets CARB's most recent certification standard for off-road, heavy-duty diesel engines, making payment(s) for off-site mitigation, and/or performing or participating in any other options that become available.
- All trucks and equipment, including their tires, will be washed before leaving the project area.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.

Mitigation Measure AQ-2.1 recommended on pages 3.7-21 to 3.7-22 of the Draft EIR, is hereby imposed and shall be monitored in compliance with the MMRP. While EBMUD has agreed to these mitigations, impacts related to temporary construction-related emissions have not been reduced to a less-than-significant level. No mitigation measures or alternatives were identified that would reduce this impact to less-than-significant levels.

2. **Significant and Unavoidable Impact AQ-2:** Construction-related NO_x emissions would exceed BAAQMD's threshold of significance for NO_x.

Findings: The Project would result in temporary construction-related emissions impacts. DEIR at 3.7-20. The proposed project would involve excavation and transport of soil materials from the main project work site (i.e., the dam construction site) to stockpile sites. During construction activities, fugitive dust emissions would be generated during soil excavation, soil material handling, and vehicle travel along paved and unpaved roadways. Implementation of mitigation measure AQ-2.1 would effectively minimize and control fugitive dust emissions. However, the Project's average daily construction NO_x emissions would exceed the BAAQMD NO_x threshold of 54 lbs/day, even after implementation of applicable mitigation measures.

Emissions would be reduced with the implementation of Mitigation Measure AQ-2.1, Implement BAAQMD's Basic and Additional Construction Control Measures (see Draft EIR page 3.7-21); however even with implementation of Mitigation Measure AQ-2.1, this impact to air quality would remain significant due to exceedance of the BAAQMD NO_x threshold. Therefore, EBMUD hereby makes finding (a)(3), as described in Section 2.0 above, as required by CEQA, Section 21081, and as stated in the CEQA Guidelines, Section 15091, with respect to these effects.

Facts in Support of Findings: Mitigation Measure AQ-2.1 is hereby adopted and will be implemented as set forth in the MMRP, and as set forth above in section 4.B.1, "Significant and Unavoidable Impact AQ-1."

Mitigation Measure AQ-2.1 recommended on pages 3.7-21 to 3.7-22 of the Draft EIR, is hereby imposed and shall be monitored in compliance with the MMRP. While EBMUD has agreed to these mitigations, impacts related to temporary construction-related NO_x emissions have not been reduced to a less-than-significant level. No mitigation measures or alternatives were identified that would reduce this impact to less-than-significant levels.

C. Recreation

1. **Significant and Unavoidable Impact RE-1:** Temporary closure of Chabot Park and portions of the West Shore Trail and Bass Cove Trail including a portion of Lake Chabot Bicycle Loop Trail during construction would temporarily eliminate access to certain areas, and drawing the lake down to perform work at the dam could result in physical degradation of the fishing piers.

Findings: Closure of Chabot Park would temporarily displace many park users (e.g., picnickers, disc golf users, hikers) for the duration of construction (DEIR at 3.10-8). By potentially displacing these users, the Project may increase use of substitute park locations throughout the area to the extent that physical deterioration of the other park facilities could occur or could be accelerated. However, use would likely be dispersed over several substitute

locations, potentially lessening the physical deterioration at any one facility to a less than significant level. Opening Chabot Park to the public during construction is not feasible due to potential public safety risks associated with project construction. In addition, temporary closure of portions of the West Shore Trail and Bass Cove Trail including a portion of Lake Chabot Bicycle Loop Trail during construction would cause a significant impact by eliminating or increasing the difficulty of public access to certain areas. Due to the presence of Lake Chabot on one side and steep topography with dense vegetation and residential development on the other sides, providing a temporary trail re-alignment around the project work limits is not feasible, either to connect the Chabot Park to the Bass Cove trail or West Shore Trail adjacent to Lake Chabot or to maintain the loop around Lake Chabot. No feasible mitigation measures were identified for this impact. Therefore this impact would be significant and unavoidable.

In addition, construction at the dam may require lowering the lake's water level; the lake would remain in service, with a surface water level of 211 or greater. Because the lake could be drawn down below 217 feet msl to perform work at the dam, the public boat ramp presumably would need to be moved at the marina. Marina operations and public boat launching would continue to be functional, but the fishing piers at Lake Chabot may become unusable (i.e., anglers could no longer cast into the lake with them out of the water), depending on the lake draw down level, and physical damage could occur.

Consistent with Mitigation Measure RE-1.1, EBMUD would provide advanced notification to EBRPD regarding anticipated lake level during construction to assist EBRPD in determining whether actions are necessary to preserve the fishing docks (see Draft EIR page 3.10-11). It is unknown whether the fishing piers could be moved without damage. Therefore, EBMUD hereby makes finding (a)(3), as described in Section 2.0 above, as required by CEQA, Section 21081, and as stated in the CEQA Guidelines, Section 15091, with respect to these effects. To the extent that repair or replacement of the fishing piers would be required, EBMUD finds that under the terms of its lease with the EBRPD, such repair or replacement is within the responsibility and jurisdiction of EBRPD, and EBRPD can and should adopt those measures.

With regard to impacts to pavement on the West Shore Trail, EBMUD hereby finds that the potentially significant impact resulting from heavy truck traffic would be mitigated to less than significant levels by implementation of Mitigation Measure TR-1.1

Facts in Support of Findings: Mitigation Measure RE-1.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD as follows:

Once determined, EBMUD will notify EBRPD regarding the anticipated lake level during construction and when the lake drawdown will occur.

Mitigation Measure RE-1.1 recommended on page 3.10-11 of the Draft EIR, is hereby imposed and shall be monitored in compliance with the MMRP. While EBMUD has agreed to this mitigation, impacts from the temporary closure of portions of certain trails and from lake drawdown to fishing piers would be significant and unavoidable.

Mitigation Measure TR-1.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to document pavement conditions before and after construction, and to repair all roads damaged by project activities to ensure that they return to pre-project conditions.

Completing the Dunsmuir Trail would not provide effective mitigation for impacts to trail users resulting from temporary closure of trails during project construction because it would not provide effective alternative access to the West Shore Trail or the Lake Chabot Bicycle Loop Trail, and because trail users may already access Bass Cove from the shorter Goldenrod Trail. Further, construction of the Dunsmuir Trail would result in additional potentially long-term effects to biological and water resources and could cause traffic impacts.

Given the numerous alternate park and trail facilities in the area that would be available to displaced trail users, it would be infeasible to track which facilities were used by those displaced users. Accordingly, it would not be feasible to identify any substantial degradation at any of those facilities caused by displaced users, and there is no effective mitigation for the unlikely, yet potentially significant impact that could result from physical deterioration of other facilities as a result of use by displaced trail users.

D. Cumulative Impacts

- 1. Significant and Unavoidable Impact AQ-CU-1:** The Project would result in a cumulatively considerable net increase in NO_x emissions, a criteria pollutant for which the project region is in nonattainment.

Findings: Even with implementation of mitigation set forth in the EIR, the Project's construction-related NO_x emissions would exceed BAAQMD thresholds. Because the region is in nonattainment with state and federal ozone standards, this exceedance of BAAQMD NO_x thresholds results in a cumulatively considerable incremental contribution to cumulative air quality impacts.

Mitigation Measure AQ-2.1, which is set forth in the MMRP and section 4.B.1 above, would require construction control measures to minimize fugitive dust emissions. However, construction emissions would remain a significant and unavoidable cumulative air quality impact, even with mitigation.

EBMUD hereby makes finding (a)(3), as described in Section 2.0 above, as required by CEQA, Section 21081, and as stated in the CEQA Guidelines, Section 15091, with respect to these effects.

Facts in Support of Findings: Mitigation Measure AQ-2.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to implement control measures to reduce fugitive dust emissions during construction.

Mitigation Measure AQ-2.1, recommended on pages 3.7-21 and 3.7-22 of the Draft EIR, is hereby imposed and shall be monitored in compliance with the MMRP. While EBMUD has agreed to this mitigation, cumulative regional construction emissions have not been reduced to a less-than-significant level. No mitigation measures or alternatives were identified that would reduce this impact to less-than-significant levels.

4.2 Findings Regarding Significant Effects Mitigated to Less-Than-Significant Levels

It has been determined that mitigation measures proposed in the Final EIR, and as set forth in the MMRP, will avoid or mitigate the following effects to a less-than-significant impact level.

A. Aesthetics

1. **Potentially Significant Impact AE-1:** Long-term impacts from land form modifications and vegetation removal at the stockpile and staging areas.

Findings: The scenic views for recreationists within the park would be permanently altered because of removal of approximately five trees at the Filter Pond Stockpile and up to 80 protected trees at the Park Stockpile if the Park Stockpile is used, and because of other landform modifications to Chabot Park from construction use of the area. DEIR at 3.2-13. EBMUD hereby finds that implementation of Mitigation Measures AE-1.1, BR-4.1, BR-4.2, and BR-4.3, as set forth in the MMRP, would reduce impacts on scenic vistas at the stockpile and staging areas to a less-than-significant level.

Impacts on scenic vistas from activities associated with CDSM use of the Upper Haul Route would be less-than-significant. DEIR at 3.2-11 through -12. No scenic vista impacts would occur from use of the Lower Haul Route.

Facts in Support of Findings: Mitigation Measures AE-1.1, BR-4.1, BR-4.2, and BR-4.3 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to ensure that the construction areas will be restored consistent with existing topography, require the avoidance of protected trees to the extent practicable, replacement of protected trees that are removed, and the preparation and implementation of a tree preservation plan.

2. **Potentially Significant Impact AE-3:** Short-term changes to the appearance of several locations during construction.

Findings: DEIR at 3.2-14. The visual character of Chabot Park, stockpile, and staging areas would be altered from the removal of many trees and alteration of landforms during construction use. EBMUD hereby finds that implementation of Mitigation Measures AE-1.1, BR-4.1, BR-4.2, and BR-4.3 would reduce impacts to the visual character of the stockpile and staging areas to a less-than-significant level.

Impacts resulting from the temporary small change in water elevation at the lake, removal of the pavilion and outlet tower, and haul routes would be less than significant.

Facts in Support of Findings: Mitigation Measures AE-1.1, BR-4.1, BR-4.2, and BR-4.3 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to ensure that the construction areas will be restored consistent with existing topography, require the avoidance of protected trees to the extent practicable, replacement of protected trees that are removed, and the preparation and implementation of a tree preservation plan.

3. **Potentially Significant Impact AE-4:** Short-term construction lighting impacts under the CDSM option.

Findings: Project construction could take place both during the daytime and nighttime. DEIR at 3.2-17. Although construction lighting for the CDSM option would be temporary, it could adversely affect nighttime views in the area. *Id.* EBMUD hereby finds that implementation of

Mitigation Measure AE-4.1 would reduce nighttime lighting impacts to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure AE-4.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD, to the extent possible, to direct lighting used during nighttime construction toward project features so that no light source is directly visible from the neighboring residential area.

B. Geology and Soils

1. Potentially Significant Impact GE-2: Soil erosion and loss of topsoil.

Findings: Project construction would require ground disturbing activities that could result in the loss of topsoil, and impacts to topsoil quality. DEIR at 3.3-18 through -19. EBMUD hereby finds that implementation of Mitigation Measures GE-2.1, GE-2.2, HY-1.1 and HZ-2.1 would reduce impacts related to topsoil and erosion to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures GE-2.1, GE-2.2, HY-1.1, and HZ-2.1 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) to control and manage soil erosion, sedimentation, and runoff, and that would include provisions to preserve topsoil quality to the extent possible, to grade the project site topography to match or improve pre-existing conditions after the completion of construction, and to handle disturbed soil in accordance with an Asbestos Dust mitigation Plan. Pursuant to Mitigation Measure GE-2.2, the SWPPP would include provisions requiring site restoration following completion of construction and to control erosion and runoff during the rainy season. These measures would also minimize dust emissions resulting from the Project.

2. Potentially Significant Impact GE-3: Potential damage due to unstable geologic units.

Findings: The CDSM method would be designed and engineered to provide for stability of the dam during construction, and retrofitting the tower walls largely would not involve earthwork or soil disturbance. This impact would be less than significant.

Grading and removal of vegetation at the stockpile locations could result in slope instability during site preparation activities and also during use for stockpiling, if the sites are not properly prepared to address potential soil stability issues. DEIR at 3.3 – 21. EBMUD hereby finds that implementation of Mitigation Measure GE-3.1 would reduce impacts related to unstable soils to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure GE-3.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to conduct a geotechnical evaluation during design to determine suitability for stockpiling. This evaluation would determine the maximum size and distribution of stockpiling permissible at the stockpile locations to prevent landslides, other slope instabilities, or excessive land settlement. The results of this evaluation would be used during design to specify appropriate preventive efforts in design drawings, thereby ensuring stability.

C. Biological Resources

1. **Potentially Significant Impact BR-1:** Potentially significant impact on sensitive, or special-status species during construction.

Findings: Construction activities could impact special-status species through vegetation removal and other ground-disturbing activities. The Project would temporarily disturb 1.83 acres of poor quality non-native annual grassland upland habitat and would result in removal of 0.8 acre of mixed hardwood forest. DEIR at 3.4-32. Special-status species potentially impacted by the project include the California Red-Legged Frog (CRLF), raptors and other migratory birds, and the Central California Coast Steelhead DPS. *Id.* at 3.4-32 through -34.

CRLF are unlikely to use the Project area due to a lack of suitable rodent burrows necessary for upland refugia, and they are unlikely to occur in San Leandro Creek due to the presence of predators and non-native fish. *Id.* at 3.4-33. Raptors and other migratory birds could be affected by construction activities if they are nesting within the Project area, and they could be indirectly affected through equipment operation and other human activities associated with construction. The Central California Coast Steelhead DPS could be impacted if any individuals occur in San Leandro Creek. Construction activities at the Filter Pond Stockpile could affect nesting birds, the olive-sided flycatcher, pallid bat, big free-tailed bat, and San Francisco dusky-footed woodrat. Construction activities at the Park Stockpile could affect nesting birds, the olive-sided flycatcher, pallid and big free-tailed bats, and the Central California Coast Steelhead DPS. Construction activities at the Upper Haul Route could affect the olive-sided flycatcher and nesting birds, pallid and big free-tailed bats, and the San Francisco dusky-footed woodrat. Construction activities at the Lower Haul Route could affect nesting birds, CRLF, pallid and big free-tailed bats, San Francisco dusky-footed woodrats, and Central California Coast Steelhead DPS. Construction activities for the outlet works could affect nesting birds, Western pond turtle, bald eagle, pallid and big free-tailed bats, and the San Francisco dusky-footed woodrat. EBMUD hereby finds that implementation of Mitigation Measures BR-1.1 through BR-1.9, HY-1.1 and HZ-1.1 would reduce these impacts related to special-status species to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures BR-1.1 through BR-1.9, HY-1.1 and HZ-1.1 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to:

- Conduct pre-construction surveys for California red-legged frog and western pond turtle and take appropriate action if they are found, including consultation with California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service.
- Conduct biological monitoring during initial ground disturbance. A qualified wildlife biologist would be present at all times during initial ground disturbance and vegetation removal and would have authority to stop work if listed species are encountered or if a permit violation occurs.
- Erect temporary exclusion fencing to prevent wildlife from entering the work area during project activities.
- Implement and track a worker awareness education program to ensure that construction personnel are aware of all sensitive habitats and sensitive species that may occur in the Project area, and of responsibilities of project personnel and the requirements of applicable mitigation measures.

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- Restrict construction-related vehicle traffic to designated areas and established roads, and impose a 15 MPH speed limit in construction areas.
 - Remove potential nesting habitat in the project area outside the nesting bird season.
 - Conduct pre-construction surveys for nesting birds and delineate no-disturbance buffer zones for active nests.
 - Conduct pre-construction surveys for roosting bats and delineate no-disturbance buffer zones for active maternity roosts.
 - Conduct pre-construction surveys for San Francisco dusky-footed woodrat nests.
 - Prepare a Storm Water Pollution Prevention Plan for each construction activity.
 - Prepare and implement a Hazard Communication Plan, Injury and Illness Prevention Plan, and a Hazardous Materials Control and Spill Prevention and Response Plan.

2. Potentially Significant Impact BR-2: Potentially significant impact on riparian or other sensitive natural community.

Findings: Between 0.19 and 0.83 acres (depending on the dam construction option and haul route used) of riparian habitat would be affected in the project area. Although the project area would be returned to pre-project conditions after completion of construction, a temporal loss of habitat function would occur for approximately 10 to 15 years while replacement vegetation matured. EBMUD hereby finds that Mitigation Measures BR-2.1 and BR-2.2 would minimize impacts to riparian habitat to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures BR-2.1 and BR-2.2 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to:

- Minimize construction effects on riparian habitat by use of preservation fencing to the extent feasible.
- Comply with Section 1602 of the California Fish and Game Code by obtaining and complying with a Streambed Alteration Agreement, which would include measures to replace riparian habitat at a minimum ratio of 1:1, or as directed by CDFW.

3. Potentially Significant Impact BR-3: Potential adverse effect on federally protected wetlands.

Findings: The Project would require the installation of a drain outfall in the existing riprap on the edge of the freshwater emergent wetland, located at the base of the spillway of the dam. The Lower Haul Route construction activities would temporarily affect 0.03 acre of San Leandro Creek, a perennial stream. Construction at the outlet works would temporarily affect 0.01 acre of Lake Chabot. EBMUD hereby finds that implementation of Mitigation Measure BR-3.1 would reduce potentially significant impacts on jurisdictional wetlands to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure BR-3.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to minimize the

inadvertent impact on jurisdictional sensitive aquatic resources and compensate for any affected resources by installing preservation fencing demarcating the boundary of jurisdictional wetlands and waters, and securing and complying necessary permits for unavoidable impacts on waters of the State or waters of the United States, including implementation of waste discharge best management practices to minimize disturbance and release of sediment. If permanent impacts to jurisdictional waters or wetlands occur, compensatory mitigation at a minimum ratio of 1:1 would be implemented to ensure no net loss of jurisdictional waters or wetlands occurs. The mitigation ratio would be determined in consultation with the appropriate federal and state resource agencies.

- 4. Potentially Significant Impact BR-4:** Potential conflict with local policies or ordinances protecting biological resources.

Findings: All construction components would include grading or other activities that may affect protected trees. EBMUD hereby finds that implementation of Mitigation Measures BR-4.1 through BR-4.3 would reduce impacts to native and protected trees to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures BR-4.1 through BR-4.3 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to avoid all protected trees to the greatest extent practicable, replace all non-invasive protected trees that are removed as part of the construction process, and prepare and implement a Tree Preservation Plan to ensure that protected trees within the Project area are adequately protected during construction activities.

D. Cultural Resources

- 1. Potentially Significant Impact CR-2:** Potential disturbance of known and unknown archaeological resources.

Findings: The Project is unlikely to impact known archaeological resources, but will include excavation in archaeologically sensitive areas such that unknown cultural resources could be inadvertently encountered. EBMUD hereby finds that implementation of Mitigation Measure BR-1.2 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure CR-2.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to stop work if prehistoric or historic archaeological resources are discovered, assess the significance of any find, and implement mitigation consistent with CEQA Guidelines section 15126.4, with a preference for preservation in place. If avoidance is infeasible, impacts may be mitigated by implementation of a data recovery plan. The mitigation measure also requires EBMUD to inform construction workers that collection of Native American artifacts is prohibited by law.

- 2. Potentially Significant Impact CR-4:** Potential for disturbance or destruction of undiscovered human remains.

Findings: It is unlikely that Project activities would result in disturbance of buried human remains because there is no indication that the Project area has been used for human burial purposes. However, human remains could be disturbed in the unlikely event of an

inadvertent discovery of a human burial. EBMUD hereby finds that implementation of Mitigation Measure CR-4.1 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure CR-4.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to conduct construction worker training, stop work if human skeletal remains are uncovered, and follow the procedures set forth in Section 15064.5(e)(1) of the State CEQA Guidelines.

E. Transportation and Circulation

1. **Potentially Significant Impact TR-1:** Short-term increases in traffic congestion and vehicle delays.

