



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

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375 – 11<sup>th</sup> Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0404

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**AGENDA  
Tuesday, May 27, 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. *United States of America, et al. v. East Bay Municipal Utility District*  
USDC, N.D. Cal., Case No. CV 09-0186 RS

*(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:**

- Government Finance Officers Association & California Society of Municipal Finance Officers Awards for FY14-15 Budget
- EBMUD Employee Excellence Awards

**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 14 recommendations, including 1 resolution)

1. Approve the Regular Meeting Minutes of May 13, 2014.
2. File correspondence with the Board.
3. Award 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 (RFQ) No. 1421.
4. Authorize 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. Authorize 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. Authorize 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. Authorize 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. Authorize 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. Authorize 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. Authorize 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. Authorize 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.

**CONSENT CALENDAR:** (Continued)

12. Approve 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. Approve 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. Adopt the proposed amendments to the Watershed and Recreation Rules and Regulations.

(Resolution)

**DETERMINATION AND DISCUSSION:**

15. Adopt the Bay Area Regional Reliability Principles as a framework for cooperative efforts among eight participating agencies, to develop water supply reliability projects that provide regional benefit.
16. Legislative Update:
  - Update on Legislative Issues of Interest to EBMUD
17. General Manager's Report:
  - Water Supply Update

**REPORTS AND DIRECTOR COMMENTS:**

18. Committee Reports:
  - Planning
  - Legislative/Human Resources
19. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, June 10, 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 11<sup>th</sup> Street, Oakland, California, during normal business hours.*

## BOARD CALENDAR

Date	Meeting	Time/Location	Topics
<b>Monday, May 26</b>	<b>Memorial Day Holiday</b>		<ul style="list-style-type: none"> <li>• District Offices Closed</li> </ul>
<b>Tuesday, May 27</b>	<p><b>Strategic Plan Update and FY15 Mid-Cycle Budget and Rates Workshop</b></p> <p><b>Finance/Administration Committee</b> Coleman (Chair), Linney, Patterson</p> <p><b>Board of Directors</b></p>	<p>8:30 a.m. Training Resource Center</p> <p>10:00 a.m. Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	<ul style="list-style-type: none"> <li>• District Strategic Plan – July 2014</li> <li>• FY14-15 Mid-Cycle Budget Update</li> <li>• <i>Cancelled</i></li> </ul>
<b>Tuesday, June 10</b>	<p><b>Planning Committee</b> Foulkes (Chair), Linney, McIntosh</p> <p><b>Legislative/Human Resources Committee</b> McIntosh (Chair), Coleman, Mellon</p> <p><b>Board of Directors</b></p>	<p>9:15 a.m. Training Resource Center</p> <p>10:15 a.m. Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	
<b>Tuesday, June 24</b>	<p><b>Finance/Administration Committee</b> Coleman (Chair), Linney, Patterson</p> <p><b>Sustainability/Energy Committee</b> Linney (Chair), Foulkes, Katz</p> <p><b>Board of Directors</b></p>	<p>10:00 a.m. Training Resource Center</p> <p>TBD Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	
<b>Friday, July 4</b>	<b>Fourth-of-July Holiday</b>		<ul style="list-style-type: none"> <li>• District Offices Closed</li> </ul>
<b>Tuesday, July 8</b>	<p><b>Planning Committee</b> Foulkes (Chair), Linney, McIntosh</p> <p><b>Legislative/Human Resources Committee</b> McIntosh (Chair), Coleman, Mellon</p> <p><b>Board of Directors</b></p>	<p>9:15 a.m. Training Resource Center</p> <p>10:15 a.m. Training Resource Center</p> <p>11:00 a.m. 1:15 p.m.</p>	



## MINUTES

**Tuesday, May 13, 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 11:05 a.m. in the Administration Center Board Room.

### ROLL CALL

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

Staff present included General Manager Alexander R. Coate, General Counsel Jylana Collins, Attorney Jonathan D. Salmon (Item 1a), Director of Wastewater Bennett K. Horenstein (Items 1a and 2), Attorney Derek T. McDonald (Item 2), Director of Finance Eric L. Sandler (Item 2), Manager of Real Estate Services Stephen J. Boeri (Item 2).

### PUBLIC COMMENT

Addressing the Board were the following persons: 1) Ken Miller, representing Iron Workers 378, expressed support of the Viridis biodiesel fuels project; 2) Andreas Cluver, representing the Alameda County Building Trades Council, spoke in favor of the project, said it was a win-win for the environment, jobs, and the community, and urged the Board to grant the lease extension; 3) Andrew Slivka, representing the Alameda County Carpenters Union, said he is looking forward to working with the developer to provide jobs for the community; and in response to Director Mellon's questions said he had shared his short list of union funding sources; 4) Mario Juarez, President, Viridis Fuels, said they are aggressively pursuing all financing sources, said the project will have broad impact on the community, and requested another six-month extension of the lease agreement; 5) Steve Lowe, Vice-President, West Oakland Commerce Association, spoke in support of the project and cited the positive impacts it would have in the West Oakland community; 6) Len Turner, Chief Financial Officer, Turner Group Construction, expressed support for the project citing employment opportunities for the community and urged the Board to support the project; 7) Wil Hardee, President, Oakland African-American Chamber of Commerce, said the Board should support new businesses in Oakland, cited environmental and economic benefits, and urged the Board to work with Viridis to make this happen; 8) Darrel Carey, President, East Bay Small Business Council, expressed support for the project and urged the Board to assist in making it a viable business; 9) Pastor Gerald Agee, Pastor of Friendship Christian Center and representing Pastors of Oakland, urged the Board to provide the lease extension to allow this project to move forward; 10) Eddie Dillard, President, Oakland Black Board of Trade and Commerce, urged the Board to help this business become a reality and provide job opportunities for the local community; 11) Alok Kolekar, Business Analyst, Viridis Fuels, expressed support for the project;

12) Mike Seals, President, Focus Construction, expressed support for the project and urged the Board to support Viridis' efforts; 13) Kathy Neal, CEO, Viridis Fuels, submitted a letter to the Board requesting favorable consideration of their request for a lease extension, highlighted project accomplishments, summarized efforts for securing funding (i.e. working with union pension funds and submitting a proposal for bond funding to the California Pollution Finance Control Authority), and said they look to break ground on the project in six months; and 14) Ruben Rodriguez, representing AFSCME Local 444, expressed concern about the unfilled vacancies at the Wastewater Treatment Plant. He submitted a seniority list of the work unit and pointed out that a large number of vacant Wastewater Operators positions have not been replaced and many current long-term employees are eligible for retirement. He requested that the District hire more than two people from the current eligibility list rather than waiting for a new list. The Board requested a written update on this issue.

### **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 1:24 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 from closed session.

### **PUBLIC COMMENT**

Addressing the Board was Kent Lewandowski, Oakland resident and ratepayer, who expressed his disappointment with the Board's decision to access the Freeport connector. He said that conservation and rationing should be the first options before taking water from the Sacramento River. He also noted that he supported the wild and scenic designation for the Mokelumne River.

### CONSENT CALENDAR

- Item 13 was removed from the Consent Calendar for discussion.
  - Motion by Director Coleman, seconded by Director Foulkes, to approve Items 1-12 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).
  - Motion by Director Mellon, seconded by Director Linney, to reconsider Item 9 to allow comment and discussion on the recommended action, 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. 077-14 --** Approved the Regular Meeting Minutes of April 22, 2014.
  2. The following correspondence was filed with the Board: 1) Letter dated May 11, 2014 to Alexander R. Coate, General Manager, from Kathy Neal, CEO, Viridis Fuels, regarding requested parcel realignments and the lease agreement extension; 2) Document entitled "Seniority List" presented by Ruben Rodriguez; 3) Presentation on State Wild & Scenic versus Federal Wild & Scenic (with attachments) submitted by Marlaigne K. Dumaine, Manager of Legislative Affairs; 4) Speaking notes submitted by Al Miller supporting SB 1199; 5) Email dated April 4, 2014 to Alexander R. Coate, General Manager, et al from Katherine Evatt, regarding the Mokelumne Wild and Scenic Bill; 6) Email dated May 2, 2014 to Alexander R. Coate, General Manager, from Marlaigne K. Dumaine, Manager of Legislative Affairs, regarding a letter from Calaveras County to EBMUD Board encouraging EBMUD to stay neutral on SB 1199; 7) Email letter dated April 22, 2014, to Lynelle M. Lewis, Secretary of the District, transmitting a letter (from seventeen constituents representing Friends of the River) to Senator Loni Hancock, expressing support for SB 1199 to protect the Mokelumne as a California State Wild & Scenic River; 8) Email dated May 3, 2014 to Katy Foulkes, William Patterson, Alexander Coate, and Richard Sykes, from John Coleman, regarding Mokelumne River, SB 1199, and MokeWISE Planning; 9) Letter dated May 12, 2014 to President Andy Katz, from Katherine K. Evatt, President, Foothill Conservancy, supporting SB 1199, Mokelumne Wild and Scenic River bill—SUPPORT; 10) Letter dated May 12, 2014 to President Andy Katz from Steven L. Evans, Wild & Scenic Rivers Consultant, supporting SB 1199 Mokelumne Wild and Scenic River—SUPPORT; 11) Documents entitled "Comments to EBMUD Board of Directors on SB 1199, May 13, 2014" from Richard Farrington, Amador Water Agency; 12) Document entitled "Selected urban water supply investments in California since 1990 – none of which involve new or expanded on-stream surface storage" presented by Spreck Rosekrans, Restore Hetch Hetchy; 13) Booklet entitled "Wild & Scenic Mokelumne – A River for Everyone," dated May 2014; 14) Presentation entitled "FY15 Proposed Non-Prop 218 Rates, Charges, & Regulations," dated May 13, 2014; 15) Presentation entitled "Water Supply Update and Drought Management Update," dated May 13, 2014; 16) Presentation entitled "Ordinance to Amend EBMUD Retirement System Ordinance No. 40 – Section 2(n) and Section 6(D)," dated

- May 13, 2014; 17) Memorandum dated May 13, 2014 to Board of Directors, from Cheryl A. Farr, Special Assistant to the General Manager, regarding Speakers' Bureau Update; and 18) Presentation entitled "Meeting Adjournment in Memory of District Employees and Retirees Who Passed Away This Past Year," dated May 13, 2014.
3. **Motion No. 078-14** -- Awarded a two-year contract to each of the lowest responsive/responsible bidders, NBC Supply Corp, Magid Glove and Safety, LLC., S&S Supplies and Solutions, and Sunwest Group, in the respective annual amounts after the addition of taxes of \$37,456.76, \$18,578.79, \$88,245.05 and \$25,681.49 respectively for supplying protective equipment and supplies to the District with three options to renew for an additional one-year period for a total cost not to exceed \$849,810.43 under Request for Quotation No. 1416.
  4. **Motion No. 079-14** -- Authorized an agreement with California Generator Service in an estimated amount of \$294,040 for generator maintenance at various District locations during the period May 19, 2014 to May 19, 2017 with two options to renew for additional one-year period for a total cost not to exceed \$490,067 under Request for Quotation No. 1417.
  5. **Motion No. 080-14** -- Awarded a contract to the lowest responsive/responsible bidder, RFI Enterprises, Inc., in an amount, after the addition of taxes, not to exceed \$191,098 for supplying sixteen video recorders for fourteen District facilities for the period beginning May 13, 2014 and ending May 12, 2015 under Request for Quotation No. 1419.
  6. **Motion No. 081-14** -- Awarded a one-year contract to the lowest responsive/responsible bidder, All Industrial Electric Supply, in an amount after the addition of taxes, not to exceed \$114,840, for supplying main fused switch replacement materials for the Administration Building for the period beginning May 14, 2014 and ending May 13, 2015, under Request for Quotation No. 1422.
  7. **Motion No. 082-14** -- Awarded a contract to the lowest responsive/responsible bidder, American Construction and Supply, Inc. in the amount of \$372,277 for construction of the Mokelumne Aqueducts Cathodic Protection Improvements under Specification 2076.
  8. **Motion No. 083-14** -- Authorized an agreement with GHD, Inc. in an amount not to exceed \$170,000 for professional services for the predesign of upgrades to the communication systems at the District's Main Wastewater Treatment Plant during the period June 2014 to December 2014.
  9. **Motion No. 086-14** -- Authorized an agreement with West Yost Associates in an amount not to exceed \$200,000 for groundwater monitoring data evaluation and preparation and certification of associated reports, at the District's four Pardee Area wastewater treatment plants and Bayside Aquifer Storage and Recovery Groundwater Project, for the period May 19, 2014 to June 30, 2019, for compliance with regulatory requirements in discharge permits at these facilities.
- Addressing the Board was Mark Foley, President, AFSCME Local 2019, who expressed the union's opposition to the agreement and said that the work should be performed by District staff.

Director Mellon asked about the cost for in-house staff versus contracting out. Director of Operations and Maintenance Michael J. Wallis explained that the work requires specialized expertise and certifications to comply with regulatory requirements and there is no in-house staff available for this assignment. There was Board discussion regarding availability of staff with the specialized skills and the cost of contracting out versus using District staff. In response to comments by Mr. Foley about the work being equivalent to .15 full-time employee, President Katz asked if there was enough work to combine it with that of a full-time employee. Director Linney asked if staff were available, could the work be performed in-house as opposed to a consultant. Mr. Wallis said that union staff is not available to perform the specialized work at this time because they are on other work assignments. In response to the Board's questions about staff availability, Mr. Foley said that due to vacancies no employees are available at this time. Director Foulkes suggested adding a stipulation to use District staff with the appropriate certifications if they are available to perform the work.

- Motion by Director Foulkes, seconded by Director Patterson, to approve the recommended action with the stipulation that if in-house staff is available they be given the opportunity to perform the duties, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).
- 10. **Motion No. 084-14** -- Approved the Water Supply Assessment requested by the City of San Leandro for the City of San Leandro Shoreline Development Project pursuant to the California Water Code, Section 10910-10915.
- 11. **Motion No. 085-14** -- Approved an increase to the existing agreement with O. C. Tanner Recognition Company in an amount not to exceed \$50,000 and extend the agreement by six months to provide employee service awards through December 31, 2014.
- 12. **Resolution No. 33979-14** -- Resolution Authorizing Renewal Of Lease For Office And Warehouse Space At Lodi, California.
- 13. **Resolution No. 33980-14** -- Appointing Sophia D. Skoda As Treasury Manager (*effective May 19, 2014*).
- Item 13 was removed from the Consent Calendar for comment. Director Mellon highlighted Ms. Skoda's experience in both wastewater and finance and extended congratulations on her appointment. President Katz commended Ms. Skoda on the extraordinary work she did with the Resource Recovery Program. Ms. Skoda commented that she really enjoyed working on the Resource Recovery Program and is excited to serve the District in a new capacity.
- Motion by Director Mellon, seconded by Director Coleman, to approve the recommended action for Item 13, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

## **DETERMINATION AND DISCUSSION**

### **14. Legislative Update.**

Legislative/Human Resources Committee Chair Lesa R. McIntosh reported that the Committee met earlier and unanimously voted to support the recommended positions for AB 2684 (Stone) and H.R. 4456 (Miller).

- Motion by Director McIntosh, seconded by Director Mellon, to approve the recommended positions in Legislative Report No. 07-14 for AB 2684 (Stone) and H.R. 4456 (Miller), 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. 087-14** -- Received Legislative Report No. 07-14 and approved positions on the following bills: SUPPORT IF AMENDED AB 2684 (Stone) Hatchery Practices: Salmon and Steelhead; and SUPPORT H.R. 4456 (Miller) To Determine the Feasibility of Additional Agreements for Long-Term Use of Existing or Expanded Non-Federal Storage and Conveyance Facilities.

Next, Director of Water and Natural Resources Richard G. Sykes provided background information on the “wild and scenic” designation process. On April 2014, SB 1199 was introduced by Senator Loni Hancock which would designate eight specified segments of the Mokelumne River as “wild and scenic.” It was noted that SB 1199 is co-sponsored by the Foothill Conservancy and Friends of the River. Next, Ms. Dumaine highlighted the staff recommended position of “Oppose Unless Amended” on SB 1199 to transmit its concerns about: 1) protecting EBMUD’s current operations and water rights and 2) providing for a stakeholder process for any wild and scenic designation.

Director McIntosh commented that a “Support If Amended” position on AB 1199 would send a more positive message. Director Linney asked questions about the “wild and scenic” area on the Mokelumne, water quality and water diversions. Directors Coleman and Patterson expressed concern that this bill could negatively impact relationships developed with the Upper Mokelumne River Watershed Authority (UMRWA) partners because their concerns have not been considered. Director Mellon expressed concern about the timing of this bill. Ms. Dumaine said that Senator Hancock is willing to work with EBMUD on language to protect the Pardee Reservoir and to meet with upcountry stakeholders.

The following persons addressed the Board: 1) Marilyn Freedberg, ratepayer, voiced support for SB 1199; 2) Theresa Jimsiman, representing American Whitewater, voiced support for SB 1199; 3) Henrik Albert, ratepayer, voiced support for SB 1199; 4) Marguerite Young, Oakland resident, voiced support for SB 1199; 5) Richard Weiss, ratepayer, voiced support for the “wild and scenic” designation; 6) Pete Bell, representing the Foothill Conservancy, commented that they are willing to discuss amendments but they need assurance that this issue will be taken seriously. Director Patterson asked why this issue had not been presented to the UMRWA Board, and Mr. Bell said they felt it would be instantly turned down; 7) Al Miller, ratepayer and supporter of Friends of the River, submitted written remarks urging the

Board to support SB 1199 and to work aggressively with the authors to achieve amendments needed to ensure that the “wild and scenic” designation would not affect EBMUD’s current operations at Pardee Reservoir or restrict other operations required to provide high quality drinking water; 8) Spreck Rosekrans, Director of Restore Hetch Hetchy, commented that the rivers in the foothills need protecting and urged sending a positive message for SB 1199; 9) George Armstrong, Walnut Creek resident, commented that EBMUD should encourage wise use of water and expressed support for SB 1199; 10) Katherine Evatt, representing Foothill Conservancy, commented that they are familiar with stakeholder processes but the fundamental problem is that not all of the upcountry interests recognize that there is a legitimate public interest in protecting the Mokelumne River. She said that their interests have not been taken seriously so SB 1199 was presented to provide protection for people, fish and wildlife. She acknowledged that EBMUD had made significant investments in the foothill communities and urged the Board to support SB 1199; 11) Alan Carlton, Alameda resident and supporter of the Sierra Club, urged support of SB 1199 to protect the Mokelumne River; 12) Charles Schultz, North Bay Chapter of Trout Unlimited, commented that EBMUD has a good record of protecting the watershed and recreation areas and urged support of SB 1199; 13) Muriel Zeller, representing Calaveras County Supervisor Chris Wright, presented comments urging support for SB 1199 and protection of the Mokelumne River; 14) Cecily Smith, Executive Director of Foothill Conservancy, urged support for SB 1199 and expressed appreciation for EBMUD’s stewardship in the foothill community; 15) Tom Schwertscharf, representing the Sierra Club, urged support of SB 1199; 16) Gary Reindehl, Amador County resident, urged support for SB 1199 and protection for the Mokelumne River; 17) Steve Evans, Consultant for Friends of the River and Foothill Conservancy, said the staff report contained some inaccuracies and urged the Board to adopt a “neutral” position on SB 1199; 18) Sonia Diermayer, representing Sierra Club San Francisco Bay chapter, expressed support for SB 1199 and urged the Board to adopt a “support if amended” or “neutral” position; 19) Keith Miller, Owner of California Canoe and Kayak, urged support of SB 1199; 20) Robert Dean, Director, Calaveras County Water District, expressed support for “wild and scenic” but expressed opposition to SB 1199 because of the way it was drawn up and the lack of collaboration on issues of concern; 21) Dr. Richard Farrington, Vice-President of the Board of Director, Amador Water Agency, expressed the Board’s unanimous opposition to SB 1199 and urged the Board to forego action on this bill, request that Senator Hancock drop the bill, and provide for a stakeholder process; 22) Dominick Mortarotti, student Bishop O’Dowd High School, expressed support for the protection of the Mokelumne River and urged a “support if amended” position on SB 1199; 23) Joshua Takeuchi, student Bishop O’Dowd High School, expressed support for the “wild and scenic” designation to protect the Mokelumne River and urged supported for SB 1199; 24) Madelyn Murray, representing Bishop O’Dowd High School Students for Sustainability Club, expressed support for the “wild and scenic” designation to protect the Mokelumne River and urged support for SB 1199; 25) Nick DiCroce, representing Environmental Water Caucus, urged the Board to support “wild and scenic” status as called for in SB 1199 and to send a positive message; 26) David Nesmith, representing Environmental Water Caucus, urged the Board to support the “wild and scenic” designation in SB 1199; 27) Nik Bertulis, Environmental Management and Technology Instructor at Merrit College, urged the Board to support on the “wild and scenic” designation; 28) Joanne Drabek, ratepayer, thanked the Board for its stewardship over the years and urged support for SB 1199; and 29) George Wendt,

Superivsor, Calaveras County Board, urged the Board to adopt a “neutral” position on SB 1199 and said that the “wild and scenic” designation would protect the Mokelumne River and provide an economic benefits to the area.

Directors Coleman, Patterson, Foulkes and Mellon expressed support for the staff recommendation to allow for continued dialogue to address everyone’s concerns. Directors Linney, McIntosh, and President Katz urged the Board to consider a more supportive position and work through the legislative process.

- Motion by Director Coleman, seconded by Director Patterson, to support the staff recommended position of OPPOSE UNLESS AMENDED on SB 1199.
- Substitute Motion by Director Linney, seconded by Director McIntosh, to approve a position of SUPPORT IF AMENDED on SB 1199.

There was considerable discussion on the pros and cons of each motion.

The Board voted on the “Substitute Motion” to approve a position of SUPPORT IF AMENDED on SB 1199. The motion failed (3-4) by the following roll call vote:

AYES:	Linney, McIntosh, and Katz
NOES:	Coleman, Foulkes, Mellon, and Patterson
ABSTAINED:	None
ABSENT:	None

The Board voted on the “Main Motion” to approve the recommended position of OPPOSE UNLESS AMENDED on SB 1199. The motion carried (4-2-1) by the following roll call vote:

AYES:	Coleman, Foulkes, Mellon, and Patterson
NOES:	Linney and Katz
ABSTAINED:	McIntosh
ABSENT:	None

**Motion No. 088-14 --** Approved the position of OPPOSE UNLESS AMENDED SB 1199 (Hancock) Wild and Scenic Rivers: Mokelumne River.

The Board requested that staff convey the District’s position on the bill, work with Senator Hanconck on amendments, extend an offer to host Senator Hancock for a visit to the Mokelumne River area, meet upcountry partners, and provide the Board with periodic reports on the bill’s development.



**15. File A Report and Set A Public Hearing for 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 by Director Coleman, seconded by Director McIntosh, to approve the recommended actions for Items 15.1-15.2 carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

15.1. **Motion No. 089-14** -- Filed 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.

15.2. **Motion No. 090-14** -- Setting a Public Hearing on Tuesday, June 10, 2014 during the Board's regular meeting to consider the report and recommendation.

**16. Approve Actions Relating to 2014 Water Shortage Action Plan.**

Operations and Maintenance Department Manager Eileen M. White presented an update on the District's water supply. Special Assistant to the General Manager Cheryl A. Farr presented the goals and key messages that are part of the 2014 Water Shortage Action Plan.

- Motion by Director Foulkes, seconded by Director McIntosh, to approve the recommended actions for Items 16.1-16.3, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

16.1. **Motion No. 090-14** -- Approved the 2014 Water Shortage Action Plan in accordance with District Policy 9.03.

16.2. **Motion No. 091-14** -- Report to the Department of Water Resources and the State Water Resources Control Board on the District's 2014 Water Shortage Plan and the effectiveness of the plan to reduce water use pursuant to California Water Code, Section 1058.5 per the Governor's Executive Order.

16.3. **Motion No. 092-14** -- Authorized staff to continue the necessary actions to prepare for drought conditions if dry conditions worsen.

**17. Continue Second and Final Reading, and Vote on an Ordinance Amending the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40) to Update Section 6(d) and Section 2(n).**

- Motion by Director Mellon, seconded by Director Foulkes, to approve the recommended action for Item 17, carried (7-0) by the following voice vote: AYES (Coleman, Foulkes, Linney, McIntosh, Mellon, Patterson, and Katz); NOES (None); ABSTAIN (None); ABSENT (None).

**Ordinance No. 361-14** – An Ordinance Amending Subsection 6(d) And Section 2(n) Of Ordinance No. 40, Which Is The Employees’ Retirement System Ordinance. (*Continued Second and Final Reading and Vote—Ordinance No. 361-14.*)

**18. General Manager’s Report.**

General Manager Alexander R. Coate reported that staff provide an updated speaker’s bureau list along with the Monthly Report - April 2014. Director Mellon reported that on August 7<sup>th</sup> he would be speaking to the Columbia Homeowners group. President Katz reminded the Board of the May 27<sup>th</sup> update on the Strategic Plan and FY15 Mid-Cycle Budget.

**REPORTS AND DIRECTOR COMMENTS**

**19. Committee Reports.**

Filed with the Board were the Minutes of the April 22, 2014 Sustainability/Energy and Finance/Administration Committees.

**20. Director Comments.**

- Director Coleman reported attending/participating in the following events: ACWA Executive Committee teleconference meeting on April 23 in Oakland; Upper Mokelumne River Watershed Authority (UMRWA) Board meeting on April 25 at Pardee Lodge; Lafayette City Council meeting presentation on water supply and drought issues on April 28 in Lafayette; League of Women Voters annual luncheon on April 29 in Oakland; ACWA Executive Committee teleconference meeting on April 29 in Oakland; Santa Clara Valley Water District presentation with ACWA regarding state water issues on May 1 in San Jose; ACWA conference (including JPIA) from May 3-9 in Monterey; meeting with San Joaquin officials on May 7 in Monterey; and Mt. Diablo Silverado Council Executive Board meeting on May 12 in Pleasant Hill. He reported on plans to attend/participate in the following upcoming events: ACWA Executive Committee teleconference meeting on May 13 in Oakland; Pleasant Hill City Council meeting presentation on drought issues on May 19 in Pleasant Hill; ACWA Executive Committee teleconference meeting on May 20 in Oakland; Walnut Creek City Council meeting presentation on drought issues on May 21 in Walnut Creek; and EBMUD Ward 2 event and presentation on drought issues, rates, and infrastructure on May 22 in Walnut Creek.
- Director Foulkes reported attending/participating in the following events: Moraga Town Council on April 23 in Moraga; UMRWA board meeting on April 25 at Pardee Lodge; EBMUD/East Bay Regional Parks District Liaison Committee meeting on April 28 in Oakland; DSRSD/EBMUD Recycled Water Authority (DERWA) Board meeting on April 28 in Dublin; EBMUD press conference on the Freeport water release on April 30 in Orinda; teleconference meeting with Ph.D candidate regarding the Wastewater Treatment Plant waste to energy efforts on May 1; work on George Pardee’s burial site on May 4; and ACWA Conference (including meetings with San Joaquin interests and UMRWA representatives) from May 6-9 in Monterey.

- Director Linney reported attending the EBMUD/East Bay Regional Parks District Liaison Committee meeting on April 28 in Oakland.
- Director McIntosh reported attending the Richmond City Council meeting on April 22 in Richmond and the ACWA Conference from May 6-9 in Monterey.
- Director Mellon reported attending the City of San Ramon's Mayors conference on April 25 in San Ramon, meeting with Senator Loni Hancock on April 28 in Sacramento, and attending the DERWA Board meeting on April 28 in Dublin.
- Director Patterson reported attending a meeting with Senator Loni Hancock on April 28 in Sacramento and the ACWA Conference from May 6-9 in Monterey.
- President Katz had no comment.

#### **ADJOURNMENT**

President Katz announced that the meeting would be adjourned in memory of those employees and retirees who have passed away in the last year. The names of these employees were displayed while the Board and staff observed a moment of silence.

President Katz adjourned the meeting at 5:16 p.m.

SUBMITTED BY:

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Lynelle M. Lewis, Secretary of the District

APPROVED: May 27, 2014

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Andy Katz, President of the Board

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AGENDA NO. 3.  
 MEETING DATE May 27, 2014

**TITLE** STEEL PIPE FOR STOCK (MORTAR-LINED AND COATED, MORTAR-LINED AND PLASTIC COATED)

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Award 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 (1) year, with an option to renew for an additional one-year period for a total cost of \$4,298,544 under Request for Quotation (RFQ) No. 1421.

**SUMMARY**

The pipe required under this contract is a highly critical materials purchase and will be used for ongoing repairs and new installations in the water distribution system. The estimated quantities are based on historical data and departmental input. Purchases will be made to meet actual District needs and may exceed the estimated quantities. The term of the contract is for a single year due to the volatility of market prices for steel, but does contain an option for a second year.

**VENDOR SELECTION**

Requests for proposals were sent to three resource organizations and to 103 potential proposers. Three bid responses were received, with West Coast Pipe and Imperial Pipe being the lowest bidders for their respective schedules.

**CONTRACT EQUITY PROGRAM EFFORTS**

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

**FISCAL IMPACT**

Funds are available for this purchase in the FY 14-15 budget.

Funds Available: FY 14-15		Budget Code: VAR/VAR
DEPARTMENT SUBMITTING  Finance	DEPARTMENT MANAGER or DIRECTOR  <i>Eric L. Sandler</i> Eric L. Sandler	APPROVED  <i>Michael R. Deery</i> General Manager

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

Steel Pipe for Stock (Mortar-Lined and Coated, Mortar-Lined and Plastic Coated)

May 27, 2014

Page 2

## ALTERNATIVES

**Reject all bids and support ongoing requirements by purchasing each replenishment order on the open market.** This approach is not recommended as it will increase administrative costs and the District will likely not receive volume pricing, thereby resulting in higher prices being paid for steel pipe.

**Conduct a competitive bid process for a multi-year award.** The current and ongoing volatility of the steel market does not support this strategy, as vendors cannot guarantee pricing over an extended time period.

### Attachments:

P-035 – Contract Equity Program Summary

P-061 – Affirmative Action Summary

**EAST BAY MUNICIPAL UTILITY DISTRICT**

**RFQ NO. 1421**

**Steel Pipe for Stock**

**Bids Received by 1:30 pm on April 16, 2014**

	<b>BIDDER</b>	<b>SBE (Y/N)</b>	<b>TOTAL AMOUNT BID SCHED I</b>	<b>TOTAL AMOUNT BID SCHED II</b>	<b>TOTAL AMOUNT BID SCHED III</b>
1.	Imperial Pipe Services, LLC 12375 Brown Ave. Riverside, CA 92509 (951) 682-3307	N	\$ 95,480.00	\$1,018,500.00	\$ 918,050.00
2.	Northwest Pipe Co. 5721 S. E. Columbia Way Ste. 200 Vancouver, WA 98661 (951) 739-4681	N	\$106,200.00	\$1,157,950.00	\$1,109,325.00
3.	State Pipe & Supply, Inc. dba West Coast Pipe 2180 N. Locust Ave. Rialto, CA 92377 (909) 356-5670	N	\$109,348.00	\$ 958,280.00	\$ 957,145.00

\* Bid amounts do not include sales tax.







# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>PROPOSAL NO.:</b> 1421 Steel Pipe for Stock (Mortar-Lined and Coated, Mortar-Lined and Plastic Coated) - One-Year Contract	<b>DATE:</b> May 20, 2014
--	------------------------------

<b>CONTRACTOR:</b> See Below	<b>PERCENTAGE OF CONTRACT DOLLARS</b>		
	Availability Group	Contracting Objectives	Participation
<b>BID/PROPOSER'S PRICE:</b> \$2,149,272	<b>FIRM'S OWNERSHIP</b>		
	Ethnicity	Gender	
	See Below		
	White Men	25%	51.4%
	White Women	2%	0.0%
	Ethnic Minorities	25%	48.6%

CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	W	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<b>PRIME:</b>											
West Coast Pipe	\$1,044,546	Asian	X		--	--	48.6%	--	--	--	--
Imperial Pipe Services, LLC	\$1,104,726	White	x		51.4%	--	--	--	--	--	--
<b>SUBS:</b>											
Roscoe Moss Mfg. Co.	TBD	White	X		--	--	--	--	--	--	--
Kelly Pipe - Master Distributor	TBD	White	X		--	--	--	--	--	--	--
ShawCor Pipe Protection	TBD	White	x		--	--	--	--	--	--	--
Mobile Pipe Wrappers	TBD	White	x		--	--	--	--	--	--	--
J. Gutierrez Trucking	TBD	Hispanic	x		--	--	--	--	--	--	--
California Steel Industries Inc.	TBD	White	x		--	--	--	--	--	--	--
<b>TOTAL</b>	<b>\$2,149,272</b>				<b>51.4%</b>	<b>0.0%</b>	<b>48.6%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>

CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)				
	White Men	White Women	Ethnic Minorities	Total Employees
<b>No. of Employees:</b>	See P-61 form			
<b>Percent of Total Employees:</b>				
<b>MSA Labor Market %:</b>				
<b>MSA Labor Market Location:</b>				

**COMMENTS**

*Contract Equity Participation* -51.4% White Men and 48.6% Ethnic Minority participation.