Findings: The Project would cause less-than-significant impacts to public transportation, bicycle traffic, and parking. Adding construction vehicle traffic to the existing roadways could result in short-term increases in traffic congestion and vehicle delays, including public transit, and bicycle flows. The level of service (LOS) for freeway segments and ramps would not change, therefore impacts to freeway segments and ramps would be less than significant. With the increase in project traffic, all intersections that would be directly affected by the project would continue to operate satisfactorily at LOS C or better, except for the intersection of Benedict Drive and Estudillo Avenue which currently operates at LOS F during AM peak-hour periods. The intersection of Benedict Drive and Estudillo Avenue may experience additional delays that could cause significant impacts without mitigation. In addition, the use of large trucks on Estudillo Drive could cause increased wear and tear on the street's pavement. EBMUD hereby finds that implementation of Mitigation Measure TR-1.1 would reduce impacts to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure TR-1.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to prepare and implement a traffic control plan before and during project construction. Among other things, the traffic control plan would require flaggers at the intersection of Benedict Drive and Estudillo Avenue during the AM peak hour to facilitate traffic movement, use of designated truck routes, and posting of warning signs informing the public of detour routes and the presence of truck traffic. The plan would also require EBMUD to document road pavement conditions for all routes used by construction vehicles, both before and after construction. Damaged roads would be repaired to the level at which they existed before project construction.

2. **Potentially Significant Impact TR-2:** Conflict with an applicable congestion management program including LOS standards.

Findings: While the project would not conflict with standards set by the Alameda County Transportation Commission regarding impacts to freeway segments and ramps, the addition of project traffic would cause the intersection of Benedict Drive and Estudillo Avenue to operate at LOS F in the AM peak hour. EBMUD hereby finds that implementation of Mitigation Measure TR-1.1 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure TR-1.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to prepare and implement a traffic control plan before and during project construction. The plan would

reduce impacts by requiring EBMUD to work with the City of San Leandro regarding truck routes and movement of heavy equipment into or out of Chabot Park, deploying flaggers to facilitate traffic movement at the intersection of Benedict Drive and Estudillo Avenue during the AM peak hour, and posting of warning signs informing the public of detour routes and the presence of truck traffic.

- 3. Potentially Significant Impact TR-3:** Short-term increase in hazards resulting from a design feature or incompatible uses.

Findings: Construction vehicles could be considered a safety hazard for local vehicles, bicyclists, and pedestrians on adjacent public roadways. Truck trips on Estudillo Avenue could increase pedestrian and bicyclists safety concerns because of the narrow roadway width and lack of sidewalks north of Parker Street. Furthermore, larger vehicles may not easily see smaller vehicles, bicyclists, and pedestrians, which could increase the potential for accidents. Construction-related traffic would increase the risk of accidents with vehicular, pedestrian, and/or bicycle traffic on Estudillo Avenue. EBMUD hereby finds that implementation of Mitigation Measure TR-1.1 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure TR-1.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to prepare and implement a traffic control plan before and during project construction. The traffic control plan would require installation of signage or use of flaggers to guide vehicles on truck routes to ensure that appropriate access and detours would be maintained for vehicles, bicycles, and pedestrians. The plan would also require posting of signs warning bicyclists and motorists of closure of Chabot Park and of hazards associated with truck traffic on narrow roadways.

- 4. Potentially Significant Impact TR-4:** The Project could result in inadequate emergency access.

Findings: Construction and worker vehicles queuing at the project entrance could block emergency vehicle access to the project area. EBMUD hereby finds that implementation of Mitigation Measure TR-1.1 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure TR-1.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to prepare and implement a traffic control plan before and during project construction. The plan would require EBMUD to store equipment and materials in designated areas to minimize safety hazards and to consult with and notify the City of San Leandro and the City of San Leandro Police Department regarding designated truck routes and movement of heavy equipment into and out of Chabot Park. It would also require the use of flaggers to maintain traffic flows and reduce queuing of construction trucks.

F. Air Quality

- 1. Potentially Significant Impact AQ-3:** Exposure of sensitive receptors to substantial pollutant concentrations.

Findings: The Project would have less-than-significant impacts related to Carbon Monoxide (CO) hotspots and would not lead to any receptors being exposed to substantial Toxic Air Contaminants (TAC) or particulate matter 2.5 microns or less in diameter (PM_{2.5}) from

existing or proposed sources. However, Project construction would result in the generation of diesel particulate matter emissions from the use of off-road diesel equipment required for construction activities. EBMUD hereby finds that construction-related health risk impacts would be less than significant with the implementation of Mitigation Measure AQ-2.1.

Facts in Support of Findings: Mitigation Measure AQ-2.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to implement construction control measures to minimize particulate matter emissions and, among other things, would require EBMUD to minimize vehicle idling times, ensure that construction equipment is properly maintained and tuned, and use off-road equipment achieving a project-wide 45 % reduction in particulate matter compared to the most recent CARB fleet average.

G. Noise

1. **Potentially Significant Impact NO-1:** Construction activities could result in substantial temporary noise increases that could interfere with activities at nearby noise-sensitive land uses.

Findings: Construction activities would contribute to increased daytime and potentially nighttime noise levels in the project vicinity. Construction activities would generate noise levels that would exceed the significance criteria (68 dBA between 7:00 a.m. and 10:00 p.m. and 53 dBA between 10:00 p.m. and 7:00 a.m.) and could impact nearby sensitive receptors. EBMUD hereby finds that implementation of Mitigation Measures NO-1 .1 through NO-1.4 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures NO-1.1 through NO-1.4 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to:

- Reduce construction noise levels from operation of construction equipment through use of available noise control techniques and limiting the hours during which activities generating noise in excess of 90 dBA will occur.
- Notify residents in the immediate project vicinity in advance of construction activities.
- Limit the hours of operation for haul truck trips through residential areas.
- Designate a Community Affairs contact, responsible for responding to construction-related noise issues, and posting of District contact information conspicuously in construction areas and on advance notifications.

H. Recreation

1. **Potentially Significant Impact RE-3:** Potential long-term impacts that could degrade the recreational experience because of vegetation removal.

Findings: The proposed project would result in temporary and long-term impacts to the recreational setting in the vicinity of the Project because of vegetation removal for haul route widening and use of Chabot Park as a stockpile location, and visual and noise disturbance from other construction activities. Temporary impacts to recreational users resulting from audible or visible construction activities or where vegetation removal would be noticeable

would not substantially alter the recreational setting, and therefore would cause less-than-significant impacts. Nor would the temporary impacts resulting from potential drawdown of the reservoir water level cause significant impacts. However, the removal of many large trees around recreation facilities would alter the visible setting and change the experiences visitors would have at the park, potentially causing long-term impacts. EBMUD hereby finds that implementation of Mitigation Measures BR-4.1, BR-4.2, BR-4.3, and AE-1.1 would reduce impacts on the recreational experience to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures BR-4.1, BR-4.2, BR-4.3, and AE-1.1 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to ensure that construction areas will be restored consistent with existing topography, require the avoidance of protected trees to the extent practicable, replacement of protected trees that are removed, and the preparation and implementation of a tree preservation plan.

I. Hydrology and Water Quality

1. **Potentially Significant Impact HY-1:** Degradation of water quality as a result of erosion and sedimentation or a hazardous materials release during construction.

Findings: Due to the proximity of the Project components to Chabot Dam and San Leandro Creek, impacts related to degradation of water quality as a result of erosion and sedimentation or a hazardous materials release during construction are potentially significant. EBMUD hereby finds that implementation of Mitigation Measures HY-1.1 through 1.5 would reduce the potential water quality impacts resulting from erosion and potential hazardous materials releases to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures HY-1.1 through HY-1.5 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to:

- Prepare a Storm Water Pollution Prevention Plan for each construction activity.
 - Install a turbidity curtain and containment boom during the outlet works construction.
 - Require grading of construction staging areas to prevent migration of contaminants.
 - Comply with regional, state, and federal wetlands and streambed requirements for any creek crossings and drainage channels.
 - Maintain a spill kit at all locations where fuel or hydraulic powered equipment is in use over or adjacent to lake waters during the outlet works construction.
2. **Potentially Significant Impact HY-3:** Alteration of drainage patterns in a manner that results in erosion on or off-site or increases the rate or amount of surface runoff that would result in flooding on or off-site.

Findings: The changes in site topography resulting from construction activities could result in erosion or siltation on or off-site. EBMUD hereby finds that implementation of Mitigation Measure HY-3.1 would reduce potential erosion impacts to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure HY-3.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to grade the project site topography to match or improve pre-existing drainage conditions after construction, such that long-term drainage patterns would not be altered relative to their pre-project state.

3. Potentially Significant Impact HY-5: The Project would substantially degrade water quality.

Findings: Although temporary water quality impacts are anticipated during the project construction, long-term operational impacts would be minimal because the Project area would be returned to pre-existing conditions (see 4.2 (I) 1 above). EBMUD hereby finds that implementation of Mitigation Measures HY-1.1, HY-1.2, and HY-1.3 would reduce potential water quality impacts to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures HY-1.1, HY-1.2, and HY-1.3 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to:

- Prepare a Storm Water Pollution Prevention Plan for each construction activity.
- Install a turbidity curtain and containment boom during the outlet works construction.
- Require grading of construction staging areas to prevent migration of contaminants.

J. Hazards and Hazardous Materials

1. Potentially Significant Impact HZ-1: Potential hazard to the public or environment through routine transport, use, or disposal of hazardous materials.

Findings: Project construction activities associated with all project components may include the storage, use, and transport of hazardous materials (e.g., diesel fuel, oil, lubricants, hydraulic fluid, paints, solvents, cements, and adhesives). Any project-related hazardous materials would be handled, stored, transported, and disposed of by EBMUD and its construction contractor(s) in accordance with local, state, and federal regulations during project construction and operation. EBMUD hereby finds that implementation of Mitigation Measure HZ-1.1 would reduce impacts related to hazardous materials to a less-than-significant level.

Project construction activities at the Park Stockpile location may include relocating or removal of a pole-mounted transformer that could potentially expose workers, the public, and/or the environment to polychlorinated biphenyls (PCBs). EBMUD hereby finds that implementation of Mitigation Measure HZ-1.2 would reduce the impacts related to PCBs to a less-than-significant level.

Project construction activities at the outlet works location may include demolition of structures possibly painted with lead-based paint and/or constructed with ACM. EBMUD hereby finds that implementation of Mitigation Measure HZ-1.3 would reduce impacts related to lead-based paint and/or ACM to a less-than-significant level.

Facts in Support of Findings: Mitigation Measures HZ-1.1 through HZ-1.3 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to

prepare and implement an Hazards Communication Plan, Injury and Illness Prevention Plan, and Hazardous Materials Control and Spill Prevention and Response Plan; assess the pole-mounted transformer for the presence of PCBs and dispose of it in accordance with the Toxic Substances Control Act if it dates prior to 1978, and evaluate all pre-1980 structures for the presence of lead-based paint or ACM before project construction and remediate those structures in accordance with recommendations of the evaluation, if necessary.

2. **Potentially Significant Impact HZ-2:** Exposure of construction workers and the public to naturally-occurring asbestos.

Findings: Naturally occurring asbestos is associated with Franciscan Formation rock that has been determined to be present in the project area. Project construction activities that disturb soils, including CDSM, soil stockpiling, road construction, and demolition may generate dust that contains NOA, which may result in the exposure of workers, the public, and/or the environment to hazardous materials. EBMUD hereby finds that implementation of Mitigation Measure HZ-2.1 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure HZ-2.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD or its contractor to perform project construction activities in accordance with the Asbestos Dust Mitigation Plan. The plan would require implementation of site-specific measures to minimize dust emissions and ensure that asbestos does not exceed BAAQMD approved levels during construction.

3. **Potentially Significant Impact HZ-4:** The Project would impair implementation of or physically interfere with an adopted emergency response or evacuation plan.

Findings: The proposed project could affect emergency vehicle access and evacuation routes within the site, along the Upper and Lower Haul Routes and to the stockpile and excavation area. Off-site, no changes to the existing street network are proposed. EBMUD hereby finds that implementation of Mitigation Measure HZ-4.1 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure HZ-4.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD or its contractor to prepare a site-specific emergency response plan and maintain emergency access and evacuation routes to/from the project area, in cooperation with local public agencies.

4. **Potentially Significant Impact HZ-5:** The Project would expose people or structures to risk involving wildland fires.

Findings: The Project area is classified as a "Very High Fire Hazards Severity Zone". The use of construction equipment and temporary storage of flammable materials could pose a wildland fire risk in the project area. EBMUD hereby finds that implementation of Mitigation Measure HZ-5.1 would reduce this impact to a less-than-significant level.

Facts in Support of Findings: Mitigation Measure HZ-5.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD or its contractor to take precautions regarding all flammable material around construction equipment and maintain fire-fighting tools including a shovel and fire extinguisher at project work sites where construction equipment is being used or flammable materials are being temporarily stored. EBMUD would

be required to clear all flammable material from project work sites around construction equipment and temporary storage for flammable materials and to ensure that appropriate fire suppression equipment such as shovels and fire extinguishers are readily available at each project component work site during construction equipment operation and where flammable materials are stored.

K. Cumulative Impacts

1. **Cumulative Impact AE-CU-1:** The Project would not result in cumulative aesthetic impacts.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR page 5-9).

Facts In Support of Findings (Impact AE-CU-1): The majority of planned and proposed projects that may contribute to a cumulative impact are not located in the vicinity of the project. While the Project would cause short-term visual effects during project construction and potential long-term effects resulting from disturbance of various park features, mitigation measures set forth in the EIR would reduce those impacts to a less-than-significant level. Mitigation Measures AE-1.1, A.E-4.1, BR-4.1, BR-4.2, and BR-4.3 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to ensure that the construction areas will be restored consistent with existing topography, require the avoidance of protected trees to the extent practicable, replacement of protected trees that are removed, the preparation and implementation of a tree preservation plan, and commit EBMUD, to the extent possible, to direct lighting used during nighttime construction toward project features so that no light source is directly visible from the neighboring residential area. Project construction and operation would not result in a cumulatively considerable contribution to aesthetic impacts.

2. **Cumulative Impact GE-CU-1:** The Project would not result in cumulative geology and soils impacts.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR pages 5-9 and 5-10).

Facts In Support of Findings (Impact GE-CU-1): Federal, state, and local regulations described in Section 3.3, Geology and Soils of the Draft EIR, would apply equally to all developments, including two EBMUD pumping plant projects that would occur following completion of Project construction. Because each project is required to meet building requirements and comply with applicable regulations, no additive impact would result. Further, mitigation measures set forth in the EIR would mitigate the project's potential impacts resulting from the short-term temporary loss of topsoil, erosion, and slope stability. Mitigation Measures GE-2.1, GE-2.2, GE-3.1, HY-1.1, and HZ-2.1 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) to control and manage soil erosion, sedimentation, and runoff, and that would include provisions in the to preserve topsoil quality to the extent possible, to grade the project site topography to match or improve pre-existing conditions after the completion of construction, to handle disturbed soil in accordance with an Asbestos Dust mitigation Plan, and to conduct a geotechnical evaluation during design to determine the suitability for stockpiling. The proposed project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact on geology and soils.

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3. **Cumulative Impact BR-CU-1:** The Project would not result in cumulative impacts on special-status plants or wildlife species.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR page 5-10).

Facts In Support of Findings (Impact BR- CU-1): The proposed project's construction activities could result in a temporary loss of special-status species habitat. Mitigation Measures BR-1.1 through BR-1.9, HY-1.1 and HZ-1.1 are hereby adopted and will be implemented as set forth in the MMRP. These mitigation measures would incorporate pre-construction surveys, avoidance of sensitive habitats, establishment of protective buffers, installation of exclusion fencing, and worker training, and other measures reducing impacts to a less-than-significant level. Impacts would be temporary, and the Project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact on special-status plant or wildlife species.

4. **Cumulative Impact BR-CU-2:** The Project would not result in a cumulatively considerable impact to sensitive vegetation communities.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, cumulative impacts would be less than significant. (See Draft EIR page 5-11).

Facts In Support of Findings (Impact BR- CU-3): The Project would result in the removal of up to 0.85 acre of riparian habitat. While that habitat would be returned to pre-project conditions following construction and with implementation of mitigation measures set forth in the EIR, the habitat would not reach pre-project conditions for approximately 10-15 years as replacement vegetation matured. Mitigation Measures BR-2.1 and BR-2.2 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD minimize construction effects on riparian habitat by use of preservation fencing to the extent feasible, and to comply with Section 1602 of the California Fish and Game Code by obtaining and complying with a Streambed Alteration Agreement, which would include measures to replace riparian habitat at a minimum ratio of 1:1, or as directed by CDFW. There are only a small number of cumulative projects that have the potential to affect riparian habitation, and projects that do affect riparian habitat are subject to regulation under California Fish and Game Code 1600 et seq. As such, they would be required to replace riparian vegetation as applicable. For these reasons, no additive impact would result and no cumulative considerable impacts to riparian habitat would occur.

5. **Cumulative Impact BR-CU-3:** The Project would not result in a cumulatively considerable impact on wetlands and other aquatic habitats

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, cumulative impacts would be less than significant. (See Draft EIR page 5-11).

Facts In Support of Findings (Impact BR- CU-3): The Project would result in potential temporary impacts to approximately 0.05 acres of wetlands and aquatic habitat in Lower San Leandro Creek and the freshwater emergent wetland directly below the Lake Chabot spillway. With implementation of mitigation measures set forth in the EIR, all areas would be returned to pre-project conditions after the completion of construction. Mitigation Measure

BR-3.1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to minimize the inadvertent impact on jurisdictional sensitive aquatic resources and compensate for any affected resources by installing preservation fencing demarcating the boundary of jurisdictional wetlands and waters, and securing and complying necessary permits for unavoidable impacts on waters of the State or waters of the United States, including implementation of waste discharge best management practices to minimize disturbance and release of sediment. If permanent impacts to jurisdictional waters or wetlands occur, compensatory mitigation at a minimum ratio of 1:1 would be implemented to ensure no net loss of jurisdictional waters or wetlands occurs. Construction activities associated with the other cumulative projects could result in a temporary or permanent loss of wetlands and aquatic habitat. However, projects that impact jurisdictional resources are subject to regulation under Section 404 of the Clean Water Act by USACE, Section 401 of the Clean Water Act by RWQCB, and potentially Section 1600 et seq. of the California Fish and Game Code. Implementation of mitigation in accordance with the USACE no net loss of wetlands policy would minimize the impacts of cumulative projects on wetlands and other aquatic habitat. Given this and the Project's very minor temporary impacts to wetlands and aquatic habitats, the Project would not make a considerable contribution to cumulative impacts, or wetlands or other aquatic habitats.

6. **Cumulative Impact BR-CU-4:** The Project would not result in a cumulative impact related to local policies or ordinances protecting biological resources.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR page 5-12).

Facts In Support of Findings (Impact BR- CU-4): The Project would result in removal of trees from the Project area, but all project work sites would be returned to pre-project conditions following construction. In addition, the removal of trees for the project would not conflict with local policies and would not result in a substantial comparative reduction in the presence of trees in the area, given that areas surrounding the Project are primarily woodlands. While some cumulative projects may result in the removal of trees, they may be subject to local tree preservation ordinances and requirements to replace street trees. Overall, with implementation of the mitigation measures set forth in the biological resources section of the EIR regarding tree protection and preservation, the project would not result in a cumulatively considerable contribution to cumulative impacts. Mitigation Measures BR-4.1 through BR-4.3 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to avoid all protected trees to the greatest extent practicable, replace all non-invasive protected trees that are removed as part of the construction process, and prepare and implement a Tree Preservation Plan to ensure that protected trees within the Project area are adequately protected during construction activities.

7. **Cumulative Impact CR-CU-1:** The Project would not result in a significant cumulative impact related to historical resources.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR pages 5-12 and 5-13).

Facts In Support of Findings (Impact CR- CU-1): Project impacts on archaeological deposits would be mitigated to less-than-significant levels by implementation of mitigation measures set forth in the EIR. Mitigation Measures CR-2.1 and CR-4.1 are hereby adopted and will be

implemented as set forth in the MMRP. These measures commit EBMUD to stop work if prehistoric or historic archaeological resources are discovered, assess the significance of any find, and implement mitigation consistent with CEQA Guidelines section 15126.4, with a preference for preservation in place. If avoidance is infeasible, impacts may be mitigated by implementation of a data recovery plan. The mitigation measures also require EBMUD to inform construction workers that collection of Native American artifacts is prohibited by law, to conduct worker training, stop work if skeletal remains are uncovered, and follow procedures set forth in CEQA Guidelines Section 15064.5(e)(1).