<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>	<b>Good Faith Outreach Efforts Requirement Satisfied</b>	<b>Award Approval Recommended</b>
NA	YES	





## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Steel Pipe for Stock (Mortar-Lined and Coated, Mortar-Lined and Plastic Coated) - One-Year Contract</b>		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
Proposal #: 1421	DATE:	National	10.5	10.7	3.7	0.7	27.3		
	5/20/2014	9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	-	17	-	-	17	70.8%	51.1%
Imperial Pipe Services, LLC Robert Raber 12375 Brown Ave. Riverside, CA 92509 951-682-3307 x 1708		Manager/Prof	-	2	-	-	2	40.0%	
		Technical/Sales	-	2	-	-	2	50.0%	
		Clerical/Skilled	-	12	-	-	12	100.0%	
		Semi/Unskilled	-	1	-	-	1	33.3%	
		Bay Area	-	-	-	-	-	NA	
		AA Plan on File:	NA		Date of last contract with District:		9/3/2010		
		Co. Wide MSA:	San Bernadino		# Employees-Co. Wide:		24	Bay Area:	0
RP	EMM	Company Wide	-	34	3	-	37	68.5%	51.1%
State Pipe & Supply Inc. dba West Coast Pipe Lyle McCullough 2180 N. Locust Ave. Rialto, CA 92377 909-356-5670		Manager/Prof	-	-	3	-	3	42.9%	
		Technical/Sales	-	1	-	-	1	14.3%	
		Clerical/Skilled	-	26	-	-	26	78.8%	
		Semi/Unskilled	-	7	-	-	7	100.0%	
		Bay Area	-	-	-	-	-	NA	
		AA Plan on File:	NA		Date of last contract with District:		4/16/2014		
		Co. Wide MSA:	San Bernadino		# Employees-Co. Wide:		54	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:	
S	WM	Company Wide	11	100	5	-	116	43.3%	51.1%
Kelly Pipe - Master Distributor Bernard J. Shapiro 11680 Bloomfield Ave. Sante Fe Springs, CA 90087 562-868-0456		Manager/Prof	-	7	-	-	7	16.7%	
		Technical/Sales	1	4	2	-	7	11.3%	
		Clerical/Skilled	6	48	3	-	57	54.8%	
		Semi/Unskilled	4	41	-	-	45	75.0%	
		Bay Area	-	-	-	-	-	NA	
		Co. Wide MSA:	San Bernadino		# Employees-Co. Wide:		268	Bay Area:	
S	WM	Company Wide	34	169	11	-	214	61.7%	51.1%
ShawCor Pipe Protection 14000 San Bernadino Ave. Fontana, CA 92335 281-886-2350		Manager/Prof	13	14	7	-	34	42.0%	
		Technical/Sales	-	1	-	-	1	9.1%	
		Clerical/Skilled	5	31	2	-	38	51.4%	
		Semi/Unskilled	16	123	2	-	141	77.9%	
		Bay Area	-	-	-	-	-	NA	
		Co. Wide MSA:	San Bernadino		# Employees-Co. Wide:		347	Bay Area:	0
S	WM	Company Wide	1	20	-	-	21	72.4%	51.1%
Mobile Pipe Wrappers 12766 Violet Road Adelanto, CA 92301 760-246-4707		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	1	11	-	-	12	75.0%	
		Semi/Unskilled	-	9	-	-	9	100.0%	
		Bay Area	-	-	-	-	-	NA	
		Co. Wide MSA:	San Bernadino		# Employees-Co. Wide:		29	Bay Area:	0

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



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Steel Pipe for Stock (Mortar-Lined and Coated, Mortar-Lined and Plastic Coated) - One-Year Contract</b>		Ethnic Minority Percentages From U.S. Census Data								
		National	B	H	A/PI	AI/AN	TOTAL			
Proposal #: 1421		DATE: 5/20/2014	9 Bay Area Counties	10.5	10.7	3.7	0.7	27.3		
R=Recommd P=Prime S=Sub		Composition of Ownership	Alameda/CC Counties	5.5	16.2	14.2	0.4	39.9		
Company Name, Owner/Contact Person, Address, and Phone Number			Number of Ethnic Minority Employees							
			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
S	EMM:H	Company Wide	-	1	-	-	1	100.0%	51.1%	
J. Gutierrez Trucking Jaime Gutierrez 233 North Quince Ave. Rialto, CA 92376 402-942-1100		Manager/Prof	-	1	-	-	1	100.0%		
		Technical/Sales	-	-	-	-	-	NA		
		Clerical/Skilled	-	-	-	-	-	NA		
		Semi/Unskilled	-	-	-	-	-	NA		
		Bay Area	-	-	-	-	-	NA	39.9%	
		Co. Wide MSA: San Bernadino	# Employees-Co. Wide: 1				Bay Area: 0			
S	WM	Company Wide	18	379	34	3	434	45.4%	51.1%	
California Steel Industries, Inc. 1 California Steel Way Fontana, CA 92335 909-350-6465		Manager/Prof	3	38	21	1	83	36.4%		
		Technical/Sales	-	1	1	-	2	18.2%		
		Clerical/Skilled	14	88	8	1	111	37.9%		
		Semi/Unskilled	1	252	4	1	258	53.9%		
		Bay Area	-	-	-	-	-	NA	39.9%	
		Co. Wide MSA: San Bernadino	# Employees-Co. Wide: 956				Bay Area: 0			
S	WM	Company Wide	2	66	1	-	69	75.8%	63.5%	
Roscoe Moss 4360 Worth St. Los Angeles, CA 90063 323-263-4111		Manager/Prof	2	-	-	-	2	25.0%		
		Technical/Sales	-	-	-	-	-	NA		
		Clerical/Skilled	-	-	1	-	1	50.0%		
		Semi/Unskilled	-	66	-	-	66	81.5%		
		Bay Area	-	-	-	-	-	NA	39.9%	
		Co. Wide MSA: Los Angeles, CA	# Employees-Co. Wide: 91				Bay Area: 0			
		Company Wide								
		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area						NA	39.9%	
		Co. Wide MSA:	# Employees-Co. Wide:				Bay Area:			
P	WM	Company Wide	15	89	12	-	116	49.6%	51.1%	
Northwest Pipe Co. 5721 S.E. Columbia Way Ste. 200 Vancouver, WA 98661 951-739-4681		Manager/Prof	1	1	1	-	3	15.8%		
		Technical/Sales	1	8	1	-	8	42.1%		
		Clerical/Skilled	13	65	10	-	88	51.8%		
		Semi/Unskilled	-	17	-	-	17	65.4%		
		Bay Area	-	-	-	-	-	NA	39.9%	
		Co. Wide MSA: San Bernadino	# Employees-Co. Wide: 234				Bay Area: 0			
		Company Wide								
		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area						NA	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

4.  
May 27, 2014

TITLE RECYCLABLE AND COMPOSTABLE WASTE SERVICES

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize 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 (4) options to renew for an additional one-year period for a total cost of \$255,000 under Request for Proposal No. FAC 14-2.

**SUMMARY**

This agreement provides for collection of recyclable and compostable wastes generated at eight District facilities in Alameda County that produce high volumes of wastes. For smaller facilities, the local solid waste collection agency collects recyclable and organic wastes as part of the normal trash pickup. The District is required to dispose of all waste in accordance with Alameda County Ordinance 2012-1 to reduce the amount of recyclable and organic solid waste that is deposited in landfills. The proposed agreement meets these requirements and supports the District's strategy to identify and implement waste reduction and recycling programs.

**SERVICE PROVIDER SELECTION**

Requests for proposals were sent to four waste disposal companies. The District received three proposals. Recology East Bay was selected as they provided the lowest cost proposal that best meets the District's requirements. A letter of protest was received from one of the proposers and found to be without merit. A letter denying the protest was provided to the proposer. The protest letter and the District's response are attached.

**CONTRACT EQUITY PROGRAM EFFORTS**

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

Funds Available: FY14-15		Budget Code: 736/8545/5312
DEPARTMENT SUBMITTING Operations and Maintenance	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.

## **FISCAL IMPACT**

Funds are available for this work in the FY15 budget.

## **ALTERNATIVE**

**Issue a new RFP.** This is not recommended as Recology East Bay submitted a reasonable proposal and has the requisite permits, licenses, professional credentials; and facilities and equipment to perform this work.

### **Attachments:**

- P-035 – Contract Equity Program Summary
- P-061 – Affirmative Action Summary
- Bid Protest Letter and District Response



## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>General Services Agreement</b> Recyclable & Compostable Waste Disposal One - Year Contract with 4 One - Year Renewal Options						<b>DATE:</b> April 21, 2014						
<b>CONTRACTOR:</b> Recology East Bay Oakland, CA				Local Business		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$255,000		<b>FIRM'S OWNERSHIP</b>		<b>Availability Group</b>		<b>Contracting Objectives</b>		<b>Participation</b>				
		<b>Ethnicity</b> White		<b>Gender</b> Men		White Men 25%		White Women 6%		96.5% 0.8%		
		<b>Ethnic Minorities</b>		25%		0.0%						
<b>CONTRACT EQUITY PARTICIPATION</b>												
<b>COMPANY NAME</b>		<b>ESTIMATED AMOUNT</b>	<b>ETHNICITY</b>	<b>GENDER</b>		<b>CONTRACTING PARTICIPATION</b>						
				<b>M</b>	<b>W</b>	<b>White-Men</b>	<b>White-Women</b>	<b>Ethnic Minorities</b>	<b>Unclassified</b>	<b>Publicly Held Corp.</b>	<b>Gov't/Non Profit</b>	<b>Foreign</b>
<b>PRIME:</b> Recology East Bay		\$246,100	White	x		96.5%	--	--	--	--	--	--
<b>SUBS:</b> Civicorps		\$6,900	Gov't/Non Profit			--	--	--	--	--	2.7%	--
Anastasia Nicole		\$2,000	White		x	--	0.8%	--	--	--	--	--
<b>TOTAL</b>		\$255,000				96.5%	0.8%	0.0%	0.0%	0.0%	2.7%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>												
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>				
<b>No. of Employees:</b>		2		1		2		5				
<b>Percent of Total Employees:</b>		40.0%		20.0%		40.0%						
<b>MSA Labor Market %:</b>		28.0%		24.2%		47.8%						
<b>MSA Labor Market Location:</b>		Oakland, CA										
<b>COMMENTS</b>												
<i>Contract Equity Participation</i> - 96.5% White Men participation and 0.8% White Women participation.												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				YES								



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Recyclable &amp; Compostable Waste Disposal One - Year Contract with 4 One -Year Renewal Options</b>		Ethnic Minority Percentages From U.S. Census Data								
				B	H	A/PI	AI/AN	TOTAL		
		National		10.5	10.7	3.7	0.7	27.3		
<b>General Services Agreement</b>		DATE:								
		4/21/2014							9 Bay Area Counties	
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2		
R=Recmnd 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-LBE	Company Wide	-	1	1	-	2	7.7%	47.8%	
Recology East Bay 2400 Engineer Road Oakland, CA 94623  510-267-0851		Manager/Prof	-	-	1	-	1	33.3%		
		Technical/Sales	-	-	-	-	0	0.0%		
		Clerical/Skilled	-	-	-	-	0	0.0%		
		Semi/Unskilled	-	1	-	-	1	25.0%		
		Bay Area	-	1	1	-	2	13.3%		39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA			
		Co. Wide MSA:	Oakland, CA		# Employees-Co. Wide:		26	Bay Area:	15	
		Company Wide								
		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area							39.9%	
		Co. Wide MSA:			# Employees-Co. Wide:			Bay Area:		
P	PHC	Company Wide	87	150	39	1	277	58.9%	46.2%	
Waste Management of Alameda County, Inc. 172 98th Ave Oakland, CA 94603  916-294-4052		Manager/Prof	4	5	10	0	19	28.8%		
		Technical/Sales	3	2	2	0	7	70.0%		
		Clerical/Skilled	8	20	12	0	40	60.6%		
		Semi/Unskilled	72	123	15	1	211	64.3%		
		Bay Area	87	150	39	1	277	58.9%		39.9%
		Co. Wide MSA:	Alameda County		# Employees-Co. Wide:		470	Bay Area:	470	
P	WM - L/SBE	Company Wide	-	-	6	-	6	75.0%	46.2%	
Biagini Waste Reduction Stystems Michael J. Biagini 1150 Hensley St. Richmond, CA 94801  510-215-8370		Manager/Prof	-	-	1	-	1	50.0%		
		Technical/Sales	-	-	1	-	1	100.0%		
		Clerical/Skilled	-	-	2	-	2	66.7%		
		Semi/Unskilled	-	-	2	-	2	100.0%		
		Bay Area	-	-	6	-	6	75.0%		39.9%
		Co. Wide MSA:	Alameda/CC Counties		# Employees-Co. Wide:		8	Bay Area:	8	
		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)





May 2, 2014

CERTIFIED MAIL-Return Receipt Requested

Mike Biagini Sr.  
Biagini Waste Reduction Systems, Inc. .  
1150 Hensley Street  
Richmond, CA 94801

RE: REQUEST FOR PROPOSAL (RFP) NO. FAC 14-2, "RECYCLABLE AND  
COMPOSTABLE WASTE DISPOSAL"

Dear Mr. Biagini:

East Bay Municipal Utility District is in receipt of your amended bid protest which was emailed to the District on April 29, 2014. Please note that per RFP No. FAC 14-2:

*Facsimile and electronic mail protests must be followed by a mailed or hand delivered identical copy of the protest.*

In this case, a hardcopy of your protest was not received, rendering your protest invalid. However the District has gone ahead and researched your concerns regarding the above-referenced proposal.

Your sole protest point was as follows:

*"I Michael Biagini Owner of Biagini Waste Reductions Systems, Inc., is protesting the selection of Recology East Bay for the new current contract, due to Recology using a none profit subcontractor "California Conservation Corps" / subsidized by the State of California - that became impossible for Biagini Waste Reductions Systems, Inc., to compete."*

District staff has reviewed your protest and the proposal from Recology East Bay. The proposal submitted by Recology East Bay does not contain any language referencing a subcontracting relationship, nor any other relationship, with the California Conservation Corps. Therefore your protest is considered to be without merit and is hereby denied.

Thank you for your interest in doing business with the District.

Sincerely,

Andrew A. Akelman  
Manager of Purchasing



**BIAGINI**

Waste Reduction Systems, Inc.

1150 Hensley Street • Richmond, CA 94801

(510) 215-8370 • (510) 215-8377 Fax

www.bwrs.com • customerservice@bwrs.com

April 23, 2014

Andrew Akelman  
Manager of Purchasing Department  
EBMUD

RE: PROTEST FOR NEW RECOLOGY CONTRACT TO SERVICE THE EBMUD

Dear Mr. Akelman,

I Michael Biagini Owner of Biagini Waste Reductions Systems, Inc., is protesting the selection of Recology East Bay for the new current contract, due to Recology using a none profit subcontractor / subsidized by the State of California - that became impossible for Biagini Waste Reductions Systems, Inc., to compete.

If I can answer any questions please contact me at my office (510) 215-8370 or  
Cell phone (415) 250-6261.

Sincerely,

A handwritten signature in cursive script that reads "Mike Biagini Sr.".

Mike Biagini Sr.  
President

Cc: Yvonne Choy  
Kelly Smith  
Phillip Konhe



AGENDA NO. 5.  
 MEETING DATE May 27, 2014

TITLE OPEN MARKET PURCHASE OF WET CONCRETE

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize 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.

**SUMMARY**



Wet concrete products continue to be a volatile commodity due to the costs of dry raw material and energy required to deliver the product. Wet concrete can be purchased at a lower price on the open market than through sealed bidding at this time. Access to multiple suppliers throughout the service area is required to ensure material availability and to minimize labor costs associated with each purchase.

**DISCUSSION**

An open market purchase strategy for concrete ensures fair and competitive prices for both the buyer and seller. Staff identified all wet concrete vendors in the District's service area who have the capacity to provide concrete in the quantities and timeframes required. It is recommended that the District establish blanket purchase orders with all of the qualified vendors in the District's service area: Right Away Redy Mix and Sierra Pacific Ready Mix dba Allied Concrete. Additional firms may be identified and added at a later date. The job site supervisor for each project will make the most cost effective decision for each purchase requirement based on price, availability from the respective vendors on the day the material is required for use, and travel distance (labor time) required from each specific job site to secure needed material.

**CONTRACT EQUITY PROGRAM EFFORTS**

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

Funds Available FY: 15-16		Budget Code: VAR
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Finance	 Eric L. Sandler	 General Manager

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

## **FISCAL IMPACT**

This expenditure is included in the FY14-15 budgets and will be included in future budgets.

## **ALTERNATIVES**

**Implement a formal bid process.** This is not recommended due to the restrictions of price volatility, geographic service area requirements, and the fact that the market place has historically failed to be responsive to District invitations to bid this commodity.

**Do not purchase material.** This is not recommended as this is a vital material for the District's ability to operate and maintain the water system.

### 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)

<b>TITLE</b> <b>Materials &amp; Services Contract</b> Open Market Purchase of Wet Concrete						<b>DATE:</b> <div style="text-align: right; font-size: 1.2em;">May 22, 2014</div>						
<b>CONTRACTOR:</b>				<b>PERCENTAGE OF CONTRACT DOLLARS</b>								
Various Firms (See Below)				Availability Group		Contracting Objectives		Participation				
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		White Men		25%		50.0%				
		Ethnicity	Gender	White Women		2%		0.0%				
\$300,000		See Below		Ethnic Minorities		25%		50.0%				
<b>CONTRACT EQUITY PARTICIPATION</b>												
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>												
Right Away Redy Mix, Inc.		TBD	White	X		50.0%	---	---	---	---	---	---
Sierra Pacific Ready Mix dba Allied Concrete		TBD	Asian	X		---	---	50.0%	---	---	---	---
<i>SUBS:</i>												
None												
<b>TOTAL</b>		\$300,000				50.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>												
				White Men		White Women		Ethnic Minorities		Total Employees		
<b>No. of Employees:</b>				See P-61 Form								
<b>Percent of Total Employees:</b>												
<b>MSA Labor Market %:</b>												
<b>MSA Labor Market Location:</b>												
<b>COMMENTS</b>												
<b>Contract Equity Participation</b> - 50% White Men and 50% Ethnic Minority participation.  <i>* Additional firms may be identified at a later date</i>												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN			
<b>Open Market Purchase of Wet Concrete</b>		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		
<b>Materials &amp; Services Contract</b>	DATE:								
	5/22/2014								
R=Recomm P=Prime S=Sub	Composition of Ownership	<b>Number of Ethnic Minority Employees</b>							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM - SBE	Company Wide	4	28	3	-	35	43.2%	47.8%
Right Away Redy Mix, Inc. David Filipek 401 Kennedy Street Oakland, CA 94621  510-536-1900		Manager/Prof	-	3	1	-	4	25.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	4	24	2	-	30	50.8%	
		Semi/Unskilled	-	1	-	-	1	25.0%	
		Bay Area	4	28	3	-	35	43.2%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		3/28/2014		
		Co. Wide MSA:	Oakland, CA		# Employees-Co. Wide:		81	Bay Area: 81	
RP	EMM	Company Wide	-	2	2	2	6	75.0%	47.8%
Sierra Pacific Ready Mix dba Allied Concrete Randy Burgo 3213 Wood Street Oakland, CA 94608  510-562-1343		Manager/Prof	-	2	2	1	5	71.4%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	-	NA	
		Semi/Unskilled	-	-	-	1	1	100.0%	
		Bay Area	-	2	2	1	5	62.5%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		3/28/2014		
		Co. Wide MSA:	Oakland, CA		# Employees-Co. Wide:		8	Bay Area: 8	
		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.

May 27, 2014

**TITLE** OPEN MARKET PURCHASE OF ASPHALT

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize 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.

**SUMMARY**

Due to volatility of fuel oil in the market over the past several years, asphalt has become a price-volatile commodity. Because of this volatility and the fact that such a high percentage of the material costs associated with the production of asphalt is driven by the cost of oil, the price revision model used by the District in recent years to manage market prices for asphalt has become ineffective for both the suppliers and the District. An open market purchase strategy is recommended as it ensures fair and competitive prices for both the buyer and seller in any market circumstance over time.

**DISCUSSION**

Vendors will be designated by overall cost to the District by region for priority order for use. There are times when the company offering the lowest overall cost has committed its entire supply for the day to a larger Caltrans project or may not be producing asphalt for other reasons on the day the District needs to purchase asphalt.

It is recommended that the District establish blanket purchase orders with asphalt vendors in the District's service area: Dutra Materials, Gallagher & Burk, Inc., Berkeley Asphalt, and Granite Construction Company. Additional firms may be identified and added at a later date. The job site supervisor for each project will make the most cost effective decision for each purchase requirement based on price, availability from the respective vendors on the day the material is required for use, and travel distance (labor time) required from each specific job site to secure needed material.

**CONTRACT EQUITY PROGRAM EFFORTS**

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

Funds Available: FY14-15		Budget Code: 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.

## **FISCAL IMPACT**

Funds for this expenditure are included in the FY14-15 budgets and will be included in future budgets.

## **ALTERNATIVES**

**Establish long-term contracts that utilize a routine price adjustment clause.** This is not recommended. This is the current purchase strategy, and the indexing process has been found to be ineffective for this commodity type. Open market pricing remains the most accurate pricing tool where prices must adjust more frequently to remain consistent with the market.

**Conduct formal competitive bids each week.** This is not recommended as it would not be feasible or cost effective given the requirements of the MUD Act, the volatility of the asphalt prices in today's market, the daily requirement to complete projects on a timely basis, and the twice-per-month Board meeting schedule.

### **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)

<b>TITLE</b> <b>Materials &amp; Services Contract</b> Open Market Purchase of Asphalt Five - Year Contract						<b>DATE:</b> May 22, 2014						
<b>CONTRACTOR:</b> Various Firms (See Below)				<b>PERCENTAGE OF CONTRACT DOLLARS</b>								
				Availability Group		Contracting Objectives		Participation				
<b>BID/PROPOSER'S PRICE:</b>		<b>FIRM'S OWNERSHIP</b>		White Men		25%		50.0%				
		Ethnicity	Gender	White Women		2%		0.0%				
\$2,500,000 /yr		See Below		Ethnic Minorities		25%		0.0%				
<b>CONTRACT EQUITY PARTICIPATION</b>												
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
<b>PRIMES*:</b>												
Dutra Materials		TBD	White	X		25.0%	---	---	---	---	---	---
Gallagher & Burk, Inc.		TBD	White	X		25.0%	---	---	---	---	---	---
Berkeley Asphalt		TBD	Publicly Held Corp.			---	---	---	---	25.0%	---	---
Granite Construction Company		TBD	Publicly Held Corp.			---	---	---	---	25.0%	---	---
<b>SUBS:</b>												
None						---	---	---	---	---	---	---
<b>TOTAL</b>		\$12,500,000				50.0%	0.0%	0.0%	0.0%	50.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>												
		White Men		White Women		Ethnic Minorities		Total Employees				
<b>No. of Employees:</b>		See P-61 Form										
<b>Percent of Total Employees:</b>												
<b>MSA Labor Market %:</b>												
<b>MSA Labor Market Location:</b>												
<b>COMMENTS</b>												
Contract Equity Participation - 50% White Men participation.												
* Additional firms may be identified at a later date												
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>				
NA				NA								



**AFFIRMATIVE ACTION SUMMARY (P-061)**

(Completed by District)

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

Title: <b>Open Market Purchase of Asphalt Five - Year Contract</b>		Ethnic Minority Percentages From U.S. Census Data							
		B	H	A/PI	AI/AN	TOTAL			
		National	10.5	10.7	3.7	0.7	27.3		
<b>Materials &amp; Services Contract</b>		9 Bay Area Counties	5.5	16.2	14.2	0.4	39.9		
DATE: 5/22/2014		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2		
R=Recommd 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	<b>WM - SBE</b>	Company Wide	-	6	3	-	9	30.0%	47.8%
Dutra Materials Bill Dutra 2350 Kerner Blvd. San Rafael, CA 94901 415-258-6876		Manager/Prof	-	-	3	-	3	25.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	6	-	-	6	35.3%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	6	3	-	9	60.0%	
AA Plan on File: NA		Date of last contract with District: Insert Date							
Co. Wide MSA: Marin County		# Employees-Co. Wide: 15		Bay Area: 15					
RP	<b>Publicly Held Corp.</b>	Company Wide	-	3	1	-	4	40.0%	46.2%
Berkeley Asphalt Company John Williams 699 Virginia St. Berkeley, CA 94710 510-526-1611		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	2	1	-	3	37.5%	
		Semi/Unskilled	-	1	-	-	1	100.0%	
		Bay Area	-	3	1	-	4	40.0%	
AA Plan on File: NA		Date of last contract with District: 6/1/2009							
Co. Wide MSA: Alameda/CC Counties		# Employees-Co. Wide: 10		Bay Area: 10					
RP	<b>Publicly Held Corp.</b>	Company Wide	79	1,476	65	124	1,744	0	52.1%
Granite Construction Company 585 West Beach St. Watsonville, CA 95076 831-724-1011		Manager/Prof	12	83	15	12	122	13.0%	
		Technical/Sales	2	14	1	-	17	25.0%	
		Clerical/Skilled	30	668	30	64	792	34.2%	
		Semi/Unskilled	35	711	19	48	813	48.2%	
		Bay Area	-	-	-	-	0	0.0%	
AA Plan on File: NA		Date of last contract with District: 6/29/2009							
Co. Wide MSA: Santa Clara County		# Employees-Co. Wide: 5,015		Bay Area: 0					
RP	<b>WM - LBE</b>	Company Wide	28	147	4	3	182	53.2%	53.9%
Gallagher & Burk, Inc. Chris Hallum 11555 Dublin Blvd. Dublin, CA 94568 925-829-1446		Manager/Prof	-	1	-	-	1	9.1%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	13	58	4	3	78	39.6%	
		Semi/Unskilled	15	88	-	-	103	76.9%	
		Bay Area	-	-	-	-	0	0.0%	
AA Plan on File: NA		Date of last contract with District: 9/13/2012							
Co. Wide MSA: Alameda County		# Employees-Co. Wide: 342		Bay Area: 342					
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
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

7.  
May 27, 2014

TITLE ORACLE DATABASE LICENSE AND MAINTENANCE RENEWAL

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize 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.

**SUMMARY**

Oracle database software is used extensively by the District and is essential for the majority of our computer information systems including Customer, Financial, Human Resource, Work Management and Maximo. This software has been used at the District for the past 25 years to provide a consistent means of storing, updating, and searching for information. This agreement provides for continued license to use the software as well as periodic updates to the software and remote support to resolve any software problems.

**DISCUSSION**

Technical support for Oracle is required to ensure that District staff have access to Oracle database experts when resolving complex system administration issues and responding to any potential operational problem. Periodic updates are important to ensure that up-to-date security patches are available, maintain software current with technology, and assure compatibility of the Oracle software with other software products.

Oracle Corporation is the sole source of Oracle database software, which continues to be the most capable and best supported database product on the market. Oracle is not providing multi-year maintenance contract renewals at this time, and only offers annual renewals.

**CONTRACT EQUITY PROGRAM EFFORTS**

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

Funds Available: FY15		Budget Code: WSO/252/8767/5243	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED	
Information Systems	 Nicholas J. Irias	 General Manager	

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

## **FISCAL IMPACT**

Funds are available in the FY15 operating budget.

## **ALTERNATIVES**

**Switch to a different database product.** This alternative is not recommended because there are no alternative database systems capable of supporting the District's inventory of software applications.

**Do not procure support and software update license.** This alternative is not recommended because the District requires access to support in order to resolve data management issues and to implement software updates in order to ensure that any newly discovered security vulnerabilities can be addressed. Without the support and software updates 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)

<b>TITLE</b> <b>Amendment to Materials &amp; Supplies Agreement</b> Oracle Database License & Maintenance Renewal - One - Year Contract					<b>DATE:</b> <div style="text-align: right; font-size: 1.2em;">May 14, 2014</div>						
<b>CONTRACTOR:</b> Oracle Corporation Redwood City, CA			Sole Source		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$260,000			<b>FIRM'S OWNERSHIP</b> Publicly Held Corp.		<b>Availability Group</b> White Men		<b>Contracting Objectives</b> 25%		<b>Participation</b> 0.0%		
\$260,000			Publicly Held Corp.		White Women		6%		0.0%		
\$260,000			Publicly Held Corp.		Ethnic Minorities		25%		0.0%		
<b>CONTRACT EQUITY PARTICIPATION</b>											
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
<b>PRIME:</b> Oracle Corporation	\$260,000	Publicly Held Corp.			--	--	--	--	100.0%	--	--
<b>SUBS:</b> None					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
<b>TOTAL</b>					0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>											
		<b>White Men</b>		<b>White Women</b>		<b>Ethnic Minorities</b>		<b>Total Employees</b>			
<b>No. of Employees:</b>		20,241		7,716		16,034		<div style="font-size: 1.5em; font-weight: bold;">43,991</div>			
<b>Percent of Total Employees:</b>		46.0%		17.5%		36.4%					
<b>MSA Labor Market %:</b>		39.0%		33.7%		27.2%					
<b>MSA Labor Market Location:</b>		USA									
<b>COMMENTS</b>											
<b>Contract Equity Participation</b> - Zero Contract Equity participation since firm is a publicly held corporation and no subcontract opportunities exist.											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				NA							



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Oracle Database License &amp; Maintenance            Renewal - One - Year Contract</b>		Ethnic Minority Percentages From U.S. Census Data							
				B	H	A/PI	AI/AN	TOTAL	
		National		10.5	10.7	3.7	0.7	27.3	
<b>Amendment to Materials &amp;            Services Agreement</b>		DATE:							
		5/14/2014	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2	
R=Recmnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	Publicly Held Corp.	Company Wide	1,160	1,811	12,360	103	15,434	35.1%	27.2%
Oracle Corporation Larry Ellison 500 Oracle Parkway Redwood City, CA 94065  408-642-2847		Manager/Prof	799	1,384	11,487	75	13,725	40.3%	
		Technical/Sales	310	345	827	26	1,508	16.4%	
		Clerical/Skilled	51	82	66	2	201	27.3%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	-	NA	
		AA Plan on File:	NA		Date of last contract with District:		4/11/2012		
		Co. Wide MSA:	USA		# Employees-Co. Wide:		43,991	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:	

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



AGENDA NO. 8.  
MEETING DATE May 27, 2014

TITLE MOKELUMNE RIVER FISH HATCHERY FEED PURCHASE AGREEMENT

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize 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.

**SUMMARY**

The Mokelumne River Fish Hatchery (MRFH) is owned by EBMUD and operated by California Department of Fish and Wildlife (CDFW) through an operating agreement. The District budgets annual operating expenses for MRFH including expenses for fish feed. CDFW conducts evaluations of fish feed for the hatchery and has specified Bio-Oregon as the supplier. The proposed agreement would provide feed for approximately 3.4 million salmon smolts per year for five years.

**DISCUSSION**

While there are a number of feed manufactures in North America, CDFG has determined that the BioOregon, Inc. "starter" and "fry" feed formulations best meet the needs of the salmon and steelhead produced in the MRFH. The starter and fry formulations produced by BioOregon, Inc. have consistently resulted in good Chinook salmon health and growth rates within established limits. Survival rates of MRFH fish (salmon and steelhead) are consistently the highest in the state.

MRFH has and will continue to play a vital role in the successful implementation of the JSA and continued health of salmonid populations within the lower Mokelumne River. The feed selection process carried out by CDFW hatchery management has proven to be successful for raising quality fish at MRFH. There could be a substantial effect on the quality and number of fish produced at MRFH if different feed manufacturers were selected.

Funds Available: FY15		Budget Code: WSO/483/4047/5241	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED	
Water and Natural Resources	 Richard G. Sykes	 General Manager	

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

### **SERVICE PROVIDER/CONSULTANT/VENDOR SELECTION**

Based on evaluations by CDFW and MRFH managers Bio Oregon was determined to be the only manufacture to produce quality feed that maximizes growth and survival.

### **CONTRACT EQUITY PROGRAM EFFORTS**

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

### **FISCAL IMPACT**

Funds for this agreement are available in the FY15 budget and will be included in future operating budgets.

### **ALTERNATIVES**

**Do not authorize the agreement with Bio-Oregon and select another vendor for fish feed.** This alternative is not recommended as CDFW has evaluated fish feed alternatives and determined that Bio-Oregon products produce the best salmon smolts at a reasonable cost.