The Project's significant and unavoidable impact to cultural resources would contribute to the overall significant cumulative impacts on historical resources, though that contribution would not be cumulatively considerable. To mitigate that impact, Mitigation Measure CR-1.1 is hereby imposed and shall be implemented and monitored in compliance with the MMRP. Mitigation measure CR-1.1 would mitigate impacts to the Lake Chabot Waterworks District by requiring documentation of the district that will be easily accessible to the public. Because the proposed project would only result in the loss of a single contributor to a historic district that still would retain its eligibility for listing on the California Register of Historical Resources, the Lake Chabot Waterworks Historic District would still be able to convey the heritage represented by this class of historical resource. Therefore, the proposed project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact on cultural resources.

8. **Cumulative Impact TR-CU-1:** The Project would not result in a cumulative impact related to transportation and circulation.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR pages 5-13 and 5-14).

Facts In Support of Findings (Impact TR- CU-1): None of the cumulative projects with the potential to contribute to cumulative impacts were determined to have a potentially overlapping construction schedule or combined impact on transportation and circulation with the Project. Construction-related traffic impacts for the Project would be reduced to a less-than-significant level with mitigation. Mitigation Measure TR-1.1 are hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to prepare and implement a traffic control plan before and during project construction. Among other things, the traffic control plan would require flaggers at the intersection of Benedict Drive and Estudillo Avenue during the AM peak hour to facilitate traffic movement, use of designated truck routes, and posting of warning signs informing the public of detour routes and the presence of truck traffic. The plan would also require EBMUD to document road pavement conditions for all routes used by construction vehicles, both before and after construction. Damaged roads would be repaired to the level at which they existed before project construction. Therefore, based on these findings, the proposed project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact on transportation and circulation.

9. **Cumulative Impact NO-CU-1:** The Project would not result in a cumulatively considerable contribution to noise impacts.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR pages 5-16 and 5-17).

Facts In Support of Findings (Impact NO- CU-1): EBMUD would coordinate with the appropriate departments of the neighboring jurisdictions and with other utility districts and agencies regarding the schedule and timing of construction projects that would occur near Chabot Dam. The distance of the cumulative projects and uncertain construction timing suggests that the potential for cumulative noise impacts would be remote to non-existent, and the Project would implement Mitigation Measures NO-1.1 through NO-1.4 to reduce project noise impacts to less-than-significant levels. Those mitigation measures are hereby adopted and will be implemented as set forth in the MMRP. Therefore, the proposed project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact related to noise and vibration.

10. **Cumulative Impact HY-CU-1**: The Project would not result in a cumulatively considerable impact related to hydrology and water quality.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR pages 5-18 and 5-19).

Facts In Support of Findings (Impact HY- CU-1): The federal, state, and local regulations described in Section 3.11, Hydrology and Water Quality, of the Draft EIR would apply equally to all developments in the San Leandro Watershed. Compliance with these regulations by the cumulative projects, as required, would reduce or avoid cumulative impacts to the extent practicable, and with implementation of the mitigation measures set forth in the EIR, the project's impacts related to stormwater runoff, erosion, or degradation of water quality would be less-than-significant. Mitigation Measures HY-1.1 through HY-1.5 and HY-3.1 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to prepare a Storm Water Pollution Prevention Plan for each construction activity, install a turbidity curtain and containment boom during the outlet works construction, require grading of construction staging areas to prevent migration of contaminants, comply with regional, state, and federal wetlands and streambed requirements for any creek crossings and drainage channels, maintain a spill kit at all locations where fuel or hydraulic powered equipment is in use over or adjacent to lake waters during the outlet works construction, and grade the project site topography to match or improve pre-existing drainage conditions after construction, such that long-term drainage patterns would not be altered relative to their pre-project state. Therefore, the proposed project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact on hydrology and water quality.

10. **Cumulative Impact HZ-CU-1**: The Project would not result in a cumulatively impact related to hazards and hazardous materials.

Findings: EBMUD hereby finds that with the implementation of mitigation measures set forth in the EIR, there would be no cumulative impact. (See Draft EIR page 5-19).

Facts In Support of Findings (Impact HZ- CU-1): Implementation of mitigation measures identified in the EIR would mitigate the project's potential impacts to less-than-significant levels. Mitigation Measures HZ-1.1 through HZ-1.3, HZ-4.1, and HZ-5.1 are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to prepare and implement a Hazards Communication Plan, Injury and Illness Prevention Plan, and Hazardous Materials Control and Spill Prevention and Response Plan; assess the pole-mounted transformer for the presence of PCBs and dispose of it in accordance with the Toxic Substances Control Act if it dates prior to 1978, and evaluate all pre-1980 structures for the

presence of lead-based paint or ACM before project construction and remediate those structures in accordance with recommendations of the evaluation, if necessary. They also commit EBMUD or its contractor to perform project construction activities in accordance with the Asbestos Dust Mitigation Plan, to prepare a site-specific emergency response plan and maintain emergency access and evacuation routes to/from the project area, in cooperation with local public agencies, and to take precautions regarding all flammable material around construction equipment and maintain fire-fighting tools including a shovel and fire extinguisher at project work sites where construction equipment is being used or flammable materials are being temporarily stored. The Project and cumulative projects would be required to comply with federal, state, and local hazardous materials regulations that would apply equally and would be site-specific. Compliance with these regulations by cumulative projects, as required, would reduce or avoid the cumulative impact to the maximum extent practicable. Therefore, the proposed project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact related to hazards and hazardous materials.

4.3 Findings Regarding Less than Significant Effects

It has been determined that the following effects would be less-than-significant or there is no impact.

A. Aesthetics

- 1. No Impact AE-2:** The Project would not damage scenic resources.

Findings: EBMUD hereby finds that no impact would occur and no mitigation is needed. (See Draft EIR page 3.2-14).

Facts in Support of Findings (Impact AE-2): The City of San Leandro has designated Estudillo Avenue and Lake Chabot Road as scenic routes. However, these roads are not designated as state scenic highways. Therefore no impact would occur.

B. Geology and Soils

- 1. Less Than Significant Impact GE-1:** The Project construction would not expose people or structures to substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR pages 3.3-17 to 3.3-18).

Facts in Support of Findings (Impact GE-1): Seismic risks to life and property would be reduced after construction and during operation of the proposed project. The proposed project would be designed in accordance with current seismic criteria, which have been specifically established to prevent a failure of the dam and its appurtenant structures during major earthquakes. A major earthquake could result in short-term, temporary service interruptions to inspect and repair the damage, and long-term repairs also could be required. The loss of some operational functions related to an earthquake would have substantially reduced probability of occurrence and reduced severity of impact with the Project than would occur without it. Therefore, the impact would be less than significant.

- 2. Less Than Significant Impact GE-4:** Potential damage due to expansive soil.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR page 3.3-23).

Facts in Support of Findings: The earthwork at the dam site would include excavation, reconditioning, and replacement of existing fill material and/or CDSM, which would serve to strengthen dam materials in place and would not include or be affected by expansive soils. The soils around the outlet pipes are moderately expansive, but outlet pipe replacement, if necessary, would only result in minimal soil disturbance. Retrofitting of the outlet tower walls may involve minor soil disturbance adjacent to the walls to install stabilization materials. The majority of soils disturbed in these areas would consist of previously disturbed soils (either recompacted native soils or fill materials), which would have a much lower risk of expansion than would the surrounding native soils. Therefore, impacts would be less than significant.

C. Cultural Resources

1. **Less Than Significant Impact CR-3:** Project construction activities would not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR page 3.5-17).

Facts in Support of Findings (Impact CR-3): The rock formations in the project area are of low paleontological sensitivity. This impact would be less than significant.

D. Transportation and Circulation

1. **Less Than Significant Impact TR-5:** The Project would not conflict with adopted policies, plans, programs regarding public transit, bicycle, or pedestrian facilities.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR page 3.6-22).

Facts in Support of Findings (Impact TR-5): The closure of the Upper Haul Route could potentially displace bicycle and pedestrian paths. This impact would be temporary and short-term. After completion of construction, the trails would be restored to their pre-construction conditions.

E. Air Quality

1. **Less Than Significant Impact AQ-4:** The Project would not create objectionable odors.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR page 3.7-25).

Facts in Support of Findings (Impact AQ-4): Construction activities would generate diesel particulate matter exhaust from heavy-duty trucks and off-road construction equipment, but these activities would only occur intermittently throughout the day and would not expose nearby sensitive receptors to continuous sources of diesel particulate matter emissions. Project construction would be short-term and temporary and is not anticipated to expose nearby, off-site receptors to objectionable odors. No odor impact would occur over the long term, after completion of construction.

F. Greenhouse Gas Emissions

1. **Less Than Significant Impact GH-1:** Construction-related greenhouse gas emissions would not result in a significant impact on climate change or conflict with applicable greenhouse gas reduction policies and regulations.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR pages 3.8-12 to 3.8-14).

Facts In Support of Findings (Impact GH-1): The contribution of greenhouse gas (GHG) emissions from the Project would be extremely small in terms of both the statewide and Bay Area annual GHG emissions: Worst-case emissions associated with project construction under the CDSM option would not exceed the annual 1,100 metric tons of CO₂e threshold. Also, GHG emissions would be temporary in nature, would be limited to the construction period, and would not continue after completion of project construction.

2. **Less Than Significant Impact GH-2:** Operational greenhouse gas emissions would not result in new operation-related GHG emissions.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR page 3.8-15).

Facts In Support of Findings (Impact GH-2): Operational and maintenance practices for the water distribution network would remain the same. The Project would not generate or attract additional vehicle trips beyond existing levels, and the current operations and maintenance activities. GHG emissions would therefore be similar to existing levels.

3. **Less Than Significant Impact GH-3:** The Project would not conflict with applicable greenhouse gas reduction policies and regulations.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR page 3.8-15).

Facts In Support of Findings (Impact GH-3): EBMUD promotes water conservation, and its conservation actions through the proposed project could help local cities meet their Climate Action Plan goals. In addition, EBMUD has developed and implemented a climate change monitoring and response plan to inform future water supply, water quality, and infrastructure planning.

G. Noise

1. **Less Than Significant Impact NO-2:** Project construction activities would generate vibration at the dam excavation area and haul routes because of the use of heavy equipment, including vibratory rollers and haul trucks.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR pages 3.9-14).

Facts In Support of Findings (Impact NO-2): Use of the vibratory roller and any other construction equipment would not exceed structural damage standards at any project work site or at any nearby residences because the PPV is less than 0.5 inch per second.

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2. **Less Than Significant Impact NO-3:** The Project would not result in a substantial permanent increase in ambient noise levels above levels existing without the project.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR pages 3.9-14).

Facts In Support of Findings (Impact NO-2): Construction activity would be temporary, and the Project would not result in permanent increases in existing noise levels in the area.

H. Recreation

1. **No Impact RE-2:** The Project would not require construction or expansion of recreational facilities.

Findings: EBMUD hereby finds that there would be no impact and no mitigation is needed. (See Draft EIR page 3.10-11).

Facts in Support of Findings (Impact RE-2): Use of Chabot Park as a stockpile location would require removal of recreational facilities at the park. Equipment and facilities removed at Chabot Park as a result of construction would be temporarily stored and reinstalled at its original location at end of construction, in consultation with the City of San Leandro. The reinstallation of recreation facilities would not provide any new recreational opportunities or experiences that did not exist before construction because only existing facilities would be reinstalled.

I. Hydrology and Water Quality

1. **Less Than Significant Impact HY-2:** The Project would not deplete or interfere with groundwater supplies.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR page 3.11-15).

Facts in Support of Findings (Impact HY-2): The Project may require lowering the groundwater at the dam's downstream face to excavate a level working platform. A new permanent filter and drain system would be installed on the downstream end of the dam, and they would maintain and control the groundwater level within the structure of the dam. Project construction and operation would not result in an increase in impervious surface area that would interfere substantially with groundwater recharge. The effects of construction downstream from the dam on groundwater resources would not be substantial because the proposed project would comply with permitting requirements and would use BMPs in dewatering.

2. **No Impact HY-4:** The Project would not create or contribute to runoff water which would exceed the capacity of existing or planned storm water drainage systems.

Findings: EBMUD hereby finds that there would be no impact and no mitigation is needed. (See Draft EIR page 3.11-17).

Facts in Support of Findings (Impact HY-4): Stormwater BMPs implemented as part of the SWPPP would be sized to capture runoff occurring on-site during construction activities, and runoff water would not be expected to exceed the capacity of these drainage systems.

3. **No Impact HY-6:** The Project would not expose people or structures to significant risk of flooding as a result of the failure of a levee or dam.

Findings: EBMUD hereby finds that there would be no impact and no mitigation is needed. (See Draft EIR page 3.11-17).

Facts in Support of Findings (Impact HY-6): The proposed project would enhance the reliability of Chabot Dam and the outlet tower of the dam in case of an earthquake. With DSOD regulatory oversight, monitoring, and design review, the potential for failure of the reconstructed dam would be minimized. The risk of flooding would not be increased as a result of the proposed project.

4. **No Impact HY-7:** The Project would not expose people or structures to significant risk involving inundation by seiche, tsunami, or mudflow.

Findings: EBMUD hereby finds that there would be no impact and no mitigation is needed. (See Draft EIR page 3.11-17).

Facts in Support of Findings (Impact HY-7): The proposed project area, including the outlet works, excavation site, haul routes and stockpiles, is not located within a tsunami inundation area and is described as having few landslides. The Project would be constructed to the safety standards required by the Federal Emergency Management Agency in its Federal Guidelines for Dam Safety and DSOD standards, and would not result in a substantial risk of loss, injury, or death involving inundation by seiche.

J. Hazards and Hazardous Materials

1. **No Impact HZ-3:** The Project is not located on a site that is included on a list of hazardous materials sites.

Findings: EBMUD hereby finds that impacts would be less than significant and no mitigation is needed. (See Draft EIR page 3.12-12).

Facts In Support of Findings (Impact HZ-3): The Upper Haul Route, Lower Haul Route, Park Stockpile, Excavation Site, and the outlet works were not listed on databases of hazardous materials sites. EBMUD's Chabot Filter Plant (located at the Filter Pond Stockpile project component) is listed in the HAZNET database. Based on information provided by EBMUD, the facility is listed in the database for importation of approximately 22,000 cubic yards of clean fill to the Chabot Filter Ponds in 2003. The database listing does not represent a potential environmental concern.

K. Cumulative Impacts

1. **Cumulative Impact CR-CU-2:** The Project would not result in a cumulative impact related to paleontological resources.

Findings: EBMUD hereby finds that there would be no impact and no mitigation is needed. (See Draft EIR page 5-13).

Facts In Support of Findings (Impact CR- CU-2): The project area does not contain paleontologically sensitive rock formations. Therefore, the proposed project implementation would not result in a cumulatively considerable incremental contribution to a significant cumulative impact.

2. **Cumulative Impact GH-CU-1:** The Project would not result in a cumulatively considerable contribution to GHG emissions.

Findings: EBMUD hereby finds that impacts would be than significant and no mitigation is needed. (See Draft EIR pages 5-15 and 5-16).

Facts In Support of Findings (Impact GH- CU-1): Construction and operation of the Project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact.

3. **Cumulative Impact RE-CU-1:** The Project would not result in a cumulatively impact related to recreation.

Findings: EBMUD hereby finds that impacts would be no impact and no mitigation is needed. (See Draft EIR pages 5-17 and 5-18).

Facts In Support of Findings (Impact RE- CU-1): Although the proposed project would have a significant and unavoidable impact on recreation, the other projects proposed in the project area would not affect recreation or would occur after the proposed project would be completed; therefore, the proposed project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact on recreation.

4.4 Findings Regarding CDSM Construction Option

The EIR explained that two different approaches to Project construction could be used. The Board of Directors hereby makes the following findings regarding its approval of the CDSM construction option.

1. Under the CDSM option, cement slurry is injected through drilling augers and mixed with the existing sluice fill in-place to form a system of interconnected non-liquefiable walls that would strengthen the sluiced fill, and thereby improve the seismic performance of the dam. The CDSM process would generate excess material, namely a mixture of soil and cement grout (termed "spoil"), which would harden and be used to buttress the downstream portion of the dam. Construction at the outlet works potentially could begin concurrently with work at the dam. As part of this option, a drain would be installed upstream from the CDSM treatment area to provide adequate control of groundwater flow within the dam embankment.
2. Under the Conventional Earthwork option, the dam would be improved by excavating most of the sluiced fill, mixing and moisture conditioning the excavated soil to near optimal water content, and then placing and compacting it in the excavated area. This would improve the strength of the soil, and thereby would improve the seismic performance of the dam. The excavated soils would be stockpiled on-site, hauled from the stockpile(s) to the excavation, and

recompacted. The Conventional Earthwork option requires the installation of a temporary dewatering system to maintain safe slope stability during excavation.

3. Relative to the Conventional Earthwork Option, the CDSM option would result in a smaller disturbance area, lower potential for streambank and streambed erosion, fewer impacts to riparian habitat, would cause substantially lower total construction air pollutant emissions, and would have a lower potential to produce emissions of dust containing Naturally Occurring Asbestos due to its smaller disturbance area.
4. The CDSM option would likely require a shorter work period. The Conventional Earthwork method construction duration is approximately 60 weeks. The duration of CDSM method is approximately 30 to 40 weeks, depending on the number of rigs used and if the contractor works day and night shifts. This would likely result in less severe recreational impacts because trail closures would be shorter in duration.
5. The Conventional Earthwork method is more likely than CDSM to have construction delays that extend work into the rainy season, which would require measures for wet-weather slope stability. The delays are more likely for Conventional Earthwork because a) groundwater must be pumped from the dam prior to excavation which may take longer than expected, and b) the excavation is larger and is therefore more likely to encounter unexpected conditions that could delay the construction. The consequences of a delay are potentially more severe because the larger excavation would need additional measures (additional pumping or temporary fill) to protect slope stability if left open during winter rains. Because the CDSM excavation is much smaller, the stability concerns associated with work extending into the rainy season are much less.
6. The CDSM method has fewer overall environmental impacts for all resource areas because the areas of disturbance at the stockpile and excavation are smaller: the stockpile volume is approximately one-third that of Conventional Earth. Also, because the construction duration is shorter, the duration of the temporary construction impacts would be shorter.
7. For the reasons set forth above, both individually and in combination with one another, EBMUD hereby finds that the CDSM option shall be used in Project construction.

5.0 Statement of Overriding Considerations

CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. The lead agency may decide to accept significant and unavoidable adverse environmental effects, if the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable, adverse effects. (CEQA Guidelines Section 15093)

As set forth in Section 4.1 of these Findings, there are five potentially significant and unavoidable adverse environmental effects of the Project: (1) The demolition of the outlet tower would result in a substantial adverse change to the historical resource (Lake Chabot Waterworks District) (see Impact CR-1); (2) construction activities could result in substantial short-term and temporary emissions that potentially would conflict with the applicable air quality plan (see Impact AQ-1); (3) construction-

related NOx emissions would exceed BAAQMD's threshold of significance for NOx (see Impact AQ-2); (4) temporary closure of Chabot Park and portions of the West Shore Trail and Bass Cove Trail, including the Lake Chabot Bicycles Loop, during construction would temporarily displace recreational users, and lowering the lake level to perform work at the dam typical operating range could result in physical degradation of the fishing piers (see Impact RE-1); and (5) cumulative impacts related to the nonattainment of regional air quality standards (see Impact AQ-CU-1).

In accordance with Section 15093 of the CEQA Guidelines, the Board hereby finds that the following economic, legal, social, technological, or other benefits of the Project override and outweigh the above-referenced potentially significant and unavoidable adverse environmental effects of the Project and makes this statement of overriding considerations to support its action to approve the Project.

EBMUD has identified a need to improve the sluice buttress at the embankment toe of the dam so that it can withstand shaking generated by the maximum credible earthquake on the Hayward fault and to improve the outlet works to prevent damage from an earthquake. The proposed improvements would also make the EBMUD system more reliable, benefiting all customers.