#### **Attachments:**

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

RGS:JDS:dec





## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b>Materials &amp; Services Agreement</b> Mokelumne River Fish Hatchery Feed Purchase Agreement - Five - Year Contract					<b>DATE:</b> May 15, 2014						
<b>CONTRACTOR:</b> Moore Clark USA, dba Bio-Oregon Longview, WA			Direct Award		<b>PERCENTAGE OF CONTRACT DOLLARS</b>						
<b>BID/PROPOSER'S PRICE:</b> \$205,000 /year			<b>FIRM'S OWNERSHIP</b> Ethnicity: White      Gender: Men		<b>White Men</b> 25%		<b>Contracting Objectives</b> 25%		<b>Participation</b> 100.0%		
			<b>White Women</b> 2%		<b>0.0%</b>						
			<b>Ethnic Minorities</b> 25%		<b>0.0%</b>						
<b>CONTRACT EQUITY PARTICIPATION</b>											
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
<b>PRIME:</b> Moore Clark USA, dba Bio-Oregon	\$205,000	White	X		100.0%	---	---	---	---	---	---
<b>SUBS:</b> None					---	---	---	---	---	---	---
<b>TOTAL</b>		\$205,000			100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>											
		<b>White Men</b>	<b>White Women</b>	<b>Ethnic Minorities</b>	<b>Total Employees</b>						
<b>No. of Employees:</b>		5	0	0	5						
<b>Percent of Total Employees:</b>		100.0%	0.0%	0.0%							
<b>MSA Labor Market %:</b>		43.6%	37.6%	18.8%							
<b>MSA Labor Market Location:</b>		Washington									
<b>COMMENTS</b>											
<b>Contract Equity Participation</b> - 100% White Men participation and no subcontract opportunities exist.											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				NA							



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	A/IAN	TOTAL		
<b>Mokelumne River Fish Hatchery Feed Purchase Agreement - Five - Year Contract</b>		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		
<b>Materials &amp; Services Agreement</b>	DATE:	5/15/2014							
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	A/IAN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	-	-	-	-	0	0.0%	47.8%
Moore Clark USA, dba Bio-Oregon Ron Malnor 1140 Industrial Way Longview, WA 98632  800-962-2001		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:		1/29/2010		
		Co. Wide MSA:	Washington		# Employees-Co. Wide:		26	Bay Area: 0	
		Company Wide	-	-	-	-	0	0.0%	Insert %
		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	0	0.0%	
		Co. Wide MSA:	Insert MSA		# Employees-Co. Wide:		Bay Area:		
		Company Wide	-	-	-	-	0	0.0%	Insert %
		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	0	0.0%	
		Co. Wide MSA:	Insert MSA		# Employees-Co. Wide:		Bay Area:		
		Company Wide							
		Manager/Prof							
		Technical/Sales							
		Clerical/Skilled							
		Semi/Unskilled							
		Bay Area							
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide	-	-	-	-	0	0.0%	47.8%
		Manager/Prof	-	-	-	-	-	0.0%	
		Technical/Sales	-	-	-	-	-	0.0%	
		Clerical/Skilled	-	-	-	-	-	0.0%	
		Semi/Unskilled	-	-	-	-	-	0.0%	
		Bay Area	-	-	-	-	-	0.0%	
		Co. Wide MSA:	# Employees-Co. Wide:		Bay Area:				
		Company Wide	-	-	-	-	0	0.0%	38.5%
		Manager/Prof	-	-	-	-	0	0.0%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	0	0.0%	
		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 A/IAN=American Indian/Alaskan Native)



AGENDA NO.  
MEETING DATE

9.  
May 27, 2014

**TITLE** DISTRIBUTION VALVE TESTING AND SHUTDOWN TRACKING SOFTWARE

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize 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 (2) options to renew the maintenance agreements for an additional two (2) years, at \$50,000 per year, for a total cost of \$390,000.

**SUMMARY**

This agreement includes the purchase of the infraMAP valve testing and shutdown tracking software, its installation, annual software maintenance, and support by iWater, Incorporated for up to five years. The services under this agreement include technical software support and periodic software upgrades. The infraMAP software will allow both office and field staff to see the valves and water distribution infrastructure via a displayed map on PCs, laptops and field computing devices. The software enables entry of new inspection and repair data, and provides an interface for viewing infrastructure details, history and current operational status. Valves to be operated, and hydrants and customers impacted by shutdowns, are automatically calculated by the software based on the location of a leak. The distribution valve testing and shutdown tracking software was presented at the May 13, 2014 Planning Committee meeting.

**DISCUSSION**

The water distribution system includes over 4,100 miles of pipe, 165 reservoirs, 135 pumping plants, 105 rate control stations and regulators, and approximately 90,000 valves ranging in size from 2 to 108 inches. Valves are the keys to our water distribution system enabling the District to perform required operations and maintenance activities. Valves are necessary to start, stop, and regulate the flow of water to customers, water treatment plants, pumping plants, rate control stations, and regulators. The ability to safely operate valves and isolate sections of the system to perform repairs and complete infrastructure renewals directly affects customers and water outages. In the past, limited valve tracking data have

Funds Available: FY15		Budget Code: WSO/720/8762/5231/1013805
DEPARTMENT SUBMITTING Operations and Maintenance	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.

contributed to inadequate customer notifications during water outages, an inaccurate representation of distribution system status, and inefficiencies in managing valve repairs and maintenance.

The District has performance indicators for limiting and tracking the number and duration of customer water outages and is developing a new Key Performance Indicator (KPI) to inspect and maintain 10 percent of all distribution valves annually. Water outages are currently tracked based on data from staff manually counting and estimating the number of customers affected by the shutdown using paper maps. The infraMAP software will replace this manual imprecise process as staff will be able to use the included pipe isolation tool for planning shutdowns, allowing them to see the impacts of various shutdown scenarios before executing them. The automated process will greatly reduce the time needed to plan a shutdown, will identify the valves to be operated, and hydrants and customers impacted by the shutdown. The built-in reporting capabilities will track the duration of shutdowns and exactly how many customers were affected. The infraMAP software also includes preventive maintenance features that will graphically indicate when a valve is due for an inspection and reporting features to track our performance against the new 10 percent KPI.

## **CONSULTANT SELECTION**

The District piloted two GIS-based work management software packages for tracking asset status, recording valve exercise data, identifying impacted customers and assets during water outages, and improving work order routing capabilities. The infraMAP software from iWater Inc., a sole source vendor that integrates infraMAP with our valve operating equipment for real-time data collection, presented the best overall performance and capabilities. This software includes a pipe isolation tool that automates the identification of the exact valves that need to be operated and the customers impacted during a potential shutdown.

## **CONTRACT EQUITY PROGRAM EFFORTS**

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

## **FISCAL IMPACT**

Funds are available in the FY14-15 budget for the initial software purchase, set-up and training. Funds will be budgeted in FY16 and FY17 for annual licensing and maintenance fees.

## **UNION NOTIFICATION**

Locals 21 and 2019 were notified of this work on April 22, 2014 and did not raise any specific issues related to this contract.

## ALTERNATIVES

**Develop software application using District forces.** This alternative is not recommended because District staff does not have the necessary expertise, time, or proprietary interface to create and maintain a sophisticated ArcGIS compatible valve testing application.

**Do not procure the software.** This alternative is not recommended because this particular system has been piloted and proved to be effective at the District. In addition, the existing Valve Testing System is obsolete and will soon no longer receive support.

### 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)

<b>TITLE</b> <i>Professional Services Agreement</i> Large Valve Testing & Shutdown Tracking Software Contract with 2 One-Year Renewal Options						<b>DATE:</b> May 5, 2014					
<b>CONTRACTOR:</b> iWater, Inc. Irvine, CA				Direct Award		<b>PERCENTAGE OF CONTRACT DOLLARS</b>					
<b>BID/PROPOSER'S PRICE:</b> \$390,000		<b>FIRM'S OWNERSHIP</b> Ethnicity: White      Gender: Women		<b>White Men</b> 25%		<b>White Women</b> 2%		<b>Ethnic Minorities</b> 25%		<b>Contracting Objectives</b> 0.0% 100.0% 0.0%	
<b>CONTRACT EQUITY PARTICIPATION</b>											
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
<b>PRIME:</b> iWater, Inc.	\$390,000	White		x	--	100.0%	--	--	--	--	--
<b>SUBS:</b> None					--	--	--	--	--	--	--
<b>TOTAL</b>	\$390,000				0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)</b>											
		White Men	White Women	Ethnic Minorities	Total Employees						
<b>No. of Employees:</b>		10	3	3	16						
<b>Percent of Total Employees:</b>		62.5%	18.8%	18.8%							
<b>MSA Labor Market %:</b>		20.2%	16.4%	63.5%							
<b>MSA Labor Market Location:</b>		Los Angeles-Long Beach									
<b>COMMENTS</b>											
<i>Contract Equity Participation - 100% White Women participation.</i>											
<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>				<b>Good Faith Outreach Efforts Requirement Satisfied</b>				<b>Award Approval Recommended</b>			
NA				NA							



# AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data								
			B	H	A/PI	A/IAN	TOTAL			
<b>Large Valve Testing &amp; Shutdown Tracking Software Contract with 2 One-Year Renewal Options</b>		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			
<b>Professional Services Agreement</b>		Alameda/CC Counties	10.7	15.6	15.4	0.5	46.2			
		DATE: 5/5/2014								
R=Recmmd P=Prime S=Sub	Composition of Ownership	<b>Number of Ethnic Minority Employees</b>								
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	A/IAN	TOTAL	PERCENT	MSA %	
RP	WW	Company Wide	-	2	1	-	3	18.8%	63.5%	
iWater, Inc. Julie H. Rhodes 18 Goodyear, Suite 100 Irvine, CA 92618  949-768-4549		Manager/Prof	-	-	1	-	1	11.1%		
		Technical/Sales	-	-	-	-	0	0.0%		
		Clerical/Skilled	-	-	-	-	-	-		NA
		Semi/Unskilled	-	2	-	-	2	33.3%		
		Bay Area	-	-	-	-	-	-		NA
		AA Plan on File:	NA		Date of last contract with District:		NA			
		Co. Wide MSA:	Los Angeles-Long Beach		# Employees-Co. Wide:		16	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:			

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





AGENDA NO. 10.  
 MEETING DATE May 27, 2014

TITLE CAST IRON PIPE CORROSION PROTECTION PROJECT – FEASIBILITY STUDY

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize an agreement with JDH Corrosion Consultants, Inc. (JDH), 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. In awarding this contract, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

**SUMMARY**

Cast iron distribution pipelines in the District’s service area currently have no cathodic protection (CP), because corrosion protection was not a design consideration for the water utility industry when cast iron pipes were originally installed. The purpose of this project is to evaluate the feasibility of retrofitting the District’s large diameter cast iron pipeline segments with CP to extend their service life and reduce the costly effects of main breaks by diminishing the risk of corrosion. A location map showing areas of larger diameter cast iron mains that will be the focus of this study is attached (Figure 1).

**DISCUSSION**

Cast iron was the dominant pipe type from the 1890s into the 1950s and represents a majority of the District’s main breaks. There are approximately 4,100 miles of distribution pipelines in the District’s service area; approximately 1,300 miles are constructed of cast iron. This feasibility study is intended to establish construction methods, costs, design details and documentation of a successful method of installing magnesium anodes on existing cast iron water mains that are 16 inches in diameter and larger. Magnesium anode installations are intended to provide CP to the pipes. District crews will provide excavation and backfilling services to assist the consultant.

**CONSULTANT SELECTION**

Requests for proposals were sent to six firms with expertise in Corrosion Engineering. Three firms submitted responsive proposals. JDH was selected based on their approach to the project scope, and their qualifications and experience in conducting corrosion studies.

Funds Available: FY14-15, CIP #0003026, Page 48		Budget Code: WSC/532/7999/5231/2009356
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.

## **CONTRACT EQUITY PROGRAM EFFORTS**

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

## **FISCAL IMPACT**

This item is included in the FY14-15 Capital Improvement Program for the Transmission Mains Cathodic Protection Project.

## **PREVAILING WAGE**

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

## **UNION NOTIFICATION**

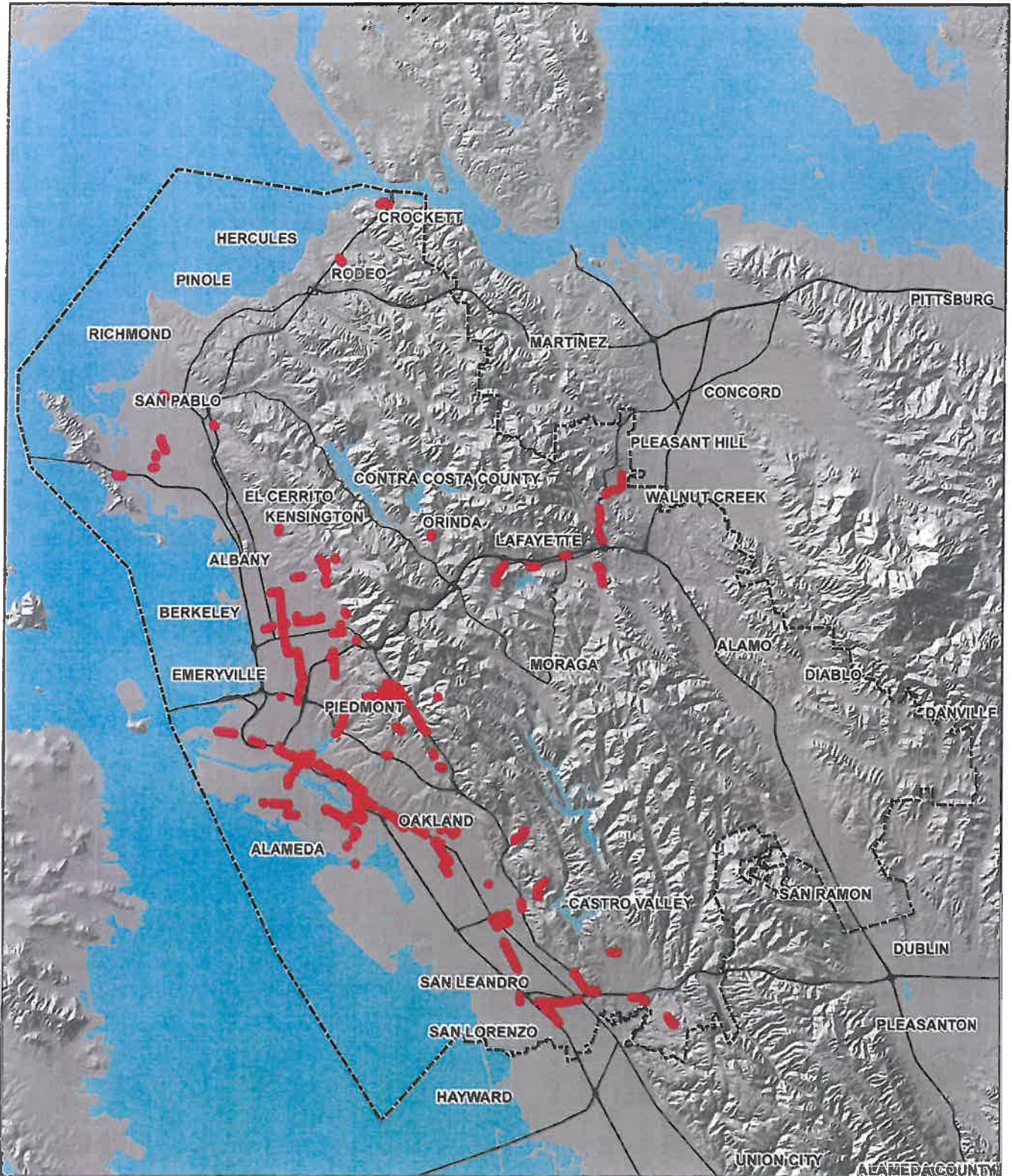
Locals 2019 and 21 were notified of this contract on September 10, 2013 and did not raise any specific issues related to this contract. Local 444 was advised of the intent for District crews to provide excavation and backfill services.

## **ALTERNATIVES**

**Perform all of the work with District staff.** This is not recommended. Developing a conceptual design for the cathodic protection of large diameter cast iron pipelines by retrofitting the pipes with magnesium anodes is a specialized field and the District does not have the necessary expertise to perform this work. A portion of the work including assistance in excavation and backfilling will be performed by District forces.

**Do not perform the work.** This is not recommended as the magnesium anode installations on the large diameter cast iron pipes are intended to extend their useful service life and reduce costly main breaks.

Attachments: Figure 1- Location Map  
Contract Equity Program Summary (P-035)  
Affirmative Action Summary (P-061)



**Cast Iron Pipe  
Corrosion Protection Project  
Feasibility Study**

 EBMUD Boundary 
  C - Cast Iron  
 Highways

0 0.75 1.5 3 Miles



**Figure 1**

**Cast Iron Pipe  
16-inch Diameter  
and Greater**

**May 2014**







## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <i>Professional Services Agreement from Engineering Consultant Roster</i> Cast Iron Pipe Corrosion Protection Project - Feasibility Study	<b>DATE:</b> May 16, 2014
--	------------------------------

<b>CONTRACTOR:</b> JDH Corrosion, Inc. Concord, CA	<b>PERCENTAGE OF CONTRACT DOLLARS</b> Local/Small Business				
<b>BID/PROPOSER'S PRICE:</b> \$372,720	<b>FIRM'S OWNERSHIP</b> Ethnicity: White Gender: Men	<b>White Men</b> 25%	<b>White Women</b> 6%	<b>Ethnic Minorities</b> 25%	<b>Contracting Objectives</b> 36.3% 12.7% 51.0%

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
<b>PRIME:</b>											
JDH Corrosion, Inc.	\$135,450	White			36.3%	---	---	---	---	---	---
<b>SUBS:</b>											
Exaro Technologies*	\$190,000	Hispanic		X	---	---	51.0%	---	---	---	---
Russell Corrosion Consultants, Inc.	\$37,270	White		X	---	10.0%	---	---	---	---	---
CERCO Analytical, Inc.	\$10,000	White		X	---	2.7%	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
					---	---	---	---	---	---	---
<b>TOTAL</b>	\$372,720				36.3%	12.7%	51.0%	0.0%	0.0%	0.0%	0.0%

CONTRACTOR'S WORKFORCES PROFILE (From P-025 Form)				
	White Men	White Women	Ethnic Minorities	Total Employees
<b>No. of Employees:</b>	8	1	2	11
<b>Percent of Total Employees:</b>	72.7%	9.1%	18.2%	
<b>MSA Labor Market %:</b>	33.3%	28.2%	38.5%	
<b>MSA Labor Market Location:</b>	Contra Costa			

**COMMENTS**

*Contract Equity Participation -36.3% White Men, 12.7% White Women, and 51% Ethnic Minority participation.*

*\*This amount may decrease based on possible usage of District forces.*

<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b> NA	<b>Good Faith Outreach Efforts Requirement Satisfied</b> YES	<b>Award Approval Recommended</b> 
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## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Cast Iron Pipe Corrosion Protection Project - Feasibility Study</b>		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN			
Professional Services Agreement from Engineering Consultant Roster		DATE:	National		9 Bay Area Counties		Alameda/CC Counties		
		5/16/2014	10.5	10.7	3.7	0.7	27.3		
			5.5	16.2	14.2	0.4	39.9		
		10.7	15.6	15.4	0.5	46.2			
R=Recommnd P=Prime S=Sub	Composition of Ownership	Number of Ethnic Minority Employees							
Company Name, Owner/Contact Person, Address, and Phone Number		B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %	
RP	WM - L/SBE	Company Wide	-	-	2	-	2	18.2%	38.5%
JDH Corrosion, Inc. J. Darby Howard, Jr. 1100 Willow Pass Court Concord, CA 94520  925-927-6630		Manager/Prof	-	-	2	-	2	22.2%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	2	-	2	18.2%	39.9%
		AA Plan on File:	NA		Date of last contract with District:		12/12/2012		
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		11	Bay Area:	11
S	EMM:H -SBE	Company Wide	-	10	1	-	11	78.6%	44.0%
Exaro Technologies Hector Dominguez 1831 Bayshore Hwy Burlingame, CA 94010  650-777-4324		Manager/Prof	-	3	1	-	4	100.0%	
		Technical/Sales	-	-	-	-	-	NA	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	7	-	-	7	77.8%	
		Bay Area	-	10	1	-	11	78.6%	39.9%
		Co. Wide MSA:	San Francisco		# Employees-Co. Wide:		14	Bay Area:	14
S	WW - SBE	Company Wide	1	1	4	-	6	18.8%	35.8%
Russell Corrosion Consultants, Inc. Ronald : Biachetti 7130 Minstrel Way, Suite 230 Columbia, Maryland 21045  410-997-4481		Manager/Prof	-	-	1	-	1	12.5%	
		Technical/Sales	1	1	3	-	5	22.7%	
		Clerical/Skilled	-	-	-	-	0	0.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	-	-	-	-	0	0.0%	39.9%
		Co. Wide MSA:	Maryland		# Employees-Co. Wide:		32	Bay Area:	4
S	WW - SBE	Information not available							
CERCO Analytical, Inc.  1100 Willow Pass Court Concord, CA 94520  925-462-2771									
P	WM - LBE	Company Wide	1	1	4	-	6	33.3%	38.5%
Trident Environmental & Engineering, Inc. Lenneke Heckathorn 110 L Street, Suite 1 Antioch, CA 94509  925-706-6931		Manager/Prof	-	1	4	-	5	45.5%	
		Technical/Sales	-	-	-	-	0	0.0%	
		Clerical/Skilled	1	-	-	-	1	50.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	1	1	4	-	6	37.5%	39.9%
		Co. Wide MSA:	Contra Costa		# Employees-Co. Wide:		18	Bay Area:	16
P	EMM:H - LBE	Company Wide	1	4	7	-	12	31.6%	47.8%
V& A Consulting Engineers, Inc. Jose Villabolos 155 Grand Avenue, Suite 700 Oakland, CA 94612  510-903-6000		Manager/Prof	-	2	2	-	4	22.2%	
		Technical/Sales	-	1	4	-	5	35.7%	
		Clerical/Skilled	1	1	1	-	3	50.0%	
		Semi/Unskilled	-	-	-	-	-	NA	
		Bay Area	1	3	7	-	11	42.3%	39.9%
		Co. Wide MSA:	Oakland		# Employees-Co. Wide:		38	Bay Area:	26

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. 11.  
 MEETING DATE May 27, 2014

TITLE MOKELUMNE AQUEDUCTS DELTA TUNNEL STUDY

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Authorize an amendment to an agreement with MWH Americas, Inc. (MWH), 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. In authorizing this amendment, the Board of Directors finds that this work cannot be satisfactorily performed under civil service.

**SUMMARY**

Task 1 of this project required the consultant to analyze the existing geotechnical data and develop a geologic section across the Delta to refine the conceptual design's vertical alignment. However, it was determined that the existing data was not sufficient to accurately determine the depth of liquefiable soils, which is a significant factor in determining an optimal alignment for a future Delta tunnel. Additional geotechnical investigations are required to better define a geologic cross-section for this critical design constraint.

**DISCUSSION**

On January 28, 2014, the Board of Directors approved a consulting contract for completing the Mokelumne Aqueducts Delta Tunnel Study in the amount of \$315,000. This contract amendment for an additional amount of \$97,350 (raising the contract ceiling amount to \$412,350) authorizes MWH to provide additional geotechnical investigations and analysis, and refine the conceptual design. Additional investigations will rely on the use of Cone Penetration Technology (CPT), which was selected as a quick and inexpensive means of better defining the liquefiable soil boundary. MWH will analyze the data and revise the technical memorandum and the geologic section, and refine the conceptual design of the Delta tunnel accordingly. The CPT test method consists of pushing an instrumented cone into the ground at a controlled rate to obtain geotechnical properties, such as soil type and strength. CPT is widely used for determining soil stratigraphy information over a continuous soil profile, and has a lower cost when compared to other soil testing methods.

This additional geotechnical data will be used to assist in the development of a conceptual design, including a vertical alignment for the Mokelumne Aqueducts Delta Tunnel, which will serve as a basis for

Funds Available: FY14-15, CIP #1000810; Page 38		Budget Code: WSC/534/7999/5231/2009003
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.

responding to the Final Bay Delta Conservation Plan (BDCP) Environmental Impact Report/ Environmental Impact Statement (EIR/EIS), with the objective being to safeguard the District's future Delta tunnel plans.

## **CONSULTANT SELECTION**

Requests for proposals were sent to 64 firms on the Engineering Consultant Roster with expertise in geotechnical engineering and water infrastructure engineering. One firm submitted a proposal and was evaluated by District staff. After proposal review, MWH was selected based on their qualifications, experience, and approach to the project. MWH has demonstrated expertise in geotechnical analysis, designing soft ground tunnels, and in the preparation of EIR/EIS response comments.

## **CONTRACT EQUITY PROGRAM EFFORTS**

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

## **FISCAL IMPACT**

This item is included in the FY14-15 Capital Improvement Program for the Raw Water Infrastructure Studies.

## **UNION NOTIFICATION**

Locals 2019 and 21 were notified of the contract on November 18, 2013. Locals 2019 and 21 did not raise any specific issues related to this contract.

## **ALTERNATIVES**

**Perform the work with District staff.** The original contract authorization in January 2014 noted that District staff does not have the necessary expertise to provide the geotechnical analysis and design for soft ground tunnels. The District also does not have the expertise and drilling equipment to perform the additional geotechnical investigations and refine the conceptual design already being developed by the consultant.

**Perform the work with a different consultant.** This is not recommended as this consultant has already done extensive work analyzing the existing geotechnical data and developing the geologic section. This consultant is in a position to most efficiently analyze the data and refine the conceptual design of the Delta tunnel accordingly. Also, under this alternative, the additional data would not be incorporated in time to improve the response to the BDCP EIR/EIS.

**Do not perform the work.** This is not recommended because this additional investigation and optional services are needed to better respond to the BDCP EIR/EIS and are critical in meeting the objectives of the study.



Mokelumne Aqueducts Delta Tunnel Study  
May 27, 2014  
Page 3

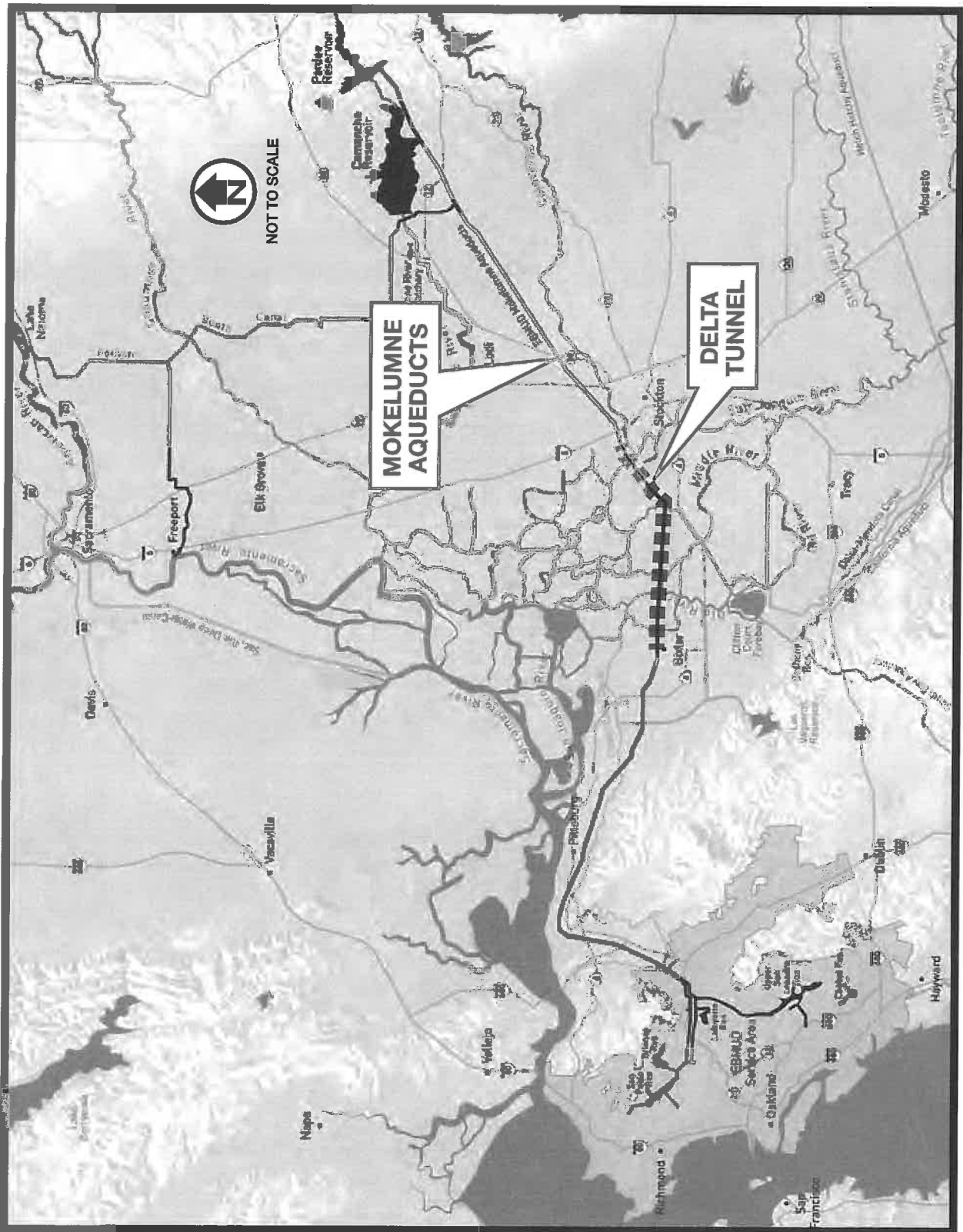
Attachments: Location Map  
Contract Equity Program Summary (P-035)  
Affirmative Action Summary (P-061)

I:\SEC\05-27-14 Board Agenda Items\E&C Mok AQs Delta Tunnel Study\_Amendment



# Mokelumne Aqueducts Delta Tunnel Study

## Location Map







# CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <i>Amendment to Professional Services Agreement - Engineering Consulting Roster</i> Mokelumne Aqueducts Delta Tunnel Study	<b>DATE:</b> May 22, 2014
--	------------------------------

CONTRACTOR:		PERCENTAGE OF CONTRACT DOLLARS		
MWH Americas, Inc. Walnut Creek, CA		Sole Proposer		
BID/PROPOSER'S PRICE:	FIRM'S OWNERSHIP		White Men	25%
	Ethnicity	Gender	White Women	6%
\$97,350 *	White	Men	Ethnic Minorities	25%
				100.0%
				0.0%
				0.0%

CONTRACT EQUITY PARTICIPATION											
COMPANY NAME	ESTIMATED AMOUNT	ETHNICITY	GENDER		CONTRACTING PARTICIPATION						
			M	F	White-Men	White-Women	Ethnic Minorities	Unclassified	Publicly Held Corp.	Gov't/Non Profit	Foreign
<i>PRIME:</i> MWH Americas, Inc.	\$97,350	White	X		100.0%	--	--	--	--	--	--
<i>SUBS:</i>					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
					--	--	--	--	--	--	--
<b>TOTAL</b>	\$97,350				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
<b>No. of Employees:</b>	1,184	561	474	2,219
<b>Percent of Total Employees:</b>	53.4%	25.3%	21.4%	
<b>MSA Labor Market %:</b>	39.0%	33.7%	27.2%	
<b>MSA Labor Market Location:</b>	USA			

**COMMENTS**

*Contract Equity Participation - 100% White Men participation.*

\*Overall Contract Equity Participation - 96.1% White Men participation and 3.9% Ethnic Minority participation based on total contract amount of \$412,350.

<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>	<b>Good Faith Outreach Efforts Requirement Satisfied</b>	<b>Award Approval Recommended</b>
NA	YES	



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title: <b>Mokelumne Aqueducts Delta Tunnel Study</b>		Ethnic Minority Percentages From U.S. Census Data								
			B	H	A/PI	AI/AN	TOTAL			
		National	10.5	10.7	3.7	0.7	27.3			
<b>Professional Services Agreement</b>		DATE: 5/22/2014	9 Bay Area Counties		5.5	16.2	14.2	0.4	39.9	
		Alameda/CC Counties		10.7	15.6	15.4	0.5	46.2		
R=Recmnd 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		60	184	195	11	450	20.3%	27.2%
MWH Americas, Inc. Joseph D. Adams 2121 N. California Blvd., Suite 600 Walnut Creek, CA 94596  925-627-4500		Manager/Prof		42	110	173	6	331	18.8%	
		Technical/Sales		2	14	10	1	27	20.1%	
		Clerical/Skilled		15	60	12	4	91	31.0%	
		Semi/Unskilled		1	-	-	-	1	3.7%	
		Bay Area		-	-	-	-	-	NA	
		AA Plan on File: NA		Date of last contract with District: 4/16/2012						
		Co. Wide MSA: USA		# Employees-Co. Wide: 2,219		Bay Area: 0				
		Company Wide								
		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area								
		Co. Wide MSA:		# Employees-Co. Wide:		Bay Area:				
		Company Wide								
		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area								
		Co. Wide MSA:		# Employees-Co. Wide:		Bay Area:				
		Company Wide								
		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area								
		Co. Wide MSA:		# Employees-Co. Wide:		Bay Area:				
		Company Wide								
		Manager/Prof								
		Technical/Sales								
		Clerical/Skilled								
		Semi/Unskilled								
		Bay Area								
		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 May 27, 2014

**TITLE      ASSIGNMENT OF BENEFITS ADMINISTRATION CONTRACT TO TOTAL ADMINISTRATIVE SERVICES CORPORATION**

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Approve the assignment of employee and retiree benefits administration contract previously awarded to Benesyst, Inc. under Board Motion 028-12 to Total Administrative Services Corporation (TASC).