Each Project benefit set forth below constitutes an overriding consideration justifying Project approval. These benefits of the Project include:

- Address Structural Deficiencies at the Toe of the Dam and Outlet Works. The sluiced fill buttress at the toe of the dam is currently susceptible to liquefaction and would likely liquefy during the maximum credible earthquake. The stability analysis indicated that the top of the dam (crest) would settle up to about 3.5 feet but would remain stable. Local displacements of several feet could occur in the sluiced fill buttress at the toe of the dam in the direction of the downstream channel. The proposed Chabot Dam Seismic Upgrade Project would improve the sluiced fill buttress at the embankment toe to withstand shaking generated by the maximum credible earthquake on the Hayward Fault without significant strength loss through CDSM. The outlet works tower was also evaluated for a maximum design earthquake. The results indicated that the reinforced concrete pavilion would suffer severe damage and probably would collapse. The results also showed that the masonry tower would experience cracking that could lead to formation of disjointed blocks and a complete separation of the tower from the rock. Although the tower may not collapse, the cracking and separation could diminish its load-resisting capabilities. The valve shafts or shaft supports could be damaged causing accidental blockage of the sluice valves, and thus blocking release of water from the lake, which could become a safety concern. The Project would remedy these issues.
- Improving Dam Operations and Reliability. Lake Chabot is one of five storage reservoirs operated by EBMUD. Lake Chabot serves four main functions: non-potable water supply, emergency water supply, conservation/storage of local runoff, and recreation. Addressing the structural deficiencies described above would improve the reliability of the dam operations and substantially decrease the likelihood of the loss of operational function in the event of a maximum credible earthquake.
- Satisfy Regulatory Requirements at the Dam: DSOD requires seismic upgrades to address the deficiencies at the dam. DSOD has reviewed the District's proposed project approach at the dam and found it acceptable.
- Satisfy Regulatory Requirements at the Outlet: Earthquake damage to the tower could damage the valve shafts or shaft supports and block release of water from the lake. DSOD requires

jurisdictional reservoirs to have a low level outlet for emptying or lowering the reservoir in case of emergency, and for inspection and maintenance of the dam, reservoir and appurtenances, and DSOD provides discharge requirements. The blocked outlet would not satisfy these requirements. DSOD has reviewed the District's proposed project approach at the outlet and found it acceptable.

- **Minimizing Loss of Public Access and Cost:** The October 2005 stability analysis report indicated that in the event of a major earthquake, local displacements of several feet could occur in the sluiced fill buttress at the toe of the dam in the direction of the downstream channel. The dam in this condition would require lowering the reservoir and preventing public access along the trails near the dam for safety reasons until the repairs were completed. However, damage to the tower during this event may compromise the District's ability to quickly lower the reservoir level. Post-earthquake emergency work is also likely to be costly and delayed due to the increased demand for engineering firms and contractors.

The Board hereby finds and determines that it has considered identified means of lessening or avoiding the Project's significant impacts and that if any impacts remain significant and unavoidable, those impacts are acceptable in light of the benefits discussed above. Each of these economic, legal, social, technological and overall service related benefits outweigh the identified potentially significant and unavoidable adverse environmental effect of the Chabot Dam Seismic Upgrade Project. Each of these benefits is a separate and independent basis justifying project approval, such that if a court were to set aside the determination that any particular benefit would occur, the Board determines that the remaining benefits, either in isolation or together, would justify project approval.

Although the Board finds and determines that, with the exception of the five potentially significant and unavoidable adverse environmental effect set forth in Section 4.1, all other potentially significant effects of the Project will be mitigated to less-than-significant levels by the imposition of the various mitigation measures, the Board also finds that to the extent that any such impacts set forth in Section 4.2 of this Findings document have any residual unavoidable impacts, such impacts are acceptable in light of the benefits provided by the Project.

6.0 Findings Related to Potential Growth Inducing Impacts

CEQA Guidelines section 15126.2 requires the lead agency to discuss the growth-inducing impacts of the proposed project.

Discussion: As analyzed Draft EIR Section 5.2.1, Growth Inducement, implementation of the Chabot Dam Seismic Upgrade Project would allow EBMUD to continue to provide non-potable water supply, emergency water supply for drinking or fire suppression, conservation/storage of local runoff for flood management benefits to areas downstream from Chabot Lake, and recreation use in the form of fishing, boating, hiking, biking, and picnicking.

Potential Impacts: The Project would have no potential to directly or indirectly foster population growth or to result in the construction of additional housing because the amount of water storage in Chabot Lake would remain the same as existing conditions. See Section 4.1 of these Findings and Chapter 5 of the Draft EIR.

Findings: The Project would have less-than-significant impacts to growth inducement. See Draft EIR pages 5-1 and 5-2.

7.0 Findings Regarding Alternatives and Selecting the Project

CEQA Guidelines require the lead agency to identify alternatives that would avoid or substantially lessen any of the significant adverse effects of the proposed project, and to evaluate the comparative merits of the alternatives (CEQA Guidelines, Section 15126.6). This may include those alternatives that could be more costly, or otherwise impede to some degree the attainment of certain project objectives. The lead agency is also required to analyze the “no project” alternative in order to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the project.

The alternatives analysis and screening phase consisted of a systematic process that examined the overall project objectives and identified a range of alternatives for review before selection of the ones presented in detail in the Draft EIR. Prior to preparing the Draft EIR, a screening report was prepared for work at the dam and a screening report was prepared for work at the outlet works.

The screening report for the work at the dam is titled “Alternative Haul Routes: Constructability and Environmental Review.” It included conceptual designs for two construction options for the dam (CDSM and Conventional Earthwork), which were evaluated considering 24 combinations of haul routes and stockpiles. The evaluation criteria included cost, schedule, construction risk, environmental impacts, and permitting requirements. From this screening, two offsite haul routes and an offsite conveyance system were eliminated, but both construction options were retained and evaluated in the EIR.

The screening report for the work at the outlet works is titled “Alternative Haul Routes: Constructability and Environmental Review.” It included conceptual drawings for four improvement alternatives for the outlet works, which were evaluating considering three construction methods: underwater, in the dry, and with a combination of underwater and in the dry methods. The evaluation criteria included cost, schedule, construction risk, environmental impacts, and permitting requirements. From this screening, EBMUD selected the preferred concept for evaluation in the EIR.

The Draft EIR evaluated several alternatives: the No Project alternative, an alternative utilizing off-site stockpiles and haul routes and including two subalternatives, and an alternative including three subalternative approaches to the outlet works. Based on the information and analysis contained in the Draft EIR and Final EIR, the Board hereby makes the following findings on alternatives.

No Project Alternative. Under the No Project Alternative, none of the facility improvements would be implemented and none of the environmental impacts associated with the Project would occur. However, the objectives for the Project would not be met and would not meet DSOD seismic safety requirements or mandates. The No Project alternative is rejected because it would fail to address DSOD’s requirements, and would not improve the dam’s ability to withstand a maximum credible earthquake or prevent damage to the outlet works in such an earthquake.

Alternative 1 – Off-Site Stockpiles and Haul Routes. Alternative 1 would be similar to the Project, but rather than use on-site stockpile sites and on-site haul routes, off-site stockpile sites and associated off-site haul routes would be used. The two off-site stockpile sites would be the Quarry Stockpile (Alternative 1a) and the Covington Stockpile (Alternative 1b). See Draft EIR Figure 4-1. Use of either off-site haul stockpile and haul route still would require use of the on-site haul routes to transfer soil and spoils to and from the dam site. Alternatives 1a and 1b would require additional distance for hauling material between the dam excavation site and stockpile locations. Alternatives 1a and 1b would require an additional 5,450 feet and 5,480 feet of off-site roadway, respectively for hauling

material to off-site stockpiles. Alternatives 1a and 1b would generate approximately 297-505 additional external daily hauling truck trips during excavation and replacement, respectively. The greater number of external truck trips and longer trip distances, and the location of the off-site stockpile and haul route, would result in greater construction-related aesthetic, traffic, air quality, GHG, hydrology and water quality, hazards and hazardous materials, and noise impacts.

Under Alternatives 1a and 1b, the treatment of the outlet works component would be the same as the proposed project (line shaft, remove pavilion and tower). Impacts from the outlet works component would result in the same impacts as the Project.

The Board hereby rejects Alternatives 1a and 1b. Both would increase the project duration, thereby increasing the duration of impacts. Both also generated significant concern from the public and public agencies. They do not provide any clear environmental, economic, social or other benefits beyond those of the proposed Project and would result in greater construction-related aesthetic, traffic, air quality, GHG, hydrology and water quality, hazards and hazardous materials, and noise impacts. Refer also to the discussion in the next section regarding the environmentally superior alternative.

Alternative 2 – Outlet Works – Pavilion and Tower. Alternative 2 would be similar to the Project, but would differ in construction of the outlet works. Although both Alternative 2 and the proposed project would include lining the vertical shaft adjacent to the outlet tower, Alternative 2 would include subalternatives for the following:

- Alternative 2a: line the shaft, remove the pavilion with option to retrofit the tower (see Draft EIR Figure 4-2);
- Alternative 2b: line the shaft, retrofit the pavilion (see Draft EIR Figure 4-3); or
- Alternative 2c removing the pavilion and tower and building a new outlet tower (see Draft EIR Figure 4-4).

Alternative 2a is similar to the proposed project; however, the tower would remain with an option to be retrofitted instead of being removed. Under Alternative 2a, the remaining tower would serve no operational function, and would require continued maintenance. If the tower is not retrofit, it likely would be damaged in the design-level earthquake. If the tower is retrofit, some risk would remain that the masonry walls would crack and fall from the structure in an earthquake and would need to be repaired subsequently.

Under Alternative 2b, the roof slab of the pavilion would be removed, a new reinforced concrete collar would be doweled into the existing concrete beams under the pavilion, and the pavilion columns would be fiber-wrapped. The abandoned waste tunnel would be filled with low strength concrete. Under this alternative, the pavilion and tower would serve no operational function, would require continued maintenance, and because the tower is not retrofit, it likely would be damaged in a design-level earthquake.

Under Alternative 2c, the vertical shaft, waste tunnel, and sluiceway adjacent to the outlet tower would be filled with low-strength concrete or flowable fill, and a new outlet tower would be built. Alternative 2c would generate a greater number of construction-related vehicle trips than the proposed project to place concrete or flowable fill for the abandoned shaft, waste tunnel, and sluiceway. It would also generate additional material, equipment, and worker trips for the construction of a new reinforced concrete tower.

The Board hereby rejects Alternatives 2a, 2b and 2c because they do not meet Project objectives regarding the tower and pavilion. As explained above, these subalternatives would result in the retention of structures with no operational function, would require continued maintenance, and would not minimize the potential for earthquake damage to the outlet works. Refer also to the discussion in the next section regarding the environmentally superior alternative.

7.1 Environmentally Superior Alternative

The Board hereby finds that Alternative 2a [Line Shaft, Remove Pavilion with option to Retrofit Tower] is considered the environmentally superior alternative.

Under the No Project Alternative, the seismic upgrade improvements would not be constructed. As a result, the No Project Alternative could be environmentally superior to the "action" alternatives because none of the impacts associated with those alternatives would occur. However, if the No Project Alternative were selected, dam deformation could occur as the result of a maximum credible earthquake. If that were to occur, the construction impacts associated with repairing the dam would have greater impacts than the proposed project because of the level of effort required to repair the damaged facility and because of the potential need to drain the lake. Thus, the potential long-term impacts of the No Project Alternative may be greater than that of the Project and other alternatives analyzed in the EIR.

While it could be the environmentally superior alternative, the No Project Alternative would not meet any of the project objectives. According to CEQA Guidelines Section 15126.6(e)(2), when the no project alternative is identified as the environmentally superior alternative, an EIR must identify an environmentally superior alternative among the "build" alternatives.

The significant and unavoidable impact identified for cultural resources, associated with the outlet tower for the proposed project, would not occur for all Alternative 2 subalternatives because, if retrofitted or reconstructed in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, the impact would be mitigated to a less-than-significant level.

Alternative 1, including its subalternatives, generally would have greater impacts than the Project and Alternative 2. The off-site haul routes and stockpiles would result in a greater number of external truck trips and longer trip distances, resulting in greater construction-related traffic, air quality, GHG, and noise impacts. Use of haul routes outside the project area could result in a marginal increase in hydrology and water quality impacts associated with runoff. The outlet works under Alternative 1 would be the same as the proposed project and would have the same impacts. Alternative 1 would meet all of the basic project objectives; however, it would have greater impacts than the proposed project and would not reduce the significant and unavoidable impacts identified for cultural resources, air quality, and recreation.

Alternative 2a would have slightly less impacts than the Project because of fewer construction activities associated with the outlet works. It would also cause less severe air quality impacts than alternative 2c because alternative 2c would result in higher construction-related pollutant emissions. (DEIR at 4-32) However, under Alternative 2a the potential for earthquake damage to the outlet works would remain, it would have higher future maintenance requirements, and results in a structure with no operational function.

Alternatives 2a and 2b generally would have similar to slightly less impacts than the Project because of fewer construction activities associated with the outlet works. The removal of the pavilion and retrofit

of the tower for Alternative 2a would yield lower risk because it would have low potential for earthquake damage to the tower and medium future maintenance requirements. Retrofitting the pavilion for Alternative 2b would yield higher risks because it would have high potential for earthquake damage to the tower. For this reason, relative to Alternative 2a, Alternative 2b presents an increased risk of future environmental impacts that could be associated with repair of the tower following an earthquake in the future. Under Alternatives 2a and 2b, the pavilion and tower would serve no operational function and would require continued maintenance; with higher maintenance requirements for Alternative 2b. Alternative 2a and 2b would meet most of the basic project objectives; however, they would not reduce the significant and unavoidable impacts identified for air quality and recreation to a less-than-significant level.

Alternative 2c would have greater impacts than the Project, because it would require constructing a new tower in addition to removing the pavilion and outlet tower. All structures would serve operational functions. This alternative would have low potential for earthquake damage to the tower and medium future maintenance requirements. Alternative 2c would meet all of the basic project objectives; however it would not reduce the significant and unavoidable impacts identified for air quality and recreation.

The significant and unavoidable impact identified for cultural resources, associated with the outlet tower for the proposed project, would not occur for all Alternative 2 options because, if retrofitted or reconstructed in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, the impact would be mitigated to a less-than-significant level.

In sum, while the Alternative 2 subalternatives would have similar impacts to one another, Alternative 2a is considered to be environmentally superior because it would result in fewer construction-related impacts (such as air quality impacts) than Alternative 2c, and presents a lower risk than Alternative 2b of causing environmental impacts in the future following an earthquake.

7.2 Project Selection

Based upon the Draft EIR, the Final EIR, and the Findings contained herein, the Board hereby finds and declares that the Chabot Dam Seismic Upgrade Project, using the CDSM construction option, as described in Sections 1.2 through 1.3.4 of these Findings, is approved.

Exhibit B

CHABOT DAM SEISMIC UPGRADE PROJECT

Mitigation Monitoring and Reporting Program

Introduction

This exhibit lists and provides a brief description of the significant and potentially significant impacts of EBMUD's Chabot Dam Seismic Upgrade Project that were identified in the Final Environmental Impact Report (FEIR) certified on June 10, 2014, and presents the mitigation measures adopted by EBMUD to reduce these impacts to a less-than-significant level. This appendix also constitutes the Mitigation Monitoring and Reporting Program (MMRP) for the project. The MMRP is presented in a table. The mitigation measures are described here in full. For each mitigation measure a table format is used to present mitigation monitoring and reporting information. The columns in the table provide the following information:

- **Responsibility for Implementation:** This column provides additional information on how the mitigation measures will be implemented to help clarify how compliance can be monitored. The column is blank if no elaboration on the mitigation is necessary.
- **Responsibility for Monitoring:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- The remaining columns show the Impact(s) to be Mitigated, and boxes to check off upon completion of the measures.

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Mitigation Monitoring and Reporting Plan for the Chabot Dam Seismic Upgrade Project								
Mitigation Measures	Impact(s) Being Mitigated	Responsibility for Implementation	Mitigation Schedule	Mitigation Reporting Responsibility	Monitoring Schedule	Design Phase Check Box (Date)	Construction Phase Check Box (Date)	Post-Construction Phase Check Box (Date)
Aesthetics								
<p>Mitigation Measure AE-1.1: Restoration of construction areas to existing topography.</p> <p>Areas that are disturbed by construction will be re-graded and hydroseeded to result in landforms that are consistent with existing site topography. Restoration work in Chabot Park will be done in consultation with the City of San Leandro.</p>	<p>Impact AE-1 and AE-3: Tree removal and landscape modifications could affect scenic views within the park.</p> <p>Impact RE-3: Temporary and long-term impacts to the recreational setting.</p>	EBMUD or construction contractor(s)	After construction	EBMUD	Considered complete upon receipt of final monitoring report at completion of construction			
<p>Mitigation Measure AE-4.1: Direct nighttime lighting away from residential areas.</p> <p>To the extent possible, lighting used during nighttime construction will be directed downward and oriented toward project features so that no light source is directly visible from the neighboring residential area.</p>	<p>Impact AE-4: Construction lighting under the CDSM option with night shift could affect nighttime views.</p>	EBMUD or construction contractor(s)	During construction	EBMUD	Considered complete upon receipt of final monitoring report at completion of construction			
Geology and Soils								
<p>Mitigation Measure GE-2.1: Includes provisions for topsoil and soil stockpiling in the SWPPP.</p> <p>The Storm Water Pollution Prevention Plan (SWPPP) will include the following provisions, applicable to topsoil and soil stockpiling:</p> <ul style="list-style-type: none"> • Topsoil will be excavated (to approximately 6 inches depth) and stockpiled for later restoration. • To the extent practicable, aboveground vegetation, including plant debris, will be mixed or otherwise incorporated into the topsoil before excavation. • The topsoil will be placed into designated topsoil-only stockpiles at locations designated in project construction plans. • All stockpiles of soils (i.e., topsoil, imported fill materials, and non-topsoil excavated soils) will be treated with temporary soil stabilization and erosion control measures. If soil binders are used, they will be nontoxic to plant and animal life and will not be applied during or immediately 	<p>Impact GE-2: Construction activities could result in loss of topsoil and erosion.</p>	EBMUD and construction contractor(s)	Before and during construction activities	EBMUD	Considered complete upon receipt of final monitoring report at completion of construction			

Mitigation Monitoring and Reporting Plan for the Chabot Dam Seismic Upgrade Project

Mitigation Measures	Impact(s) Being Mitigated	Responsibility for Implementation	Mitigation Schedule	Mitigation Reporting Responsibility	Monitoring Schedule	Design Phase Check Box (Date)	Construction Phase Check Box (Date)	Post-Construction Phase Check Box (Date)
<p>before rainfall. Topsoil will be covered to prevent infestation with weeds.</p> <ul style="list-style-type: none"> When using stockpiled topsoil for restoration, the top 1 foot of the stockpile material will be mixed with the remainder of the topsoil stockpile so that living organisms are distributed throughout the topsoil material at the time of final placement. The use of microorganism inoculates will be used to reestablish microorganisms in topsoil material if it has been stockpiled for more than 9 months. <p>Mitigation Measure GE-2: Include provisions for site restoration and rainy season and long-term erosion control in the SWPPP.</p> <p>The Storm Water Pollution Prevention Plan (SWPPP) will include the following provisions, applicable to site restoration and rainy season and long-term erosion control:</p> <ul style="list-style-type: none"> grading and contouring of soils following completion of construction; seeding with native plant mixes; installation of additional erosion and runoff control measures if construction activities continue into the rainy season; installation of permanent erosion control measures, as appropriate, following completion of construction; no use of monofilament plastic for erosion control; and repair and restoration of roadways. <p>Mitigation Measure GE-3.1: Conduct a geotechnical evaluation of the stockpile locations to determine their suitability for stockpiling.</p> <p>The geotechnical evaluation during design will focus on the identification and evaluation of landslide hazards and soil stability hazards, including slope stability hazards associated with stockpiling of soils. The evaluation will identify the maximum size and distribution of stockpiling permissible at the stockpile locations to prevent landslides or other slope instabilities and excessive land settlement. The results of the evaluation will be used during design to specify appropriate preventative efforts in the design drawings.</p>	<p>Impact GE-2 Construction activities could result in soil loss and sedimentation of surrounding areas.</p>	EBMUD and construction contractor(s)	Before construction, during construction, and after construction	EBMUD	Considered complete upon receipt of final monitoring report at completion of construction			
	<p>Impact GE-3 Grading and removal of vegetation at the stockpile locations could result in slope instability.</p>	EBMUD and construction contractor(s)	Before and during construction	EBMUD	Considered complete upon inclusion of measures in the construction drawings			

Mitigation Monitoring and Reporting Plan for the Chabot Dam Seismic Upgrade Project

Mitigation Measures	Impact(s) Being Mitigated	Responsibility for Implementation	Mitigation Schedule	Mitigation Reporting Responsibility	Monitoring Schedule	Design Phase Check Box (Date)	Construction Phase Check Box (Date)	Post-Construction Phase Check Box (Date)
<p>Biological Resources</p> <p>Mitigation Measure BR-1.1: Conduct pre-construction surveys for California red-legged frog and western pond turtle.</p> <p>Within 48 hours before any construction activities that involve ground disturbance or vegetation removal a USFWS approved biologist will conduct pre-construction surveys, for California red-legged frog and Western pond turtle. The survey area will include all habitats suitable for these species within the construction work limits and a 300-foot buffer surrounding the work limits. Whenever a lapse in project-related construction activity of 2 weeks or greater has occurred, these areas will be re-inspected. If California red-legged frog(s) (including eggs, larvae, or adult forms) is/are found during pre-construction surveys, the biologist will contact USFWS and/or CDFW to determine whether their relocation is appropriate and if additional measures are necessary. If Western pond turtle is found during pre-construction surveys, a qualified biologist, in coordination with CDFW, will move the turtle(s) that may be affected by construction activities to the nearest suitable habitat outside the project construction area. If Western pond turtle nests are found during pre-construction activities, CDFW will be consulted to determine a course of action. Construction activities will not proceed until consultation and/or relocation activities are complete.</p>	<p>Impact BR-1: Potential temporary impacts to special status wildlife species.</p>	<p>EBMUD, construction contractor(s), and a qualified biologist</p>	<p>Before beginning construction</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure BR-1.2: Conduct biological monitoring during initial ground disturbance.</p> <p>A qualified wildlife biologist will be present at all times during initial ground disturbance or vegetation removal activities. The biologist will remain on-site until initial ground disturbance is completed (after clearing and grubbing). The biologist will have the authority to stop work if a listed species is encountered or a violation of any regulatory permit issued for the project occurs. The word "listed" species refers to any plants and animals identified as candidate, sensitive, or special-status species by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Wildlife (CDFW) (formerly the California Department of Fish and Game) or in local plans, policies, or</p>	<p>Impact BR-1: Potential temporary impacts to special status wildlife species.</p>	<p>EBMUD, construction contractor(s), and a qualified biologist</p>	<p>At the start of construction</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

Mitigation Monitoring and Reporting Plan for the Chabot Dam Seismic Upgrade Project

Mitigation Measures	Impact(s) Being Mitigated	Responsibility for Implementation	Mitigation Schedule	Mitigation Reporting Responsibility	Monitoring Schedule	Design Phase Check Box (Date)	Construction Phase Check Box (Date)	Post-Construction Phase Check Box (Date)
<p>regulations. After coordination with the appropriate regulatory agencies, a biologist who is qualified to handle the listed species on-site will relocate any individuals that may be affected by construction activities. If work is stopped, the biologist or on-site monitor will notify the regulatory agencies in accordance with permit requirements.</p>								
<p>Mitigation Measure BR-1.3: Erect temporary exclusion fencing. Temporary exclusion fencing will be erected around active work areas (including the work limits at dam face, the stockpile location(s), and the staging areas) before clearing and grubbing activities and before pre-construction surveys for California red-legged frog and Western pond turtle. The purpose of this fencing will be to prevent wildlife from entering the work area during project activities. Wildlife exclusion fencing may be constructed of various materials but will be buried deep enough (6-8 inches) and will be tall enough (at least 24 inches aboveground) to prevent the passage of target species. During all construction activities, the condition of the fencing will be assessed at least weekly by construction personnel and monthly by a qualified biologist to determine if repairs are required. As necessary, repairs will be conducted within 2 working days of being noted by construction workers. All exclusion fencing will be removed at the end of construction activities.</p>	<p>Impact BR-1: Potential temporary impacts to California red-legged frog and Western pond turtle.</p>	<p>EBMUD and construction contractor(s)</p>	<p>After clearing and grubbing and before the onset of any other construction activity</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure BR-1.4: Implement and track a worker awareness education program. Before beginning construction, all construction personnel including site supervisors and project managers will attend a worker education awareness program conducted by a qualified biologist or by watching a video of the first training. This program will be used to describe all sensitive habitats and sensitive species that may occur within the project work limits. Descriptions of the potentially occurring sensitive species, their habitats, legal status, and required protection will be included. All applicable mitigation measures will be reviewed. The responsibilities of project personnel and applicable mitigation measures including observing speed limits, adhering to project work limits, maintaining exclusion fencing, and notification</p>	<p>Impact BR-1: Potential temporary impacts to sensitive species.</p>	<p>EBMUD and all construction personnel</p>	<p>Before and during construction</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

Mitigation Monitoring and Reporting Plan for the Chabot Dam Seismic Upgrade Project

Mitigation Measures	Impact(s) Being Mitigated	Responsibility for Implementation	Mitigation Schedule	Mitigation Reporting Responsibility	Monitoring Schedule	Design Phase Check Box (Date)	Construction Phase Check Box (Date)	Post-Construction Phase Check Box (Date)
<p>requirements will be included. Documentation of training attendance by construction personnel will be tracked by EBMUD.</p>								
<p>Mitigation Measure BR-1.5: Restrict construction-related vehicle traffic. During ground-disturbing activities, construction-related vehicle traffic will be restricted to within the designated construction work limits, to established roads, and other designated areas needed to complete the work. Construction equipment will be stored in staging areas designated on the construction plans. All personnel will observe a 15 mile-per-hour speed limit for construction areas to minimize the potential of construction equipment striking wildlife species. If a sensitive species is encountered during construction, all construction activities will cease in the immediate area until appropriate corrective measures have been completed or it has been determined by the biologist that the species will not be harmed. For federally protected species, USFWS will be contacted within 24 hours, and for state protected species, CDFW will be contacted within 24 hours. All access roads and construction areas will be marked on construction drawings.</p>	<p>Impact BR-1: Potential temporary impacts to wildlife species.</p>	<p>EBMUD and all project personnel</p>	<p>During all construction-related activities</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure BR-1.6: Remove potential nesting habitat in the project area outside the nesting bird season. Removal of potential nesting habitat (e.g., trees and shrubs) as necessary for construction activities will be conducted before the nesting bird season (February 1–August 31), to the extent feasible and practicable, to minimize the potential for loss of active nests.</p>	<p>Impact BR-1: Potential temporary impacts special-status and native birds protected under the Migratory Bird Treaty Act (MBTA).</p>	<p>EBMUD and construction contractor(s)</p>	<p>Outside of the nesting bird season (disturbance will occur between September 1 and January 31)</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure BR-1.7: Conduct pre-construction surveys for nesting birds and delineate no-disturbance buffer zones for active nests. If construction activities including vegetation clearing and grading are scheduled during the nesting bird season (February 1–August 31), a focused survey for active nests will be conducted by a qualified biologist no more than 10 days before beginning construction activities. During this survey, the biologist will inspect all trees and other potential nesting habitats in and within 100 feet of the edge of construction limits for nesting</p>	<p>Impact BR-1: Potential temporary impacts special-status and native birds protected under the Migratory Bird Treaty Act (MBTA).</p>	<p>EBMUD, construction contractor(s), and a qualified biologist</p>	<p>Within 10 days before beginning construction-related activities during the nesting bird season (February 1–August 31).</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

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<p>passerines and within 500 feet of the edge of construction limits for nesting raptors. If an active nest is found and it is determined that it potentially could be disturbed by construction, a biologist, in consultation with CDFW, will determine the extent of a no-disturbance buffer zone to be established around the nest to protect the nest, eggs and young. The size of the buffer may vary, depending on the nest location, nest stage, construction activity, and monitoring results. If implementation of the buffer becomes infeasible or construction activities result in an unanticipated nest disturbance, CDFW will be consulted to determine the appropriate course of action. All vegetation and structures with active nests will be monitored to determine when the young have fledged and are feeding on their own before work can resume within the buffer zone. Whenever a lapse in construction activities of 2 weeks or greater occurs, pre-construction surveys will be required.</p>								
<p>Mitigation Measure BR-1.8: Conduct pre-construction surveys for roosting bats and delineate no-disturbance buffer zones for active maternity roosts.</p> <p>Within 2 weeks before the removal of potential roosting habitat (i.e., old buildings, bridges, culverts, trees greater than 12 inches diameter at breast height, rock crevices, caves) a qualified bat biologist will survey these areas within 200 feet of an the construction work limits. The biologist will conduct a search for suitable entry points, roost cavities or crevices; and, survey for evidence of day roosts, and maternity roosts. If no roosting is observed, no additional mitigation is required.</p> <p>If roosting surveys are inconclusive, indicate potential occupation by a special-status bat species, and/or identify a large day roosting population or maternity roost by any bat species within 200 feet of an active construction work area, a qualified biologist will conduct focused day and night emergence surveys. If active maternity roosts or day roosts are found in areas which will be removed as part of project construction, active demolition will commence before maternity colonies form (before March 1) or after young are flying (after July 31). Disturbance free buffer zones (determined by a qualified biologist in coordination with CDFW) will be observed during the maternity roost season</p>	<p>Impact BR-1: Potential temporary impacts to special-status bat species.</p>	<p>EBMUD, construction contractor(s), and a qualified biologist</p>	<p>Within 2 weeks before removal of potential roosting habitat</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

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<p>Mitigation Measures</p> <p>(March 1–July 31) for any active maternity colony identified during the surveys. If a non-breeding bat roost is found in a tree or structure scheduled for removal, the individuals will be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFW).</p> <p>Mitigation Measure BR-1.9: Take specified actions to minimize impacts on San Francisco dusky-footed woodrat.</p> <p>Not more than 2 weeks before initial ground disturbance, including grading and vegetation clearing, a qualified biologist will conduct a pre-construction survey to determine if active San-Francisco dusky-footed woodrat nests occur within a 25-foot buffer of areas to be cleared of vegetation. If woodrat nests can be avoided by construction activities, the qualified biologist will demarcate a suitable buffer area for avoidance. If woodrat nests found within 25 feet of activities are determined to be occupied, each nest will be relocated to suitable habitat with consultation with CDFW. If young are found in the nest, a no-disturbance buffer will be established around the nest in consultation with CDFW. The nest will not be disturbed until young have been weaned (up to 6 weeks from birth), at which point the nest will be dismantled and relocated.</p> <p>Mitigation Measure BR-2.1: Minimize construction effects on riparian habitat by use of preservation fencing to the extent feasible.</p> <p>Riparian areas will be identified on the Final Engineering Plans and demarcated as a sensitive resource to be avoided. Before beginning construction, the edge of the CDFW jurisdictional riparian habitat will be marked in the field by a qualified biologist. Where construction limits are within 100 feet of riparian habitat, preservation fencing (e.g., visible orange construction fencing) will be installed by the contractor before construction, offset by 50 feet from the edge of the riparian habitat, to the extent feasible. Where construction limits are within 50 feet of the riparian edge, fencing will be placed as far as is feasible from the riparian edge, and signage (i.e., visible to construction equipment operators from a minimum of 100 feet away) that indicates the sensitive nature of the habitat and the need for avoidance will be installed on the fence.</p>	<p>Impact BR-1: Potential temporary impacts to San Francisco dusky-footed woodrat.</p> <p>Impact BR-2: Potential impacts to riparian habitat.</p>	<p>EBMUD, construction contractor(s), and a qualified biologist</p> <p>EBMUD, construction contractor(s), and qualified biologist</p>	<p>Within 2 weeks before initial ground-disturbing activities, including grading and vegetation clearing</p> <p>Before, during, and after construction</p>	<p>EBMUD</p> <p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p> <p>Considered complete upon receipt of final monitoring report</p>			

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<p>Mitigation Measure BR-2.2: Comply with Section 1602 of the California Department of Fish and Game Code.</p> <p>A Section 1602 Streambed Alteration Agreement from CDFW will be obtained before any potential impact (e.g., ground disturbance) or removal of trees occurs within the banks of jurisdictional channel features, including the San Leandro Creek stream channel and the associated riparian vegetation zone or below the top of the bank of Lake Chabot. EBMUD will comply with all terms and conditions of the Streambed Alteration Agreement, including measures to replace any riparian habitat, on at least a 1:1 ratio or as directed by CDFW.</p>	<p>Impact BR-2: Potential impacts to riparian habitat.</p>	<p>EBMUD and construction contractor(s)</p>	<p>Before beginning construction</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure BR-3.1: Minimize potential fill of jurisdictional waters of the United States and loss of sensitive habitat, and compensate for unavoidable impacts.</p> <p>Based on USACE jurisdictional determination, waters of the United States, including wetlands, will be identified on the Final Engineering Plans and demarcated as a sensitive resource to be avoided. Before beginning construction, the boundary of the jurisdictional wetlands and waters will be marked in the field by a qualified biologist. Where construction limits are within 100 feet of jurisdictional wetlands or waters, preservation fencing (e.g., visible orange construction fencing) will be installed by the contractor before construction, offset by 50 feet from the edge of the waters, to the extent feasible. Where construction limits are within 50 feet of the jurisdictional feature, fencing will be placed as far as is feasible from the border, and signage (visible to construction equipment operators a minimum of 100 feet away) that indicates the sensitive nature of the habitat and the need for avoidance will be installed on the fence.</p> <p>For those waters of the United States or State that cannot be avoided during project construction, authorization for fill of jurisdictional waters of the United States and State would be secured before construction begins. The following permits, as deemed necessary by the resource agencies, would be sought before construction begins: a permit from USACE under Section 404 of the CWA, a Letter of Permission or permit from the USACE under Section 10 of the Rivers and Harbors Act, a water</p>	<p>Impact BR-3: Potential impact on jurisdictional sensitive aquatic resources.</p>	<p>EBMUD and construction contractor(s)</p>	<p>During construction</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

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<p>quality certification from RWQCB under Section 401 of the CWA, and a Streambed Alteration Agreement from CDFW under Section 1602 of CDFG Code. As required, EBMUD would implement waste discharge BMPs to minimize disturbance and release of sediment into the water, to the extent possible. All requirements of these permitting processes, mitigation measures, and conditions associated with these permits will be implemented by EBMUD.</p> <p>A permanent impact on jurisdictional waters is unlikely to occur. If a permanent impact on jurisdictional wetlands or waters is unavoidable, compensatory mitigation will be determined in consultation with the resource agencies and a minimum mitigation ratio of 1:1 will be implemented so that no net loss will be achieved. The mitigation ratio ultimately will be determined by USACE, the RWQCB, and CDFW through the permitting process.</p>								
<p>Mitigation Measure BR-4.1: Avoid all protected trees.</p> <p>Avoidance of protected trees (as defined by the Oakland Municipal Code) will be exercised to the greatest extent practicable. Tree avoidance will be consistent with the Tree Preservation Plan (as identified in Mitigation Measure BR-4.3). During the design process, EBMUD will make tree preservation or removal decisions based on the potentially impacted trees' suitability for preservation, which will in turn be based on tree health, structural stability, species status (protected, unprotected or invasive), and the species ability to withstand potential construction impacts.</p>	<p>Impact BR-4: Potential impacts to protected trees.</p> <p>Impact AE-1: Tree removal and landscape modifications may affect scenic views within the park.</p> <p>Impact AE-3: Tree removal and landscape modifications may affect visual character.</p> <p>Impact RE-3: Temporary and long-term impacts to the recreational setting.</p>	EBMUD and construction contractor(s)	Before and during construction	EBMUD	Considered complete upon receipt of final monitoring report			
<p>Mitigation Measure BR-4.2: Replace all non-invasive protected trees that are removed as part of the construction process.</p> <p>When removal is determined to be necessary, protected tree removal will be mitigated at a 1:1 ratio. The definition of a protected tree will be based on the Oakland Municipal Code's tree ordinance. Non-native tree or shrub invasive species, as identified by the California Invasive Plant Council, will not be replaced, unless required by permitting agencies. For tree or shrub removal in Chabot Park or along the West Shore Trail,</p>	<p>Impact BR-4: Potential impacts to native and protected trees.</p> <p>Impact AE-1: Tree removal and landscape modifications may affect scenic views within the park.</p> <p>Impact AE-3: Tree removal and landscape modifications</p>	EBMUD and construction contractor(s)	After completion of construction	EBMUD	Considered complete upon receipt of final monitoring report			

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<p>replacement will be at or near their original location, or in another location/configuration nearby, in consultation with the City of San Leandro (in Chabot Park) or East Bay Regional Park District (along the West Shore Trail), where feasible. The replacement trees will be established with appropriate maintenance to provide long-term, self-sustaining survivorship (75 percent survival rate, 2 years after planting).</p>	<p>may affect visual character. Impact RE-3: Temporary and long-term impacts to the recreational setting.</p>							
<p>Mitigation Measure BR-4.3: Prepare and implement a Tree Preservation Plan. A Tree Preservation Plan (Plan) will be prepared by a certified arborist for protected trees (as identified in Mitigation Measure BR-4.2) within the project area that will be avoided by the proposed project, so that they are adequately protected during construction activities. The Plan will include detailed recommendations for tree preservation and removal based on construction and grading plans, with specific reference to suitability for preservation, proximity to construction activities, and ability to tolerate impacts. The Plan will include general preservation and construction guidelines as well as recommendations for specific protective measures for trees before, during, and after construction, to reduce impacts on trees from development and maintain their health throughout the construction process. The Plan will be based on the Tree Survey and Assessment for the project site or a similar report, detailing information on tree species, size, location, and condition. Proposed construction plans will be examined to evaluate the potential for preservation of trees with regards to planned grading, equipment access, and other needs related to construction.</p>	<p>Impact BR-6: Potential impacts to native and protected trees. Impact AE-1: Tree removal and landscape modifications may affect scenic views within the park. Impact AE-3: Tree removal and landscape modifications may affect visual character. Impact RE-3: Temporary and long-term impacts to the recreational setting.</p>	<p>EBMUD, construction contractor(s), and a certified arborist</p>	<p>Before, during, and after construction</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of a final plan</p>			
Cultural Resources								
<p>Mitigation Measure CR-1.1: Produce and distribute an interpretive/educational document about the Lake Chabot Waterworks District. As an addition to the existing on-site interpretive panels of the Lake Chabot Waterworks District and the cultural resources inventory and evaluation report (Appendix E-1 of the Draft EIR</p>	<p>Impact CR-1: Impact on a historical resource.</p>	<p>EBMUD</p>	<p>By completion of the proposed project</p>	<p>EBMUD</p>	<p>Considered complete upon completion of interpretive/educational document</p>			

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<p>and provided to the Northwest Information Center at Sonoma State University). EBMUD will prepare an electronic document on the history of Lake Chabot Waterworks District that documents the site in its entirety and is easily accessible to the public, to help compensate for the impact of the proposed project on Lake Chabot Waterworks District. A hard copy of the document will be provided to the San Leandro Main Library, Oakland Main Library, and the Castro Valley Library.</p>								
<p>Mitigation Measure CR-1.2: Stop work if prehistoric or historic archaeological resources are discovered, assess the significance of any find, and implement recovery plan, as required.</p> <p>Cultural resources awareness training will be provided to construction and contractor staff before ground-disturbing activity. This training will explain the potential to encounter cultural material during project-related ground-disturbance activities and the requirements for responding to such unanticipated discoveries.</p> <p>If any prehistoric or historic cultural material is discovered during ground-disturbing activities, work within 100 feet of the discovery will be halted, and a qualified archaeologist will be consulted immediately to designate an appropriate stop work area and to assess the significance of the find, according to Section 15064.5 of the State CEQA Guidelines.</p> <p>If it is determined that project construction may damage a historical resource or a unique archaeological resource, mitigation will be implemented, in accordance with Section 21083.2 of the PRC and Section 15126.4 of the State CEQA Guidelines, with a preference for preservation in place. If avoidance is infeasible, project impacts may be mitigated through the implementation of an archaeological data recovery plan developed by the evaluating archaeologist. This plan, which would include recommendations for the treatment of discovered cultural material, will be submitted to EBMUD for review. Upon approval, project construction activity within the area of the discovery may resume. The qualified archaeologist will then prepare and submit to EBMUD a report documenting the methods employed and results. On review and approval by</p>	<p>Impact CR-2: Potential impact on archaeological resources during construction.</p>	<p>EBMUD</p> <p>EBMUD and construction contractor(s)</p>	<p>During construction activities, as appropriate</p> <p>In the event human remains are encountered</p>	<p>EBMUD</p> <p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p> <p>Considered complete upon notification of Alameda County Coroner and NAHC, if necessary</p>			