**SUMMARY**

The District has a contract with Benesyst, Inc. for the administration of District health, life, and disability and other voluntary benefits for employees, retirees, and dependents and facilitation of compliance with Health Care Reform regulations and other laws through its secure web-based system. The contract requires Board approval of a contract transfer. TASC acquired Benesyst, Inc. in 2012 and this acquisition included the contract previously entered into by the District with Benesyst, Inc. All Benesyst, Inc. contract obligations with the District remain in full force and effect with TASC. Staff review indicates that the assignment will not materially affect performance of the contract. The remaining value on the contract is approximately \$185,443.

**CONTRACT EQUITY PROGRAM EFFORTS**

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

**FISCAL IMPACT**

There is no fiscal impact as a result of this assignment. TASC will continue to provide the web-based technology for benefits administration under our existing contract with Benesyst, Inc.

**ALTERNATIVES**

There are no alternatives. This was a negotiated contract for third party benefits administration solution through Benesyst, Inc. who was the bid winner.

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

Funds Available : FY14/15		Budget Code: 365 8596 5231
DEPARTMENT SUBMITTING <u>Human Resources</u>	DEPARTMENT MANAGER or DIRECTOR <i>Delores Turner</i> Delores Turner	APPROVED <i>Marcus R. Coomb</i> General Manager

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







## CONTRACT EQUITY PROGRAM SUMMARY (P-035)

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

<b>TITLE</b> <b><i>Amendment to Professional Services Agreement</i></b> Assignment of Benefits Administration Contract to Total Administrative Services Corporation	<b>DATE:</b> <p style="text-align: center; font-size: 1.2em;">May 22, 2014</p>
---	---

<b>CONTRACTOR:</b> Total Administrative Services Corporation (TASC) Walnut Creek, CA	<b>Assignment</b>	<b>PERCENTAGE OF CONTRACT DOLLARS</b>		
<b>BID/PROPOSER'S PRICE:</b>	<b>FIRM'S OWNERSHIP</b>	<b>Availability Group</b>	<b>Contracting Objectives</b>	<b>Participation</b>
\$185,443 *	Ethnicity: White Gender: Men	White Men	25%	100.0%
		White Women	6%	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	
			<b>PRIME:</b> Total Administrative Services Corporation (TASC)	\$185,443	White	X		100.0%	---	---	---	---
<b>SUBS:</b> None					---	---	---	---	---	---	---	
<b>TOTAL</b>	\$185,443				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
<b>No. of Employees:</b>	228	387	89	704
<b>Percent of Total Employees:</b>	32.4%	55.0%	12.6%	
<b>MSA Labor Market %:</b>	47.5%	42.8%	9.6%	
<b>MSA Labor Market Location:</b>	Wisconsin			

**COMMENTS**

**Contract Equity Participation** -100% White Men participation.

*\*Remaining value on contract. Original contract total \$290,000.*

<b>Workforce Profile &amp; Statement of Nondiscrimination Submitted</b>	<b>Good Faith Outreach Efforts Requirement Satisfied</b>	<b>Award Approval Recommended</b>
NA	NA	



## AFFIRMATIVE ACTION SUMMARY (P-061)

(Completed by District)

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

Title:		Ethnic Minority Percentages From U.S. Census Data							
			B	H	A/PI	AI/AN	TOTAL		
<b>Assignment of Benefits Administration Contract to Total Administrative Services Corporation</b>		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
<b>Professional Services Agreement</b>		DATE:							
		5/22/2014							
R=Recmmd P=Prime S=Sub		Composition of Ownership	<b>Number of Ethnic Minority Employees</b>						
Company Name, Owner/Contact Person, Address, and Phone Number			B	H	A/PI	AI/AN	TOTAL	PERCENT	MSA %
RP	WM	Company Wide	50	20	18	1	89	12.6%	9.6%
Total Administrative Services Corporation (TASC) Daniel N. Rashke 2302 International Lane Madison, WI 53704  800-422-4661		Manager/Prof	4	3	4	-	11	8.4%	
		Technical/Sales	2	4	2	1	9	10.1%	
		Clerical/Skilled	44	13	12	-	69	14.4%	
		Semi/Unskilled	-	-	-	-	0	0.0%	
		Bay Area	-	-	-	-	-	NA	39.9%
		AA Plan on File:	NA		Date of last contract with District:		NA		
		Co. Wide MSA:	Wisconsin		# Employees-Co. Wide:		704 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

13.  
May 27, 2014

**TITLE      WATER SUPPLY ASSESSMENT FOR THE RICHMOND SOUTH SHORELINE  
              SPECIFIC PLAN**

MOTION      \_\_\_\_\_       RESOLUTION      \_\_\_\_\_       ORDINANCE      \_\_\_\_\_

**RECOMMENDED ACTION**

Approve the Water Supply Assessment (WSA) requested by the City of Richmond (City) for the Richmond South Shoreline Specific Plan pursuant to the California Water Code, Section 10910-10915.

**SUMMARY**

The Richmond South Shoreline Specific Plan is bounded by I-580 to the north and east, Regatta Boulevard and Richmond Inner Harbor to the south, and Marina Way South to the west (Attachment A). The project area consists of approximately 525 acres: 380 acres of residential, retail/commercial and manufacturing and 145 acres of open space and parks. At total build out, the Richmond South Shoreline Specific Plan consists of 4,070 multi-family residential units, 720,000 square feet of retail space, and 5,690,000 square feet of light industrial/commercial space.

The existing land use consists of mixed-use industrial, residential, commercial, public/institutional, parks, and open space. Historical water use of the site is approximately 220,000 gallons per day (gpd). The projected water demand is estimated to be approximately 1,580,000 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 17, 2014, the City submitted a formal request for the consultation between the District and the City regarding water service to the Richmond South Shoreline Specific Plan, pursuant to California Water Code, Sections 10910-10915. The project, for which an Environmental Impact Report is being prepared, 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 demand associated with the

Funds Available: FY		Budget Code:
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED
Engineering and Construction	<i>S. Ferentus for XJI</i> Xavier J. Irias	<i>William R. Clegg</i> General Manager

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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 Richmond South Shoreline Specific Plan is located approximately 1.5 miles from an existing recycled water transmission pipeline with some parcels being 3 to 5 miles away. The size and nature of the proposed development along with the thousands of people that will be employed within the project area and the proposed University of California campus will present several opportunities for the use of recycled water for landscape irrigation, commercial and industrial processes, toilet and urinal flushing in non-residential buildings, and cooling towers. As part of the long term water supply planning, the District may investigate expanding the existing recycled water infrastructure or construct a localized satellite facility that utilizes onsite waste and rain water treatment to provide recycled water to the project. The District recommends that the City, the University of California, and their developers maintain continued coordination and consultation with the District as they plan and implement the various projects regarding the feasibility of providing recycled water for appropriate non-potable uses.

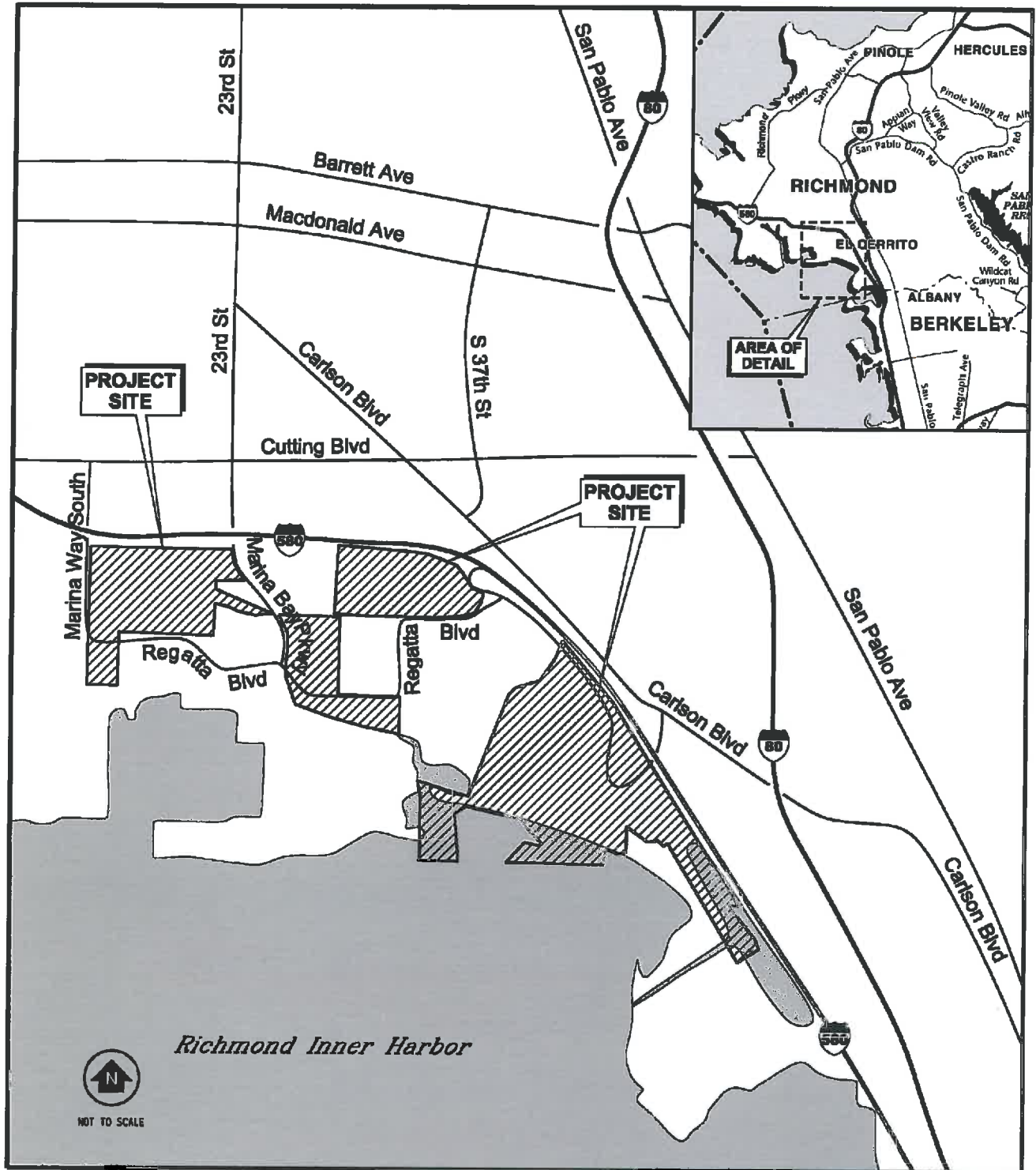
## **ALTERNATIVES**

**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 – Richmond South Shoreline Specific Plan  
B. District's Response to March 17, 2014 Water Supply Assessment Request

# RICHMOND SOUTH SHORELINE SPECIFIC PLAN

## Attachment A





May 27, 2014

Hector Rojas, Senior Planner  
City of Richmond  
Planning and Building Services Department  
450 Civic Center Plaza  
Richmond, CA 94804

Re: Water Supply Assessment – Richmond South Shoreline Specific Plan

Dear Mr. Rojass:

This letter responds to the City of Richmond's (City) request on March 17, 2014 for water agency consultation concerning the Richmond South Shoreline Specific Plan (Enclosure 1) located in Richmond, 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 Richmond South Shoreline Specific Plan 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 220,000 gallons per day (gpd). The projected water demand is estimated to increase up to 1,580,000 gpd at build out.

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 Richmond South Shoreline Specific Plan is bounded by I-580 to the north and east, Regatta Boulevard, Richmond Inner Harbor to the south, and Marina Way South to the west. The project area consists of approximately 525 acres. The Richmond South Shoreline Specific Plan consists of 4,070 multi-family residential units, 720,000 square feet of retail space, and 5,690,000 square feet of light industrial/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 Richmond South Specific Plan 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 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.

Individual developments within the project area present 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.

The Richmond South Shoreline Specific Plan is located approximately 1.5 miles from an existing recycled water transmission pipeline with some parcels being 3 to 5 miles away. The size and nature of the proposed development along with the thousands of people that will be employed within the project area and the proposed University of California campus will present several opportunities for the use of recycled water for landscape irrigation, commercial and industrial processes, toilet and urinal flushing in non-residential buildings, and cooling towers. As part of the long term water supply planning, the District may investigate expanding the existing recycled water infrastructure or construct a localized satellite facility that utilizes onsite waste and rain water treatment to provide recycled water to the project. The District recommends that the City, the University of California, and their developers maintain continued coordination and

Hector Rojas, Senior Planner  
May 27, 2014  
Page 6

consultation with the District as they plan and implement the various projects 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\_080.docx

Enclosures: 1. Letter of Request for Water Supply Assessment dated March 17, 2014  
2. EBMUD 2010 Urban Water Management Plan  
3. EBMUD Demand and Supply Projections Table

cc: Board of Directors w/o Enclosure 2

PLANNING AND BUILDING SERVICES DEPARTMENT  
Planning Division



March 17, 2014

Mr. David Rehnstrom  
East Bay Municipal Utilities District  
Water Distribution Planning Division  
375 11<sup>th</sup> Street  
Oakland, California 94607

Subject: Request for Water Supply Assessment for Richmond South Shoreline Specific Plan

Dear Mr. Rehnstrom:

Per amendments to Section 10912 of the Water Code implemented by Senate Bill 610, the City of Richmond ("City") is submitting this request to the East Bay Municipal Utilities District ("EBMUD") to prepare a Water Supply Assessment (WSA). The assessment is required in order to determine whether adequate water supply is available to meet the projected water demand of the proposed project. The City, as lead agency, is currently preparing a Specific Plan and Program Environmental Impact Report (SP/PEIR) for the proposed project. The City respectfully requests that EBMUD immediately prepare a water supply assessment for the proposed project as described.

The Richmond South Shoreline Specific Plan (RSSSP) will include general plan and zoning amendments, along with detailed strategies and programs to encourage projects, site design and development standards, as well as funding implementation strategies to carry out the policies of the plan. The proposed project encompasses an area totaling approximately 525 acres (Project Area). The site is bounded by I-580 to the north and east, Regatta Boulevard, Meeker Creek and San Francisco Bay to the south and west, and Marina Way to the west. The Project Area closely represents Richmond General Plan 2030 Change Areas 15 (Regatta/Marina Bay) and 16 (Southern Gateway). Per the General Plan, the central and eastern portions of the Project Area are comprised of commercial and light industrial businesses with the western portion of the Project Area between Marina Way South and Marina Bay Parkway comprised of medium intensity mixed-use with a commercial emphasis. A single residential development, 'The Anchorage at Marina Bay', consisting of approximately 100 townhomes lies just west of Marina Bay Parkway on Jetty Drive. The Project Area has been identified as a Priority Development Area (PDA) due to its existing transportation infrastructure (Rail, Port & Freeway) and the potential for sustainable mixed-use infill development.

The University of California (UC) owns properties at 1301 South 46th Street and 3300 Regatta Boulevard (known as the Richmond Field Station and the Regatta Property) at the center of the Project Area totaling approximately 195 acres. The Richmond Field Station (RFS) is managed by UC Berkeley and has been identified as the preferred site for the second Lawrence Berkeley National Laboratory (LBNL) campus, also known as the Richmond Bay Campus, which when completed may include up to 5.4 million square feet (sf) of research and development facilities with the potential to spin off additional supporting developments. The RSSSP will capitalize on and complement the Long Range Development Plan (LRDP) being developed for the Richmond Bay Campus by UC Berkeley and LBNL.

The RSSSP proposes several preferred development alternatives, including the "Long Term: Employment + Housing" growth scenario which is shown on the attached exhibit. This alternative assumes development of: 4,070 new housing units; 720,000 square feet (SF) of retail space; and 5,690,000 SF of light

450 CIVIC CENTER PLAZA, RICHMOND, CA 94804

Telephone: (510) 620-6706  
Fax: (510) 620-6858  
Website: [www.ci.richmond.ca.us/planning](http://www.ci.richmond.ca.us/planning)

industrial/commercial space. This would result in an estimated average daily water use of approximately 1,580,150 gallons/day (GPD). A table providing a breakdown of this estimated use is shown below.

Land Use Classification	Total Size/No. of Units	Water Demand Factor (1)	Total GPD
Residential	4,070 Units	215 GPD/Unit	875,050
Retail	720,000 SF	0.11 GPD/SF	79,200
Light Industrial/Commercial	5,690,000 SF	0.11 GPD/SF	625,900
Total			<b>1,580,150</b>

1. Based on Contra Costa County Sanitation District Average Base Wastewater Flow Unit Factors plus 10%.

The City has identified East Bay Municipal Utilities District (EBMUD) as the water purveyor for the proposed project. As such, pursuant to the requirements of SB 610, the City respectfully requests a WSA be prepared and adopted by East Bay Municipal Utilities District (EBMUD) in 90 days or less.