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<p>Mitigation Measures</p> <p>EBMUD, a copy of the report will be submitted to the Northwest Information Center in Rohnert Park, California. Work may proceed at other project work sites while mitigation for historical resources or unique archaeological resources is being carried out. Additionally, in accordance with Section 5097.993 of the PRC, EBMUD will inform construction workers that the collection of any Native American artifact is prohibited by law.</p>								
<p>Mitigation Measure CR-4.1: Conduct construction worker training, stop work if human skeletal remains are uncovered, and follow the procedures set forth in Section 15064.5(e)(1) of the State CEQA Guidelines.</p> <p>Construction and contractor staff will be informed before ground-disturbing activity that, although remote, there is the potential to encounter as yet undiscovered human remains during project-related ground-disturbance activities.</p> <p>According to Section 7050.5(b) of the California Health and Safety Code, in the event of discovery or recognition of any human remains there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.</p> <p>Furthermore, if the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission pursuant to California Health and Safety Code 7050.5-7055.</p>	<p>Impact CR-4: Potential impact on as yet undiscovered human remains during construction.</p>	<p>EBMUD</p> <p>EBMUD and construction contractor(s)</p>	<p>During construction activities, as appropriate</p> <p>In the event human remains are encountered</p>	<p>EBMUD</p> <p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p> <p>Considered complete upon notification of Alameda County Coroner and NAHC, if necessary</p>			

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<p>Per Public Resources Code 5097.98, the human remains will not be damaged or disturbed by further activity until the EBMUD has discussed and conferred, as prescribed in this section (California Public Resources Code Section 5097.98), with the Most Likely Descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.</p>								
<p>Transportation and Circulation</p>								
<p>Mitigation Measure TR-1.1: Prepare and implement a traffic control plan before and during project construction.</p> <p>EBMUD and the construction contractor(s) will prepare and implement a traffic control plan and will coordinate with Caltrans and local jurisdictions, as appropriate, for affected roadways and intersections. The traffic control plan will include, but will not be limited to, the following elements:</p> <ul style="list-style-type: none"> • Flaggers will be deployed to the intersection of Benedict Drive and Estudillo Avenue during the AM peak hour to facilitate traffic movements at the intersection. When an extended queue is formed on the northbound approach (Benedict Drive), the flaggers will stop traffic intermittently in the east-west direction (on Estudillo Avenue) to allow the northbound traffic to make turns. • EBMUD and the construction contractor(s) will consult with the City of San Leandro to finalize designated truck routes. • EBMUD will notify the City of San Leandro Police Department of the dates when heavy equipment will be moved into or out of Chabot Park. • Warning signs will be posted along Estudillo Avenue to inform bicyclists and motorists about the closure of Chabot Park entrance at the end of Estudillo Avenue and to provide detour routes to access the park (e.g., Lake Chabot Road and Fairmont Drive). 	<p>Impact TR-1 and TR-2: Construction-related traffic impacts</p> <p>Impact TR-3: Construction-related traffic could increase risk of accidents on Estudillo Avenue.</p> <p>Impact TR-4 and HZ-4: Emergency access during construction.</p> <p>Impact RE-4: Impact on recreational facilities during construction.</p>	<p>EBMUD or construction contractor(s)</p>	<p>Before and during construction</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

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<p>Mitigation Measures</p> <ul style="list-style-type: none"> Advance warning signs (e.g., "Truck Crossing") will be installed along Estudillo Avenue, advising motorists of the construction traffic to minimize hazards associated with the truck traffic on narrow roadways. Flagger, illuminated signs, a temporary stop sign, or a combination of these methods will be used to slow approaching traffic throughout the construction period. All equipment and materials will be stored in designated contractor staging areas on-site, in a manner intended to minimize any safety hazards. Roadway pavement conditions will be documented for all affected roadways (e.g., Estudillo Avenue, MacArthur Boulevard, and Grand Avenue) before and after project construction. Roads found to have been damaged by construction vehicles will be repaired to the level at which they existed before project construction. <p>To the extent applicable, the traffic control plan will conform to the latest edition of California Manual on Uniform Traffic Control Devices for Temporary Traffic Control. (Caltrans 2013).</p>								
Air Quality								
<p>Mitigation Measure AQ-2.1: Implement BAAQMD's Basic and Additional Construction Control Measures.</p> <p>EBMUD will follow BAAQMD's recommendations and will implement the Basic Construction Control Measures during construction. The Basic Construction Control Measures include:</p> <ul style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads, stockpiles) will be watered as necessitated by soil and air conditions or applied with (nontoxic) soil stabilizers. All haul trucks transporting soil, sand, or other loose material off-site will be covered. 	<p>Impact AQ-2: Construction-related fugitive dust emissions. Impact AQ-3: Exposure of sensitive receptors to localized construction emissions. Impact AQ-1: Conflict with or obstruct implementation of applicable air quality plan</p>	EBMUD and construction contractor(s)	During all construction activities	BAAQMD	Considered complete upon receipt of final monitoring report			

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<ul style="list-style-type: none"> All visible mud or dirt track-out onto adjacent public roads will be removed, using wet power vacuum street sweepers at least once per day, if visible soil material is tracked into public streets. The use of dry power sweeping will be prohibited. All vehicle speeds on unpaved roads will be limited to 15 miles per hour. Idling times will be minimized, by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of the California Code of Regulations). Clear signage will be provided to construction workers at all access points. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. A schedule of tune-ups will be developed, and the tune-ups will be performed for all equipment that is operating within the project area. A log of required tune-ups will be maintained, and a copy of the log will be submitted to EBMUD for review every 2,000 service hours. Publicly visible signs will be posted at all entrances to the project site and along roadways adjacent to the project site where citizens could be traveling, with the telephone number and person to contact at EBMUD regarding dust complaints. This person will respond and take corrective action within 48 hours. <p>In addition, because the proposed project would exceed the NOx threshold of significance under both construction options, will include a substantial amount of cut/fill operations, and will be located approximately 500 to 1,200 feet from the nearest sensitive receptor, additional mitigation measures will be implemented to reduce emissions and avoid exposing nearby receptors to substantial construction emissions. BAAQMD has developed Additional Construction Mitigation Measures for those projects that either will include extensive earthmoving activities or that</p>								

Mitigation Monitoring and Reporting Plan for the Chabot Dam Seismic Upgrade Project

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<p>will be located near sensitive receptors. The following measures from BAAQMD's Additional Construction Measures also will be implemented during construction:</p> <ul style="list-style-type: none"> EBMUD or the contractor will develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in project construction (i.e., owned, leased, and subcontractor vehicles) would achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions would include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, restricting idling time of diesel-powered construction equipment to 2 minutes or less, equipping diesel engines with Best Available Control Technology for emission reductions of NOx and PM, using equipment that meets CARB's most recent certification standard for off-road, heavy-duty diesel engines, making payment(s) for off-site mitigation, and/or performing or participating in any other options that become available. All trucks and equipment, including their tires, will be washed before leaving the project area. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. 								
Noise and Vibration								
<p>Mitigation Measure NO-1: Reduce construction noise levels from operation of construction equipment.</p> <p>During construction, EBMUD and its construction contractor will implement the following measures to reduce noise levels:</p> <ul style="list-style-type: none"> EBMUD and its construction contractor(s) will use available noise control techniques (e.g., mufflers, intake 	Impact NO-1: Construction-related noise impacts from operation of construction equipment.	EBMUD or construction contractor(s)	During all construction activities	EBMUD	Considered complete upon receipt of final monitoring report			

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<p>silencers, extension ducts, engine enclosures, and acoustically attenuating shields or shrouds) for all equipment and trucks.</p> <ul style="list-style-type: none"> Noise-generating activities greater than 90 dBA—impact construction including hydraulic backhoe, concrete recycling activities (i.e., concrete breakup, pulverizing, separation, crushing)—will be limited to between 8:00 a.m. and 4:00 p.m., Monday through Friday, and will be limited in duration to the maximum extent feasible. EBMUD will hire an independent noise monitoring consultant to perform site monitoring during specific phases of construction (e.g., demolition, concrete recycling), when noise is expected to exceed 90 dBA. 								
<p>Mitigation Measure NO-1.2: Notify residents in the immediate project vicinity in advance of construction activities.</p> <p>EBMUD or its construction contractor(s) will notify property owners and tenants within 300 feet of the edge of the construction right-of-way and along the haul routes at least 2 weeks in advance of construction activities. EBMUD will coordinate with the City of San Leandro and EBRPD to determine appropriate locations for signage. Property owners and tenants will be notified by first-class mail and signage will be posted at the Estudillo Avenue main entrance to Chabot Park, leading to the project area.</p>	Impact NO-1: Construction-related noise impacts from operation of construction equipment	EBMUD or construction contractor(s)	Before construction activities	EBMUD	Considered complete upon receipt of final monitoring report			
<p>Mitigation Measure NO-1.3: Limit the hours of operation for haul truck trips through residential areas.</p> <p>Consistent with the on-site project work, construction contractor(s) will limit haul truck trips through residential areas to or from project work sites, from 7:00 a.m. until 7:00 p.m., Monday through Friday, with exceptions for delivery by "extra legal" trucks from 6:30 a.m. to 7:00 p.m., as necessary.</p>	Impact NO-1: Construction-related noise impacts from operation of construction equipment	EBMUD or construction contractor(s)	During construction activities	EBMUD	Considered complete upon receipt of final monitoring report			
<p>Mitigation Measure NO-1.4: Designate a Community Affairs contact, responsible for responding to construction-related noise issues.</p> <p>EBMUD will designate a Community Affairs contact for</p>	Impact NO-1: Construction-related noise impacts from operation of construction equipment	EBMUD	Before and during construction activities	EBMUD	Considered complete upon receipt of final monitoring report			

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<p>responding to construction-related noise issues during normal business hours. The District's direct telephone number and e-mail contact will be posted conspicuously at construction areas and on all advanced notifications. The Community Affairs contact will communicate the concerns to the construction manager who will take necessary steps to resolve complaints, including coordinating periodic noise monitoring, when necessary.</p>								
Recreation								
<p>Mitigation Measure RE-1.1: Provide advanced notification to East Bay Regional Park District (EBRPD) regarding anticipated lake level during construction.</p> <p>Once determined, EBMUD will notify EBRPD regarding the anticipated lake level during construction and when the lake drawdown will occur.</p>	<p>Impact RB-1: Impact on recreational facilities during construction.</p>	EBMUD	Before construction	EBMUD	Considered complete upon receipt of final monitoring report			
Hydrology and Water Quality								
<p>Mitigation Measure HY-1.1: Prepare a Storm Water Pollution Prevention Plan for each construction activity.</p> <p>EBMUD will prepare an SWPPP addressing each construction activity, regardless of the construction alternative used. The SWPPP will identify pollutant sources that may affect the quality of stormwater discharge and will specify implementation of specific BMPs to reduce pollutants in stormwater discharges during construction and post-construction. The SWPPP will include the following:</p> <ul style="list-style-type: none"> • Source identification • Preparation of a site map • Description of construction materials, practices, and equipment storage and maintenance • List of pollutants likely to contact storm water 	<p>Impact HY-1: Temporary hydrology and water quality impacts from construction activities.</p> <p>Impact HY-5: Temporary water quality degradation during construction.</p> <p>Impact BR-1: Potential temporary impacts to special status wildlife species.</p> <p>Impact GB-2: substantial soil erosion or loss of topsoil</p>	EBMUD or construction contractor(s)	Before construction activities	EBMUD	Considered complete upon receipt of final monitoring report			

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<ul style="list-style-type: none"> Estimate of the construction site area and percent impervious area Erosion and sedimentation control practices, including soils stabilization, revegetation, and runoff control to limit increases in sediment in storm water runoff, such as detention basins, fiber rolls, silt fences, check dams, geofabric, drainage swales, and sandbag dikes Proposed construction dewatering plan List of provisions to eliminate or reduce discharge of materials to storm water Description of waste management practices Spill prevention and control measures Maintenance and training practices Sampling and analysis strategy and sampling schedule for discharges from construction activities <p>The SWPPP will address the following construction activities:</p> <ul style="list-style-type: none"> <i>Excavation of downstream face of the dam:</i> CDSM option or Conventional Earthwork option. The Conventional Earthwork option will require additional treatment capacities to handle higher potential sediment loads. <i>Use of stockpiles:</i> Stockpile areas will require the use of erosion and sediment control practices listed above or other BMPs to prevent polluted runoff. Particular care will be used to prevent contaminated runoff to the creek. 	<p>Impact HY-1: Temporary hydrology and water quality impacts from construction activities.</p> <p>Impact HY-6: Temporary water quality degradation during</p>	EBMUD and construction contractor(s)	Before and during construction activities	EBMUD	Considered complete upon receipt of final monitoring report			
<p>Mitigation Measure HY-1.2: Install a turbidity curtain and containment boom during the outlet works construction.</p> <p>A turbidity curtain made of impermeable fabric will be installed to contain any disturbance from the outlet works construction. A secondary containment boom will be installed within the perimeter of the turbidity curtain, and it will contain and capture</p>								

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<p>petroleum products that may flow on the water. The turbidity curtain and containment boom, combined, will protect the lake's water quality during the outlet works construction. Fuel and/or hydraulic fluid sources will be closely monitored and controlled in containment basins on the barge deck and will follow safe practices.</p>	<p>construction.</p>							
<p>Mitigation Measure HY-1.3: Require grading of construction staging areas to prevent migration of contaminants. EBMUD will incorporate into contract specifications the requirement for grading construction staging areas to contain surface runoff, so that contaminants such as oil, grease, and fuel products will not drain towards receiving waters. If heavy-duty construction equipment is stored overnight at the construction staging areas, drip pans will be placed beneath the machinery engine block and hydraulic systems to prevent any leakage from entering runoff or receiving waters. Vehicles or equipment will not be refueled within 100 feet of Lake Chabot or San Leandro Creek unless a bermed and lined fueling area is constructed.</p>	<p>Impact HY-1: Temporary hydrology and water quality impacts from construction activities. Impact HY-5: Temporary water quality degradation during construction.</p>	<p>EBMUD or construction contractor(s)</p>	<p>Before and during construction activities</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure HY-1.4: Comply with regional, state, and federal wetlands and streambed requirements for any creek crossings and drainage channels. For construction adjacent to or crossing any creeks or drainage channels, EBMUD or the contractor is not required to obtain an encroachment permit from the Alameda County Flood Control and Water Conservation District. However, construction activities will comply with CDFW and USACE requirements pertaining to wetlands and streambeds, including associated water quality protection requirements of the RWQCB.</p>	<p>Impact HY-1: Temporary hydrology and water quality impacts from construction activities.</p>	<p>EBMUD or construction contractor(s)</p>	<p>Before construction activities</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure HY-1.5: Maintain a spill kit at all locations where fuel or hydraulic powered equipment is in use over or adjacent to lake waters during the outlet works construction. A spill kit made of oil absorbent napkins, additional floating sock-like oil absorbent boom sections, and an approved granular oil dispersant product in 5-gallon containers will be immediately available at all locations where fuel and/or hydraulic powered equipment are in use over or adjacent to the</p>	<p>Impact HY-1: Temporary hydrology and water quality impacts from construction activities.</p>	<p>EBMUD or construction contractor(s)</p>	<p>Before and during outlet works construction activities</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

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Mitigation Measures	Impact(s) Being Mitigated	Responsibility for Implementation	Mitigation Schedule	Mitigation Reporting Responsibility	Monitoring Schedule	Design Phase Check Box (Date)	Construction Phase Check Box (Date)	Post-Construction Phase Check Box (Date)
lake's waters.								
<p>Mitigation Measure HY-3.1: Grade the project site topography to match or improve pre-existing draining conditions, after completion of construction.</p> <p>Following completion of construction, the topography of the project site will be graded to match or improve existing drainage conditions. Use of permanent BMPs, such as vegetated filter strips and/or vegetated swales, may be required.</p>	<p>Impact HY-3: Potential erosion impacts from construction activities.</p> <p>Impact CE-2: substantial soil erosion or loss of topsoil</p>	EBMUD or construction contractor(s)	After construction activities	EBMUD	Considered complete upon receipt of final monitoring report			
Hazards and Hazardous Materials								
<p>Mitigation Measure HZ-1.1: Prepare and implement a Hazard Communication Plan, Injury and Illness Prevention Plan, and a Hazardous Materials Control and Spill Prevention and Response Plan.</p> <p>Before construction, EBMUD or the construction contractor(s) will prepare an HCP, IIPP, and a Hazardous Materials Control and Spill Prevention and Response Plan. Implementation of these plans by the construction contractor(s) will minimize construction worker exposure to hazardous materials. Hazardous waste generated during project construction will be contained, sampled, and disposed in accordance with all applicable federal, state, and local laws and regulations. With regard to hazardous materials, licensing and training personnel, accumulation limits, time limits, reporting, and record keeping are regulated by the federal RCRA and the California Hazardous Waste Control Law. The Hazardous Materials Control and Spill Prevention and Response Plan will include strict on-site handling rules to keep construction and maintenance materials out of drainages and waterways. The plan will include measures to prevent construction-related raw cement, concrete, or concrete washings; asphalt, paint, or other coating material; oil or other petroleum products; or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses. Steps for immediate clean-up of construction-related spills and notification procedures will be included. Where applicable, the Hazardous Materials Control and Spill Prevention and Response Plan will reference the Storm Water Pollution Prevention Plan (see Mitigation Measure HY-1.1).</p>	<p>Impact HZ-1: Storage, use, transport, and disposal of hazardous materials.</p> <p>Impact BR-1: Potential temporary impacts to special status wildlife species.</p>	EBMUD or construction contractor(s)	Before and during construction	EBMUD	Considered complete upon approval of plans and receipt of final monitoring report			

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<p>Mitigation Measure HZ-1.2: Assess the pole-mounted transformer for the presence of PCBs.</p> <p>The construction contractor(s) will assess the pole-mounted transformer at the Park Stockpile location for the presence of PCBs, based on the age of the pole-mounted transformer, if project construction activities necessitate the removal or relocation of the pole-mounted transformer. If the pole-mounted transformer is dated prior to 1978, it will be considered to contain hazardous materials and will be disposed in accordance with TSCA (40 CFR Section 761.62) requirements. PCB bulk product waste containing 50 parts per million or more of PCBs must be disposed at a TSCA-approved facility. Disposal of PCB bulk product waste does not require approval from the EPA.</p>	<p>Impact HZ-1: Storage, use, transport, and disposal of hazardous materials.</p>	<p>Construction contractor(s)</p>	<p>Before construction</p>	<p>EBMUD and EPA</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure HZ-1.3: Evaluate all pre-1980 structures before project construction.</p> <p>Before beginning project construction activities, EBMUD or its contractor(s) will conduct an evaluation of all structures (built before 1980) to be demolished at the outlet works, to evaluate the presence of lead-based paint and ACM. Remediation will be implemented in accordance with the recommendations of the evaluation and disposed at an appropriate, permitted off-site disposal facility.</p>	<p>Impact HZ-1: Storage, use, transport, and disposal of hazardous materials.</p>	<p>EBMUD or construction contractor(s)</p>	<p>Before construction</p>	<p>EBMUD, BAAQMD, Cal/OSHA and CDPH</p>	<p>Considered complete upon receipt of final monitoring report</p>			
<p>Mitigation Measure HZ-2.1: Perform project construction activities in accordance with the Asbestos Dust Mitigation Plan.</p> <p>Because soils to be disturbed are confirmed to contain NOA, project construction activities, including excavation with either the CDSM or Conventional Earthwork option, soil stockpiling, road construction, and demolition will be performed under an Asbestos Dust Mitigation Plan (ADMP), in accordance with the ATCM as administered by BAAQMD, to reduce public and worker exposure to NOA by employing the best available dust mitigation practices. EBMUD, as part of the ADPM, will conduct the comprehensive air monitoring. The ADMP shall specify site-specific measures that would be taken to minimize emissions of NOA dust and to ensure that asbestos does not exceed BAAQMD approved levels at the air monitoring locations during</p>	<p>Impact HZ-2: Reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. Impact GE-2: substantial soil erosion or loss of topsoil</p>	<p>EBMUD or construction contractor(s)</p>	<p>During construction</p>	<p>EBMUD and BAAQMD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

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<p>construction. EBMUD shall include all applicable dust mitigation measures set forth in the ADMP for the project construction activities.</p> <p>Examples of dust control measures that may be implemented include the measures identified in the ATCM as well as project specific measures included in Mitigation Measure AQ-2.1. As provided for in the ATCM, alternative measures that provide an equivalent level of dust control may be included in the ADMP subject to BAAQMD authorization. The ATCM shall include, but not limited to, the following dust control measures for construction activities in NOA containing areas:</p> <ul style="list-style-type: none"> • Installation of screens, fencing or any other material on the property line to mark the area of activity not open to the public • Storage piles shall be stabilized when inactive for more than 7 days by adequately wetting, establishing surface crusting, chemical dust suppressant, covering with tarps or vegetative cover, installation of wind barriers around three sides or open areas, or any measure as determined effective. Visible track-out on paved public road must be cleaned using wet sweeping or HEPA filter equipped vacuum device within 24 hours. 	Impact HZ-4: Emergency access during construction.	EBMUD or construction contractor(s)	Before and during construction	EBMUD	Considered complete upon approval of plan and receipt of final monitoring report			
<p>Mitigation Measure HZ-4.1: Prepare a site-specific emergency response plan and maintain emergency access and evacuation routes to/from the project area, in cooperation with local public agencies.</p> <p>EBMUD will prepare a site-specific emergency response plan for the site, using the EBMUD Emergency Operations Plan as a guide; the plan will identify staff members to perform emergency duties and lists the resources needed to accomplish emergency tasks.</p>								

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<p>Mitigation Measure HZ-5.1: Take precautions regarding all flammable material around construction equipment and maintain fire-fighting tools including a shovel and fire extinguisher at project work sites where construction equipment is being used or flammable materials are being temporarily stored.</p> <p>All flammable material, including snags, will be cleared from project work sites around construction equipment and temporary storage for flammable materials. One serviceable round point shovel with an overall length of not less than 46 inches and one backpack pump water-type fire extinguisher, fully equipped and ready for use, will be maintained and will be readily available at each project component work site during construction equipment operation and at project work sites where temporary storage of flammable materials is located.</p>	<p>Impact HZ-5: Wildland fire risk.</p>	<p>EBMUD or construction contractor(s)</p>	<p>Before and during construction</p>	<p>EBMUD</p>	<p>Considered complete upon receipt of final monitoring report</p>			

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 5, 2014
MEMO TO: Board of Directors
FROM: Alexander R. Coate, General Manager *ARC*
SUBJECT: Monthly Report – May 2014

HIGHLIGHTS

On May 19 and 20, the District sold two refunding bond issues, Series 2014A and 2014B, which represent savings to the District of approximately \$19 million on a present value basis. The refunding substantially reduced variable rate debt and derivative exposure. Since its inception the District's de-risking program to convert variable rate debt to fixed rate debt and terminate associated swaps has improved the District's risk profile, decreasing synthetic debt from 32% of the total debt portfolio in 2012 to 7% after the 2014B refunding series scheduled for June.

WATER SUPPLY AND WATER RIGHTS PROGRAMS AND ACTIVITIES

Comments provided at State Water Resources Control Board (SWRCB) workshop on drought curtailment notices May 21. Curtailment notices will be sent out based on a water rights priority system. At the May 21 workshop on curtailment of water diversions for post-1914 water rights, the SWRCB Board directed their staff to work with water rights holders like EBMUD who have interagency agreements on the Mokelumne River. Curtailment is not expected to have significant impacts to EBMUD based on current water storage.

Precipitation. The East Bay precipitation for May was 0.01 inches (1% of average, 11th driest May on record) and the season total was 13.39 inches (50% of average, 3rd driest season to-date). The Mokelumne precipitation for May was 0.79 inches (35% of average, 18th driest May on record) and the season total was 25.82 inches (54% of average, 2nd driest season to-date).

Releases from Camanche Reservoir. The average rate of Camanche release for May was 347 cfs (164 cfs generation, 155 cfs sluice, and 28 cfs through the hatchery), and the average flow below Woodbridge Dam was 162 cfs, both in accordance with the Joint Settlement Agreement "Dry" criteria.

Mokelumne reservoirs storage is 65% of average. As of May 31, 2014, Pardee was at 557.6 feet or 92% of average, and Camanche was at 191.1 feet or 48% of average. Combined Pardee and Camanche reservoir storage was 328,000 acre-feet compared to 500,000 acre-feet last year.

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

East Bay reservoirs storage is 90% of average. As of May 31, 2014, USL was at 445.2 feet or 83% of average, San Pablo was at 310.1 feet or 104% of average, and Briones was at 562.8 feet or 88% of average. Total terminal reservoir storage was 126,000 acre-feet compared to 120,000 acre-feet last year.

Mokelumne Aqueducts and Raw Water Pumping Plants. The average rate of Mokelumne Aqueduct draft from Pardee Reservoir for May 2014 was 103 MGD. Walnut Creek and Briones Raw Water Pumping Plants (RWPPs) remained out of service for the month. Moraga RWPP was operated this month to divert Central Valley Project water to Upper San Leandro Reservoir.

Freeport Regional Water Project deliveries into Mokelumne Aqueduct Nos. 1 and 2 continued in May. Approximately 6,800 acre-feet of supplemental water supply was sent to the local reservoirs during the month.

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

	May 2014	May 2013	May 2012	Average of FY 2005-2007
East of Hills	61 MGD	72 MGD	65 MGD	67 MGD
West of Hills	133 MGD	149 MGD	137 MGD	157 MGD
Total	194 MGD	221 MGD	202 MGD	224 MGD
Max Day Production	218 MGD (5/14/2014)	239 MGD (5/31/2013)	230 MGD (5/30/2012)	

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

CUSTOMER EVENTS AND PUBLIC OUTREACH

Five educational events were held on the watershed in May. Two events were held in the East Bay and three in the Mokelumne Region. A total of 160 students participated and learned about the environmental and cultural values in the watersheds and some students also planted willow trees.

On May 2, staff gave a presentation at the California Water Environment Association Annual Conference in Santa Clara. The presentation highlighted the challenges addressed during the design and construction of the wastewater plant effluent channel rehabilitation project.

On May 6, staff participated in the Exploring College and Career Options (ECCO) program event at Mills College in Oakland. The Oakland Unified School District Linked Learning Office and the United Way of the Bay Area set up this event to help prepare junior and senior high school students for the 2014 ECCO summer internship program (formerly known as the Summer Youth Employment Program). At this event, the high school students completed mock interviews. The District and various other business partners assisted in conducting interviews and provided the students with constructive feedback.

On May 21, staff conducted a tour of the Main Wastewater Treatment Plant for a delegation of 12 Brazilian utility leaders sponsored by the U.S. Trade and Development Agency. The tour was part of a “Water and Wastewater Energy Efficiency Reverse Trade Mission” to promote the sale of energy efficiency/generation equipment and services provided by U.S. companies.

The District’s Landscape Conversion and Irrigation Upgrade Rebate program has received approximately 300 applications to date. The program was updated to add pool conversions and additional drip irrigation equipment as eligible upgrades. Program modifications were accelerated slightly earlier this year to take advantage of the spring irrigation season and drought response. Currently, the updated rebate offer runs from April 1, 2014 – December 31, 2014. The previous rebate offer ran through June 30, 2014. Staff plans to extend the program into the next calendar and fiscal years to align with the Water Conservation Master Plan and drought activities focusing on outdoor use.

Contract Equity outreach events:

- **On May 8, EBMUD, Bay Area Builders Exchange, Union Bank, and Turner Construction hosted the graduation ceremony for the *Construction Management Series*.** The seven week Construction Management Training course for small businesses concluded with 31 attendees obtaining a certificate of completion. The course provided the businesses with practical tools to enhance business expertise and enable them to compete more effectively on public and private sector projects.
- **On May 15, staff attended the Astra Women Business Alliance Women in Construction Corporate Advisory Group “*Game Changers – Champions for Women-Owned Businesses*” in San Francisco.** Staff provided information on contracting processes and upcoming contract opportunities. Approximately 30 attendees participated.
- **On May 21, the American Indian Chamber of Commerce hosted the “*Building Infrastructure in Indian Country – A Roundtable & Summit on Energy, Telco & Water Development*” in Lincoln.** Staff hosted a booth and provided information on upcoming contract opportunities. Approximately 100 attendees participated.

Staff participated in the following business community events:

- **May 5 - Caltrans District 04 Calmentor Annual Awards & Graduation (Oakland, CA)**
- **May 13 - California Hispanic Chamber of Commerce Economic & Legislative Summit (California State Economy, Water, Energy, and Affordable Care Implementation) (Sacramento, CA)**
- **May 16 - SFPUC and San Francisco Contract Monitoring Division “1st Annual Women in Construction Expo – Empowering Women to Build our Future” (San Francisco, CA)**
- **May 20 - Bay Area Rapid Transit – Business Advisory Council meeting (Oakland, CA)**
- **May 30 - Astra Women Business Alliance Women in Construction Corporate Advisory Group (Teleconference)**

Water Conservation outreach events:

EBMUD conservation advice featured in the Journal for the Executive Council of Home Owners (ECHO). The article entitled “The Drought—A Perspective from the East Bay Municipal Utility District” discussed both short and long term strategies for coping with the drought, the District’s lawn conversion and irrigation upgrades, and water budget program for commercial irrigation customers. The ECHO Journal is distributed to Home Owner Association Board members and property managers throughout the East Bay.

On May 1, staff gave a presentation at the workshop “The Drought-Resilient Home,” hosted by the City of El Cerrito Environmental Quality Committee. The workshop included tips on home and garden resiliency during the drought, water conservation and re-uses strategies and water efficient technologies and rebates. Approximately 50 El Cerrito residents attended.

On May 9, staff was interviewed on KPFA Radio’s “Terra Verde” program in Berkeley. The one-hour interview covered water savings tips and both indoor and outdoor water conservation for single family residents. KPFA has a large listening audience throughout the Bay Area.

On May 15, staff participated in a panel discussion at a California Drought Forum in Sacramento entitled “Making Decisions in Dry Times: Science and Strategies for Dealing with Drought.” Topics included water supply, drought response, and areas for future collaboration. Approximately 150 attended in person and via a webinar.

On May 19, staff gave a presentation at the Executive Council of Home Owners (ECHO) Second Annual Seminar & Trade Show at the Marriott Oakland Convention Center. The presentation, entitled “Future Droughts: Making the Landscape Resilient,” included an overview of the water supply and focused on how to use water budgets and rebates to reduce over-watering and lower the water requirement of the landscape. Approximately 15 people attended.

On May 29, staff participated in a symposium entitled “Achieving a New Normal in California Landscapes” in Citrus Heights. The symposium was a collaborative effort of the California Urban Water Conservation Council, the Department of Water Resources, University of California Davis, and other state agencies to explore and encourage partnerships in accelerating the pace of change toward more sustainable landscapes throughout the state. Staff hosted a poster session at the symposium on EBMUD’s Irrigation Reduction Information System (IRIS) water budget program. Over 200 individuals from county and state agencies, non-profit organizations, and the landscape industry participated.

Staff provided drought updates, conservation and rebate program information and at times, screened the water conservation DVD, “Are You Waterwise?” at the following events:

Date	Event/Location	Approximate # of Attendees
May 1	General meeting of the San Pablo Chamber of Commerce	40
May 2	Veteran’s Memorial Building in Emeryville for senior citizens and city personnel	25
May 4	Booth at Art and Green Festival in Albany	800
May 7	The Point (a retirement community) in the Rockridge neighborhood of Oakland	35
May 8	The El Cerrito Royale in El Cerrito	55
May 8	East Bay Building Owners and Managers Association monthly meeting in Walnut Creek	125
May 10	Booth at the Skyline United Church of Christ in Oakland	30
May 13	Castro Valley Adult School	80
May 15	Orinda Fountainhead Montessori School	75
May 15	Public Safety Council in Kensington	25 (from Berkeley and El Cerrito)
May 15	Coliseum Neighborhood Group in Oakland (conducted in English and Spanish)	40
May 20	California Association of Community Managers in Concord	100
May 22	West County Mayors and Supervisors Association meeting in Pinole	30
May 22	American Public Works Association and Maintenance Superintendents Association in Oakland	100
May 31	Booth at the Cherry Festival in downtown San Leandro. Director Mellon was present at the booth	800

FY14 Demand Reduction Program Monthly Water Conservation Activity <i>As of May 31, 2014</i>		
Programs and Activities	Current Month	Activity Level to Date
Customer Outreach (on-site audits, self-survey kits, landscape consultations, high-bill inquiries, new account review) - Residential	427	1,626
<i>Single Family</i>	427	1,497
<i>Multi Family (number of dwelling units audited)</i>	-	129
Customer Outreach (on-site audits, landscape consultations, high bill inquiries) - Non Residential	1,510	5,662
<i>Commercial</i>	10	27
<i>Industrial</i>	-	-
<i>Institutional</i>	-	-
<i>Irrigation and IRIS Water Budget Program</i>	1,500	5,635
Devices, Materials and Information Distributed	670	3,840
Water Saving Devices (showerheads, aerators, dye tabs, toilet bags, hose nozzles)	214	1,473
Table tents, hotel cards, shower stickers	422	1,406
Plant Books	34	961
Water Waste Response	18	85
<i>Residential</i>	10	37
<i>Commercial</i>	7	44
<i>Institutional</i>	1	4
Rebates and Leak Adjustments	990	8,702
Rebates Paid (toilets, clotheswashers, irrigation controllers, landscape, etc.) :	766	3,646
<i>Residential</i>	752	3,258
<i>Non-Residential</i>	14	388
No. of Leak Adjustments	224	1,410
Community Outreach Presentations/Events	23	65

CAPITAL IMPROVEMENTS AND FACILITY MAINTENANCE

During May staff collaborated with the University of California Berkeley on a landslide study. The study will evaluate active slow moving landslides in the East Bay Hills. District staff is contributing leak and pipeline data for parts of Berkeley, Kensington, Albany, and El Cerrito to the study and the results are expected to benefit the District's pipeline replacement programs.

During May, staff planned and installed a new chemical dechlorination system at the Camanche raw water pumping plant. The new system removes chlorine from the Folsom South Canal Connection (FSCC) water. Chlorine is added at the Clay Station raw water pumping plant to control potential invasive species in the raw water.

The State Division of Safety of Dams (DSOD) approved the District's application to breach the embankment dam at Summit Reservoir. Approval is required before construction of the tank replacement at Summit Reservoir. After constructing the tank replacement, the District will submit another request for DSOD to formally remove the dam from State jurisdiction.

Estates Reservoir Replacement (Oakland) was placed in-service on May 1. The project involved demolition of the existing reservoir, construction of two smaller concrete tanks and associated valves and piping, and site grading, paving, landscaping and irrigation. Construction is anticipated to be complete by the end of June.

The second phase of acoustic inspections for the Asbestos Cement (AC) Pipe Study was completed on May 9. Staff completed condition assessment and pipe integrity testing for three miles of AC pipeline using state of the art acoustic technology by Echologics. Results will be compared with previous AC laboratory test results to determine if this technology could be a viable tool for condition assessment of AC pipes, to assist in prioritizing mains for replacement.

On May 9 staff submitted the Mokelumne Aqueducts Interconnection Project Completion and Grant Completion Report to the Department of Water Resources (DWR). DWR provided a \$10 million grant for this important project, which was completed in February 2014. The interconnections were recently utilized to facilitate repairs to a leak on Aqueduct No. 1.

On May 16, construction of the West End Property Demolition Phase I project was successfully completed. The work included demolition of eight structures on the 15.9-acre West End property adjacent to the MWWTP. Demolition of these abandoned structures reduces vandalism risk and addresses site safety and maintenance issues. Demolition costs are expected to be fully reimbursed by Viridis Fuels, who intends to construct a biodiesel production facility at this site under the terms of a land-lease agreement with the District.

The Proctor No. 2, Rilea, and Shawn Reservoir rehabilitations were accepted as complete on May 28. The project involved recoating steel tank interiors at Proctor No. 2 Reservoir in Castro Valley, Rilea Reservoir in Oakland and Shawn Reservoir in El Sobrante. The work also included top coating tank exteriors, replacing the wooden roofs, installing reservoir appurtenances such as ladders, stairs, new water quality cabinets, sample, chemical, and aeration lines, valve pit improvements, and installing a remote terminal unit and other electrical improvements. New perimeter fencing and paving were installed at Proctor No. 2 and Rilea.

The Sobrante Water Treatment Plant and Upper San Leandro (USL) Water Treatment Plant (WTP) Flocculator Replacement is on schedule for having the last basin at USL WTP ready for service in early June. At USL WTP, the flocculator replacement was completed in the south sedimentation basin and placed back in service on May 8. At the north basin, the contractor demolished the old flocculator units and electrical drives, refurbished the flocculator support columns, installed the new flocculators, placed the pads and installed the new electric drives. The units were made ready for a dry spin test at the end of the month.

The Dingee Pipeline and Claremont Center Aqueducts (Oakland) Replacement pipeline installation continues. All 6,500 feet of pipeline has been installed for the Reach 1 section from the intersection of Broadway Terrace and Proctor down to the Claremont Center. Flushing, testing and tie-in on the Reach 1 pipeline requires an outage that, given seasonal high demand, requires a very detailed plan to reduce risk. That plan is being prepared with the expectation that the Reach 1 tie-in will be performed in July. The Reach 2 pipeline section installation has started and 1,200 feet (out of 5,400 feet total) have been installed on Proctor Avenue starting at Broadway Terrace.

The Powell and Hollis Street Pipeline Replacement (Emeryville) is nearing completion. The Segment 1 and Segment 2 work is complete except for the area where hazardous soils were encountered at Powell and Shellmound Streets. A site specific health and safety plan is under development by the contractor to complete pipe installation in this area. The Segment 3 service transfers on Hollis Street between Powell and 59th Streets are complete. The remainder of the side connections and service transfers from 59th to 64th Streets is underway.

The Argyle Reservoir (El Sobrante) Access Road Improvements remains suspended until the grading permit issue is resolved with Contra Costa County (CCC). The District has appealed CCC's requirement for the District to obtain a grading permit. The appeal will be considered by the Board of Supervisors at its June 3 meeting. If CCC determines a grading permit is necessary, the public hearing for the proposed work is scheduled for June 16.

The Chuck Corica Golf Complex's executive course remodeling is almost complete (Alameda). The newly-remodeled 9-hole golf course is expected to be ready for public use by the end of May. The remodel integrated an extension of the complex's existing recycled water system for future irrigation and all construction activities. Once the course resumes operation, the other two existing 18-hole courses will be remodeled and include the installation of better salt tolerant turf, drainage infrastructure improvements, and other water savings measures.

Paving activities. Staff negotiated paving restoration requirements with the City of Richmond for two "moratorium street" mainline extensions in Richmond, and on May 22 completed one of the extensions at South 41st Street, Ohio Avenue to Wall Avenue.

Pipeline. On May 2, staff completed two infrastructure renewal projects in Richmond on 26th and Gaynor (540 feet of six-inch pipe) and 26th and Barrett (1,440 feet of eight-inch pipe).

WATER AND WASTEWATER SYSTEM OPERATIONS

The Bay Area Coordination Committee approved projects for the Department of Water Resources (DWR) Prop 84 Integrated Regional Water Management (IRWM) drought relief funding at its meeting on May 28. The total funding request is about \$33 million for 12 projects. The projects include a \$4 million DERWA recycled water project and \$500,000 EBMUD conservation program as part of the regional conservation project. The \$4 million funding for the DERWA recycled water project, if approved by DWR, will be shared equally between EBMUD and DSRSD for expansion of member agency recycled water distribution systems in San Ramon and Dublin. Applications are due to DWR in July and grant awards will be announced in August or September. Final grant agreements will be executed in early 2015 and construction projects must award contracts by April 2015.

There was one odor complaint on May 14. A West Oakland neighbor complained of a strong musty odor. An investigation concluded that the cause was a channel cleaning operation that occurs every 10 to 15 years. Staff worked extended hours to expedite the work but, unfortunately, the work coincided with still winds and near record-setting heat that exacerbated the odor.

All discharges from the MWWTP were in compliance with the permit limits for the month of May. This is the 177th consecutive month that the Main Wastewater Treatment Plant experienced no exceedances.

Emergency Preparedness functional exercise completed May 20. Sixty-three members of the District's Emergency Operations Team (EOT) participated in an emergency preparedness functional exercise to test communications and the results of a shift change of the EOT. Completion of this exercise is a key performance indicator in the Strategic Plan. An after action report outlining lessons learned and areas for improvement will be finalized by July 1.

Cal/OSHA inspections at the wastewater plant and the fleet building. Staff met with the Cal/OSHA District Manager for an informal appeal of three citations; one citation was vacated and the remaining two were changed from citations to "notices in lieu of a citation." The District also received a Cal/OSHA citation resulting from an inspection following a serious injury at the Main Wastewater Treatment Plant in November 2013. The citation was classified as a general violation and carried a \$280 fine. The violation was for ineffective training for the activity the employee was engaged in during the accident. The District is not appealing this citation and has paid the fine. Corrective actions were due by May 26.

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

ORGANIZATION EFFECTIVENESS AND EFFICIENCY

Fish barging study complete. On May 5, staff from EBMUD and California Department of Fish and Wildlife completed the second of two planned barge trips down the Mokelumne River. Approximately 100,000 Chinook salmon smolts were barged from the North Fork of the Mokelumne River to the Golden Gate Bridge. This study aims to dramatically increase survival while reducing straying of outmigration fish.

On May 13, staff began trapping and trucking naturally produced juvenile salmon from Woodbridge Dam to the South Fork of the lower Mokelumne River. The Lower Mokelumne River Joint Settlement Agreement (1998) recommends that outmigrating Chinook salmon smolts be trapped at Woodbridge Dam and transported to the Delta during dry and critically dry water years, when agreed upon by the California Department of Fish and Wildlife, the United States Fish and Wildlife Service and EBMUD. The trapping and trucking operation is to reduce mortalities of emigrating juvenile salmon due to elevated water temperatures in the lower Mokelumne River downstream of Woodbridge Dam. Trapping and trucking activities will be suspended when the 5-day average juvenile salmon count falls below 50 per day at the downstream traps.

Body recovered from Camanche Reservoir drowning. On May 13, the body of an adult male was discovered by a visitor fishing in the western portion of the reservoir. The body was located near the location where a male drowning victim was reported on April 19. The Amador County Coroner's Office is conducting DNA testing to confirm the identity of the victim.

On May 16, staff attended a State Water Resources Control Board (SWRCB) meeting on mercury control in reservoirs. The SWRCB is requesting information on reservoirs throughout the state to determine the best locations for pilot studies to test mercury control strategies. EBMUD will provide information on its East Bay and upcountry reservoirs.

On May 16, three Solano Community College (SCC) students completed a 17-week operator internship at EBMUD. Through a partnership with SCC's Cooperative Work Experience Program and SCC Foundation, the interns gained hands-on work experience. These interns, along with other candidates from the public, are encouraged to apply for Water and Wastewater Plant Operator trainee examinations that will be posted in summer 2014. The District develops partnerships with community colleges such as SCC to outreach to local, diverse communities and prepare job candidates for hard-to-fill maintenance and skilled trades careers.

Tuition Reimbursement

	May 2014	FY14 Total
# of Employees	22	187
# of Classes	24	272
Total Reimbursed	\$10,685	\$113,513

Employment Information

	May 2014	FY14 Total
Retirements*	9	75
Other Separations	6	70
Hires	12	177

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

FINANCIAL NEWS

The net Mokelumne power revenue for May was \$31,018 vs the \$463,955 planned. Inflows into Pardee for May were 36% of plan and generation was 8% of plan. No Pardee generation occurred. The average electricity price was higher than expected at \$48/MWh. Renewable power and related Renewable Energy Credits (RECs) were sold to the Sacramento Municipal Utility District under the Power Purchase Agreement. REC revenue for May was \$4,070. Total net Mokelumne power revenue through May is \$1,187,339 which is 35.3% of the FY14 plan, and 20.8% of the FY14 budgeted \$5.7 Million.

FY14 PLAN	Net Revenue		Inflow (Acre Feet)	
	Plan	Actual	Plan	Actual
March	\$478,435	\$3,776	58,800	19,422
April	\$529,865	\$30,577	57,500	17,512
May	\$463,955	\$31,018	67,800	24,600
FY14 YTD Total	\$2,999,767	\$1,187,339	400,400	234,320

**Bold items are estimated*

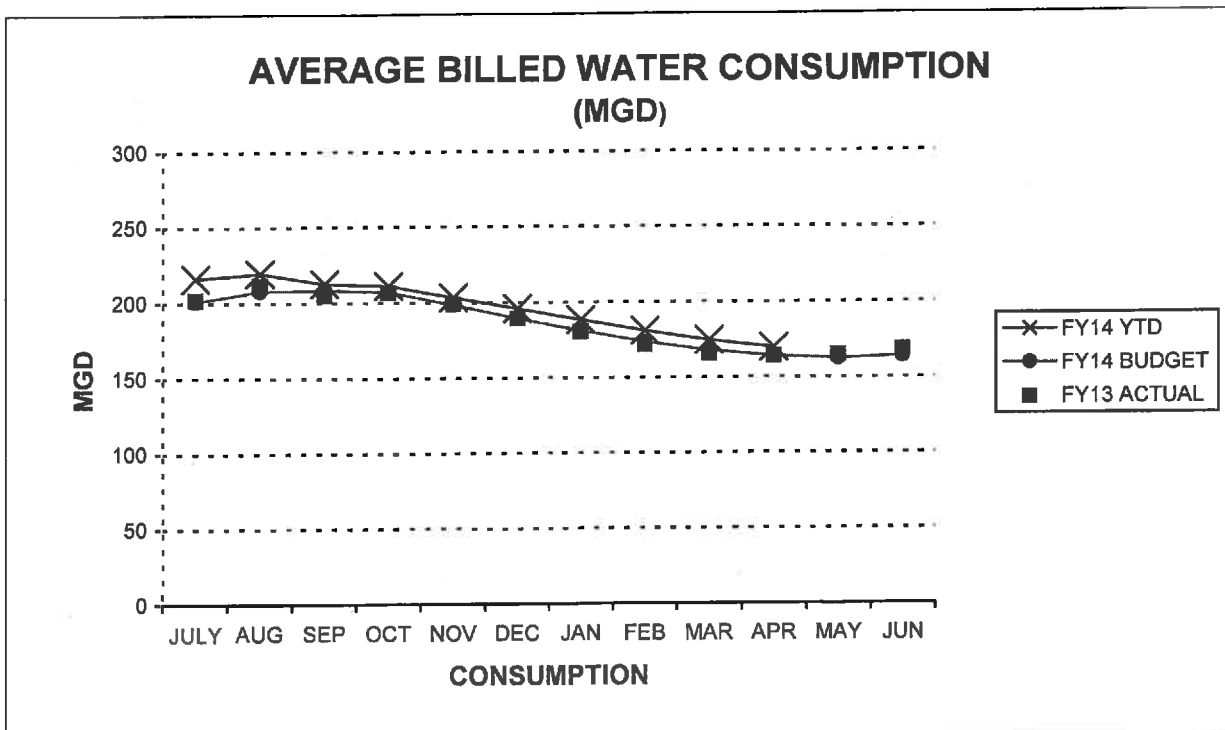
There were no contracts over \$70,000 and less than \$100,000 approved by the General Manager in May 2014.

Plant book activity for May 2014. Thirty-four plant books were sold in May 2014, which increased the total plant books sold to 34,495. May plant book revenues total \$783.55, increasing total revenues to \$737,126.16. Total revenues as a percentage of out-of-pocket book design and production cost equals 94%.

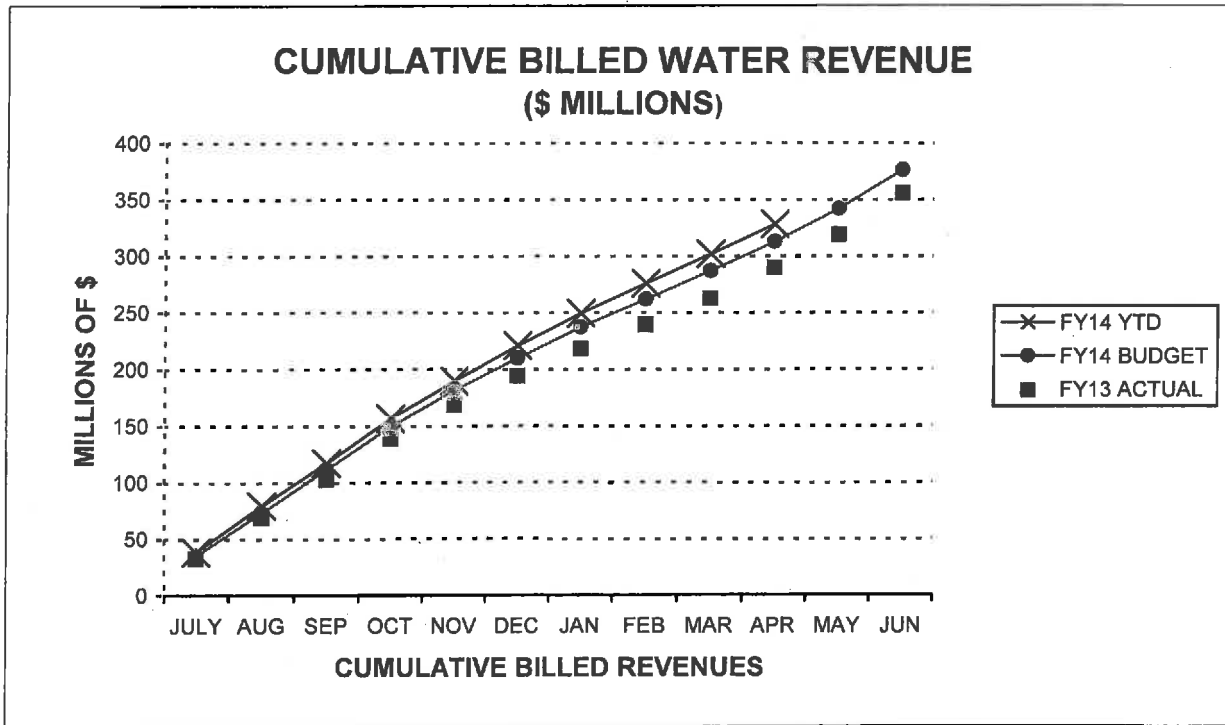
As a result of the February 2014 request for voluntary conservation, billed water consumption during April 2014 was 14.2% lower than that of April 2013. However, due to the dry weather, overall billed water consumption for FY14 through April 2014 was 169.9 MGD, which is 3.5% more than billed consumption of 164.2 MGD for the same period FY13. Total water billed in FY13 averaged 168.4 MGD.

Average Billed Water Consumption Through April		
Usage Type	FY14 (MGD)	FY13 (MGD)
Residential	91.2	88.9
Commercial	54.4	52.9
Industrial	16.7	14.9
Public Authority	7.6	7.5
Total Billed Water Consumption	169.9	164.2

Water revenues billed for the fiscal year through April were \$328.2 million, which is 13.3% more than the FY13 revenue through April of \$289.7 million due to increased consumption and the 9.75% rate increase for services provided and billed starting July 1st 2013.



Source: Customer Information System



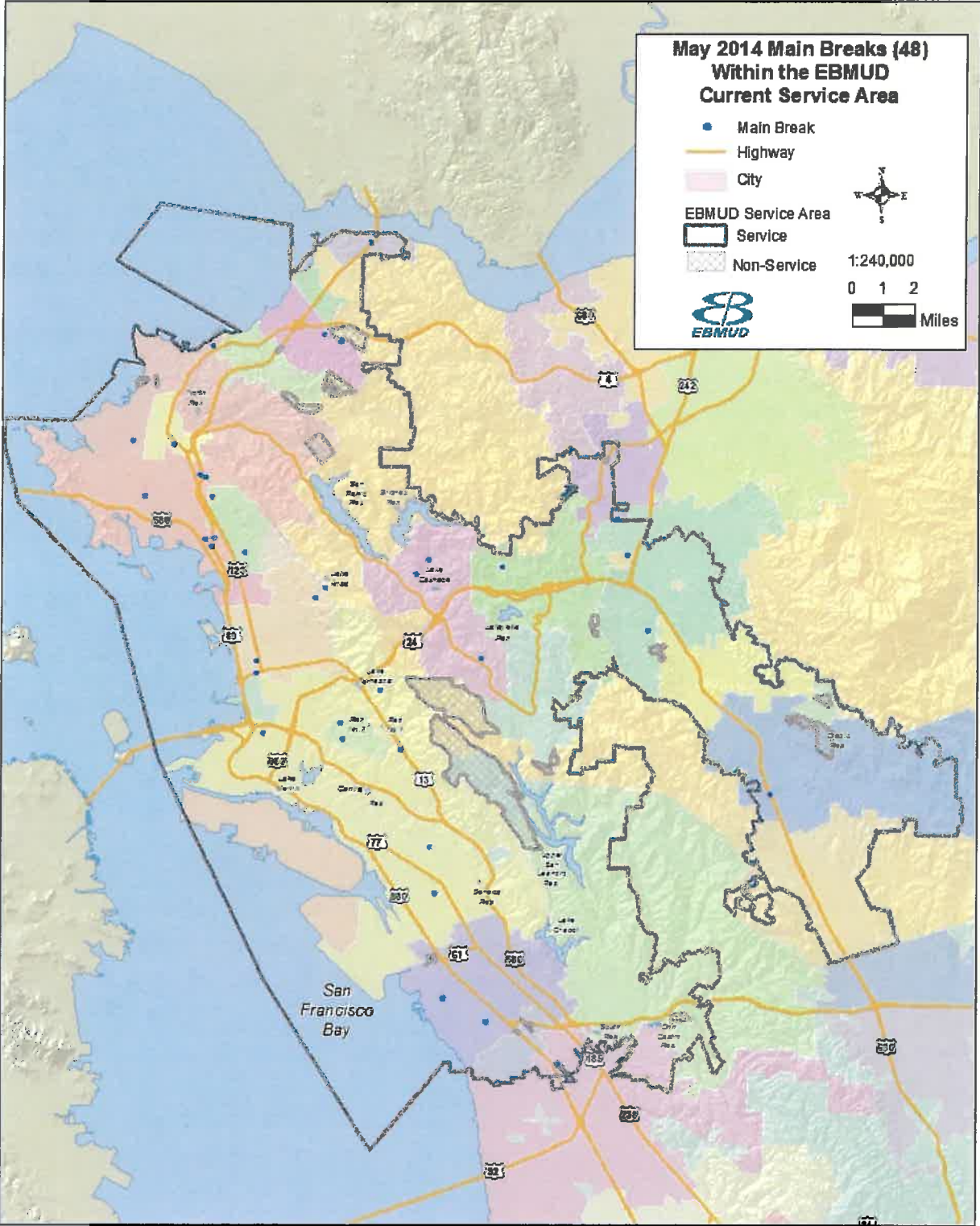
Source: Customer Information System

MAY 2014 MAIN BREAKS

City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
BERKELEY	2730	9TH		ST	ASBESTOS CEMENT	6	1951	5,760	05/01/14	05/15/14
BERKELEY		ASHBY		AVE	CAST IRON	6	1927	900	05/17/14	05/18/14
BERKELEY	1	PARK GATE			CAST IRON	6	1938	5,760	05/05/14	05/16/14
BERKELEY	2760	SHASTA		RD	STEEL	8	1968	12,960	04/29/14	05/01/14
CASTRO VALLEY	17462	ALMOND		RD	CAST IRON	8	1953	5,760	05/21/14	05/28/14
CROCKETT	1837	JOHNSON		AVE	CAST IRON	6	1956	18,000	05/17/14	05/17/14
DANVILLE	206	ELWORTHY RANCH		DR	HIGH DENSITY POLYETHYLENE PIPE	8	UNK	5,760	04/30/14	05/13/14
EL CERRITO	5529	MACDONALD		AVE	CAST IRON	4	1940	11,520	05/19/14	05/20/14
EL CERRITO	638	NORVELL		ST	CAST IRON	6	1949	21,600	05/04/14	05/06/14
EL CERRITO	2230	SCENIC		ST	CAST IRON	6	1941	23,040	05/20/14	05/27/14
HAYWARD	21525	HATHAWAY		AVE	ASBESTOS CEMENT	6	1957	5,760	05/09/14	05/19/14
HERCULES	142	AMETHYST		CT	ASBESTOS CEMENT	6	1986	4,320	05/28/14	05/28/14
HERCULES	187	GOLDENROD		DR	ASBESTOS CEMENT	6	1978	5,760	05/09/14	05/09/14
HERCULES	154	POPPY		CT	ASBESTOS CEMENT	6	1975	4,500	05/09/14	05/10/14
LAFAYETTE	1191	CAMINO VALLECITO			CAST IRON	6	1952	17,280	05/09/14	05/15/14
OAKLAND	1000	86TH		AVE	CAST IRON	4	1934	9,000	05/17/14	05/18/14
OAKLAND	1000	86TH		AVE	CAST IRON	4	1934	4,500	05/18/14	05/18/14
OAKLAND	9190	EDES		AVE	CAST IRON	8	1942	23,040	05/13/14	05/20/14
OAKLAND	6207	FOOTHILL		BL	CAST IRON	8	1929	5,760	05/11/14	05/15/14
OAKLAND	2859	HELEN		ST	CAST IRON	6	1940	5,760	04/28/14	05/07/14
OAKLAND	1980	OAK CREST		DR	CAST IRON	4	1935	2,700	05/01/14	05/01/14
OAKLAND	1801	ROSECREST		DR	CAST IRON	6	1936	1,800	05/29/14	05/29/14
OAKLAND	6315	SWAINLAND		RD	STEEL	12	1962	5,760	04/16/14	05/02/14
ORINDA	15	LA CUESTA			CAST IRON	4	1934	900	05/30/14	05/30/14
ORINDA	19	LOMA LINDA		CT	CAST IRON	6	1969	5,760	05/07/14	05/09/14
ORINDA	209	OVERHILL		RD	CAST IRON	8	1946	5,760	05/23/14	05/27/14
ORINDA	6	TARRY		LN	CAST IRON	6	1947	17,280	04/30/14	05/05/14
ORINDA	101	VISTA DEL MAR		PL	STEEL	12	1948	5,760	04/30/14	05/08/14

MAY 2014 MAIN BREAKS

City	Bldg	Pre	Street	Suf	Pipe Material	Pipe Diameter	Year Installed	Est Water Loss (Gal)	Identified On	Completed On
PIEDMONT	108		MACKINNON	PL	CAST IRON	2	1941	2,700	05/17/14	05/17/14
PIEDMONT	122		RICARDO	AVE	CAST IRON	6	1938	9,000	05/03/14	05/04/14
RICHMOND	102		12TH	ST	ASBESTOS CEMENT	8	1933	5,400	05/10/14	05/10/14
RICHMOND	618	S	20TH	ST	CAST IRON	4	1941	20,160	05/06/14	05/12/14
RICHMOND	77		BLACKWOOD	CT	ASBESTOS CEMENT	6	1967	5,760	05/16/14	05/21/14
RICHMOND	1314		CARLSON	BL	CAST IRON	6	1945	5,760	05/15/14	05/21/14
RICHMOND	5301		CLINTON	AVE	CAST IRON	12	1955	5,760	05/12/14	05/12/14
RICHMOND	5321		CLINTON	AVE	CAST IRON	12	1955	12,960	05/03/14	05/05/14
RICHMOND	5541		HIGHLAND	AVE	STEEL	2	1924	23,040	04/28/14	05/05/14
RICHMOND	764		LASSEN	ST	CAST IRON	4	1938	5,760	05/03/14	05/07/14
RICHMOND	842		LASSEN	ST	CAST IRON	4	1938	5,760	05/28/14	05/28/14
RICHMOND	1528		OSCAR	ST	CAST IRON	4	1941	4,500	05/10/14	05/10/14
RICHMOND	1742		TRUMAN	ST	CAST IRON	6	1944	4,500	05/09/14	05/09/14
SAN LEANDRO	2136	W	AVE 136TH		CAST IRON	4	1941	28,800	05/03/14	05/06/14
SAN LEANDRO	15100		FARNSWORTH	ST	CAST IRON	4	1950	5,760	05/11/14	05/15/14
SAN PABLO	2700		DOVER	AVE	CAST IRON	6	1957	5,760	05/03/14	05/07/14
SAN PABLO	1100		JOEL	CT	CAST IRON	4	1949	5,760	05/20/14	05/27/14
WALNUT CREEK	10		OVERLOOK	CT	ASBESTOS CEMENT	6	1973	450	05/06/14	05/06/14
WALNUT CREEK	7		PARKLAND	DR	ASBESTOS CEMENT	4	1954	2,700	05/14/14	05/14/14
WALNUT CREEK	2272		TICE VALLEY	BL	STEEL	8	1963	5,760	05/07/14	05/07/14
TOTAL								408,510		



EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 5, 2014
MEMO TO: Board of Directors
THROUGH: Alexander R. Coate, General Manager *ARC*
FROM: Delores Turner, Manager of Human Resources *DTurner*
SUBJECT: Annual Retirement Board Status Update – June 10, 2014

At the June 10, 2014 Board Meeting, staff will present an overview of the work done by the Retirement Board starting at the beginning of Calendar Year 2013 through April 2014.

The presentation will detail decisions made by the Retirement Board related to the Retirement System during the period, as well as provide an update on total plan assets, funding levels, and EBMUD and employee contributions to the Retirement System.

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