The City is in the process of preparing the SP/PEIR for the proposed project. The results and conclusion of the WSA will be included in the Utilities section of the SP/EIR.

Please contact me if you have any questions or need additional information. I can be reached at (510) 620-6662 or by email at [hector\\_rojas@ci.richmond.ca.us](mailto:hector_rojas@ci.richmond.ca.us).

Sincerely,



Hector Rojas  
Senior Planner

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

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

<sup>1</sup> Projected demand for 2035 is interpolated.

<sup>2</sup> 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.

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

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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

14.

May 27, 2014

TITLE MINOR AMENDMENTS TO WATERSHED AND RECREATION RULES AND REGULATIONS

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Adopt the proposed amendments to the Watershed and Recreation Rules and Regulations.

**SUMMARY**

The District periodically amends the Rules and Regulations governing usage of its watershed and recreation areas to ensure public safety, environmental and fiscal responsibility, and consistency with state laws and codes. The Rules and Regulations were last updated in 2009. The proposed amendments reflect changes to definitions and clarifications to 1) rules regarding disturbing flora, fauna and fungi, and 2) areas subject to fishing access permits. Violation of any Rule or Regulation will continue to be an infraction, as defined by California State Law. Following adoption by the Board of Directors, the amended Rules and Regulations are posted on the EBMUD website and in each recreation area, summaries of the changes will be published in newspapers of local jurisdiction in the counties in which the rules will apply, and made available to the public upon request.

**DISCUSSION**

The Watershed and Recreation Rules and Regulations are organized into 15 sections providing general provisions, definitions and rules specific to access, boating, camping, resource protection, sanitation, vehicles and other topics. The proposed amendments to the Rules and Regulations are the result of updates to reflect current operations and procedures in the watersheds and clarifications to ensure enforcement by local courts. Changes are proposed in 2 of the 15 sections of the Rules and Regulations. Exhibit A, attached, shows the new language in **bold italics** and deleted language in ~~strikethrough~~. Specific changes are briefly described below:

**Section II. Definitions.** Changes include a new definition for "Marina" on page 5, which is referenced but was not previously defined, and an updated definition of "Watershed Trail" on page 8 to reflect the actual corridor currently managed which is approximately 100 feet (50 feet on either side of the trail).

Funds Available: FY		Budget Code:	
DEPARTMENT SUBMITTING	DEPARTMENT MANAGER or DIRECTOR	APPROVED	
Water and Natural Resources	 Richard G. Sykes	 General Manager	

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

**Section X. Protection of Property and Resources.** The first modification clarifies the prohibition on injury to watershed flora, fauna and habitat on page 22 and expressly includes the prohibition of injury or take of fungi. A recent citation to a person who illegally collected mushrooms in the watershed was overturned in court because the court determined that the District's rule against the disturbance of the watershed environment was vague. A second change to Section X, also on page 22, clarifies that fishing access permits are not required downstream of Camanche Dam and upstream of Middle Bar Bridge. The District has never required permits in these areas and the revision clarifies this practice.

#### **FISCAL IMPACT**

There is no fiscal impact from the proposed amended Rules and Regulations.

#### **ALTERNATIVES**

**Do not amend the Rules and Regulations.** This alternative is not recommended because the proposed changes better reflect current practices and they ensure enforcement of provisions to provide protection of watershed resources

Attachment: Watershed and Recreation Rules and Regulations

RGS:dec



**EXHIBIT A**  
**WATERSHED AND RECREATION RULES AND REGULATIONS**  
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## I. GENERAL PROVISIONS

- 1.01 The following Regulations shall apply to all persons except:
- A. They shall not apply to District Employees, concessionaires, or employees of District concessionaries acting within the scope of their authorized duties.
  - B. They shall not apply to employees of Federal, State, County or Municipal governments acting within the scope of their authorized duties and with the knowledge of the District.
  - C. They shall not apply to persons possessing District Land Use, Special Use, Property Entry or Watershed Entry Permits when such permits specifically suspend a section or sections of the regulations providing said permittees are in compliance with all conditions of the permit and all other regulations.
  - D. They shall not apply to leaseholders where such use is expressly provided for in the terms and conditions of their lease.
- 1.02 District employees, concessionaires, and employees of District concessionaires shall abide by the laws of the State of California and all applicable county and municipal ordinances.
- 1.03 Special regulations enacted for an area or a subject do not preclude the application of general regulations unless expressly so indicated.
- 1.04 Authority: All sections of these Rules and Regulations are adopted by the District Board pursuant to Sections 117060 and 117105 of the Health & Safety Code, and apply to all District lands, waters and facilities unless expressly indicated otherwise.
- 1.05 Pursuant to Section 12821 (b) of the Public Utilities Code, any violation of the following Regulations is an infraction and punishable by (1) a fine not exceeding \$50 for the first violation; (2) a fine not exceeding \$100 for a second violation of the same regulation within one year; and (3) a fine not exceeding \$250 for each additional violation of the same regulation within one year.

## I. GENERAL PROVISIONS (Cont'd)

- 1.06 The District or its authorized representative may withdraw or revoke the privilege of access to District watershed lands and/or waterways or the use of any facility for reasons of safety, security or environmental protection, or from any person violating any provision of these Regulations or any other statute. Privileges may also be revoked permanently or on a long-term basis depending on the severity of the offense in accordance with the Access Revocation Procedure.
- 1.07 If any section, subsection, sentence, clause or phrase of these Regulations is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of these Regulations.
- 1.08 Where a section herein or regulation adopted pursuant thereto is amended or repealed, acts and commissions prior thereto may be prosecuted as though such section or regulation had not been so amended or repealed.
- 1.09 These Regulations shall take effect and be in force upon their passage.

## II. DEFINITIONS

- 2.01 "Approved Fire Container" - A manufactured receptacle the design of which prevents the escape of rolling embers from a campfire. Fire rings constructed of rock or other native materials are specifically excluded.
- 2.02 "Aquaplane" - Any aquaplane, plank, surfboard, water ski, or other device used for the transporting, conveyance or carrying of a person or animal that is towed or pulled by a boat by means of a rope, chain, cable, wire or other connection.
- 2.03 "Authorized Personnel/Representative" - The General Manager of the District, any Peace Officer, or other persons and/or employees of the District acting under the authority of the General Manager.
- 2.04 "Beach" - To run, haul, drive, or bring ashore a vessel.
- 2.05 "Bicycle" - A device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.
- 2.06 "Boating Permit" - A receipt showing fees paid for daily boating access or an affixed decal showing current paid annual boating access fees.
- 2.07 "Board" - The Board of Directors of the East Bay Municipal Utility District.
- 2.08 "Campsite" - A developed or undeveloped campsite.
- 2.09 "Canoe" - A light, narrow vessel with sharp ends and curved sides that is usually, but not exclusively, propelled by paddles.
- 2.10 "Concessionaire" - Any person who through contract, lease, or other written agreement with the District is authorized to operate recreation facilities on District lands and waters.
- 2.11 "Controlled" - The condition of being restrained from running free or otherwise creating a nuisance. At the Camanche Hills Hunting Preserve, electrical or voice techniques may be employed to maintain control of dogs engaged in hunting.
- 2.12 "Corrosive" - Any substance capable of destroying by chemical action living tissue through contact.

## II. DEFINITIONS (Cont'd)

- 2.13 “Developed Area” – Any area defined as a public road open to vehicular traffic, parking lot, paved trail, lawn, playground, picnic area, campground, building, or any other area specifically designated as such by EBMUD.
- 2.14 “Developed Campsite” – An established area within the boundaries of a recreation area that contains a picnic table, fire ring, and campsite number.
- 2.15 “Dimensions of Vessel” – The overall width of the hull is measured on a horizontal plane at the widest section of the hull excluding any attachments. The length is measured from end to end over the deck, excluding the sheer.
- 2.16 “District” – The East Bay Municipal Utility District lands and waters, and facilities owned, controlled, or managed by the East Bay Municipal Utility District and excluding Chabot Reservoir and the adjoining lands leased to the East Bay Regional Park District.
- 2.17 “Flammable” – Any substance capable of burning during normal handling and which may produce harmful gas or particles.
- 2.18 “Golf Cart” - A vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 MPH and designed to carry golf equipment and not more than two persons including the driver.
- 2.19 “Greywater” – Wastewater that does not contain the products of bodily functions being mainly the product of bathing, showering, dishwashing, and similar activities.
- 2.20 “Improved Road” – A paved, graveled, or graded route or way that is maintained and open to vehicle travel.
- 2.21 “Inflatable Vessel” – An air-filled watercraft not less than 7 feet, 10 inches in length.
- 2.22 “Irritants” – Any substance capable of causing a local inflammatory reaction to a person’s skin or body.
- 2.23 “Kayak” – A portable covered frame vessel with small openings for one or two persons and propelled by double-bladed paddles.
- 2.24 “Launch” – To make ingress or egress to a waterway with a vessel or float tube.



## II. DEFINITIONS (Cont'd)

- 2.25 "Launching Area" – An area specifically designated to allow ingress and egress to a waterway with a vessel or float tube.
- 2.26 ***"Marina"- A recreational boating facility that provides services, facilities for storage of boats, launching and retrieving vessels, as well as embarking and disembarking of boat operators and passengers. This includes floating structures, docks (except designated fishing docks), launch ramp, as well as shoreline within 30 feet of these facilities.***
- 2.27 "Moored" – To make fast or secure a vessel by cables, anchors, or lines.
- 2.28 "Motorboat" – Any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.
- 2.29 "Occupy" – To maintain a reasonable and obvious physical presence in a site, vehicle, or vessel after having obtained and displayed as required all necessary permits.
- 2.30 "Permission" – Written permission granted by the District, the General Manager of the District or authorized designee, unless otherwise expressly provided.
- 2.31 "Person" – Any natural person, partnership, firm, corporation, club, municipality, district or public agency, and associations or combinations of persons whenever acting for themselves or by any agent, servant, or employee.
- 2.32 "Personal Flotation Device" – A jacket, vest, cushion or ring buoy designed to support a person in water and approved by the U.S. Coast Guard, shown by a stencil marking or tag bearing the name and address of the manufacturer, the approval #, the amount of flotation in the device and the type of device.
- 2.33 "Personal Float Fishing Device" – A multi-compartmented device designed to float not more than one person, propelled by fins and not more than seven feet and ten inches in length.
- 2.34 "Personal Watercraft" – A small vessel, which uses an internal combustion engine powering a jet pump or propeller, and which is designated to carry from one to three persons.

## II. DEFINITIONS (Cont'd)

- 2.35 "Recreation Area" – Those parts of District-owned, controlled, or managed lands, water and facilities that have been designated as a "Recreation Area" by the District. Excluded from this definition are Chabot Reservoir and the adjoining lands leased to the East Bay Regional Park District.
- 2.36 "Recreational Vehicle" – A motorized vehicle or trailer that contains enclosed living quarters with a sink and toilet.
- 2.36 "Red Flag Alert" – Weather-related events that can lead to extreme fire behavior; includes Fire Weather Watches and Red Flag Warnings as determined by the National Weather Service or Manager of Watershed and Recreation.
- 2.37 "Reservoir" – Refers to Briones Reservoir (Contra Costa County), Lafayette Reservoir (Contra Costa County), Camanche Reservoir (Amador, San Joaquin, and Calaveras Counties), Pardee Reservoir (Amador and Calaveras Counties), San Pablo Reservoir (Contra Costa County), and Upper San Leandro Reservoir (Alameda and Contra Costa Counties).
- 2.38 "RV Site" – An established area within the boundaries of a recreation area that contains a picnic table, electrical, sewer, water hookups, and RV site number.
- 2.39 "Service Animal" – Any guide dog, signal dog, or other animal individually trained or in training to provide assistance to an individual with a disability.
- 2.40 "Site Standards" – Criteria established by the District and posted in the Recreation Area that regulates the use, cleanliness, neatness, sanitary or occupancy conditions.
- 2.41 "Special Event" – A meeting, event, occasion or performance attended by a group of individuals at an EBMUD recreation area or on watershed land necessitating planning, logistic or operational support from EBMUD staff in addition to staff's normal scheduled duties, and likely to disrupt or displace the activities of regular users of recreation areas or watershed lands.
- 2.42 "Strong Sensitizers" – Any substance capable of causing allergic or hypersensitive reactions to a person's skin or body.

## II. DEFINITIONS (Cont'd)

- 2.43 "Sunrise and Sunset" – Those times designated as sunrise and sunset in the published Tide Table Predictions of the National Aeronautical and Oceanographic Commission and adjusted according to Pacific Daylight Savings Time.
- 2.44 "Swimming Aid" – An air mattress, inflatable water toy, inner tube, raft less than six feet in length or other aid to floatation not designed to minimize or prevent body contact with the water.
- 2.45 "Take" – To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct.
- 2.46 "Take-Out Facility" – An area specifically designated to allow the recovery of vessels from District waterways only.
- 2.47 "Toxic" – Any substances capable of producing injury, illness or damage to humans, livestock or terrestrial and aquatic wildlife through ingestion, inhalation or absorption through any body surface.
- 2.48 "Trail" – All designated District hiking and equestrian trails, and staging areas except those staging areas shared with other agencies.
- 2.49 "Ultralite Vehicle" – A vehicle that is used or intended for use in a manned operation in the air by a single occupant and for the recreation or sport purposes only as further defined in the Federal Aviation Regulations.
- 2.50 "Undeveloped Campsite" – An established area within the boundaries of a recreation area that allows for overnight camping but does not contain a picnic table, fire ring, or a campsite number.
- 2.51 "Vehicle" – A device by which any person or property may be transported on any District roadway, trail, or land, except (a) devices propelled exclusively by human power, (b) devices subject to ADA standards, and (c) electric-powered conveyance devices specifically designed to transport the physically disabled.
- 2.52 "Vessel" – Includes every description of watercraft used or capable of being used as a means of transportation on water, as defined in the California Vehicle Code.
- 2.53 "Wake" – A visible wave of white water created by the movement of a vessel through the water and measuring six inches or more when measured trough to crest.

## II. DEFINITIONS (Cont'd)

- 2.54 "Waste Matter" – Any bottles, cans, wastepaper, litter, waste products, trash, motor oil, debris, human or animal excrement, and contaminating, hazardous or polluting substances of any kind.
- 2.55 "Watershed" – All lands, water, and facilities owned, controlled, or managed by the District which are, or may be used to gather, store, transport, treat, distribute, or otherwise process water for use as a public water supply and/or for power generation, flood control purposes, grazing of domestic animals, or for recreational purposes.
- 2.56 "Watershed Trail" – ~~Staging areas and a corridor one hundred feet to each side of a designated trail outside of a recreation area and exclusive of waterways, restricted areas and non-District properties.~~ ***Staging areas, trail access points and a corridor fifty feet to each side of a designated trail outside of a recreation area and exclusive of waterways, restricted areas and non-District properties.***
- 2.57 "Waterway" – Any reservoir, river, pond, stream, creek, or part thereof, within a District watershed.
- 2.58 "Whole Access Site" – A site designated to accommodate disabled access.

### **III. GENERAL RULES**

It shall be unlawful for any person:

- 3.01 To knowingly report or cause to be reported, or in any other manner communicate any false report of an emergency or other information to any District employee, authorized representative, peace officer, or an employee of District's Concessionaire which such person knows to be false.
- 3.02 To use any threatening, abusive, boisterous, loud, insulting, or indecent language or gesture, to engage in conduct that unreasonably and unnecessarily impairs the lawful use and enjoyment of a watershed by other persons or impairs the ability of the District's or Concessionaire's employees to perform their authorized duties.

## IV. ACCESS

It shall be unlawful for any person:

- 4.01 To enter, use, or travel through areas of any watershed that are posted "NO TRESPASSING" in accordance with provisions of the penal code or "RESTRICTED" by the District and closed to the public, or to enter upon any watershed except at points designated by the District for entry.
- 4.02 To enter, use, or travel through areas of any watershed that have been temporarily closed by the District providing that signs announcing the closure are posted at District-designated entry points.
- 4.03 To enter any watershed with a motor vehicle without payment of the respective vehicle charge established by the District, to fail to properly display at the front driver's side, the proper permit, or to enter, use, occupy, or otherwise remain in a building, structure, facility, swimming complex, parking area, picnic area, campsite, trail, or other area within any watershed for which a fee is charged unless that person has paid the required fee.
- 4.04 To be within any designated portion of any watershed open for recreation during any time other than the designated operating hours, or where no hours are designated, during any time between ½ hour after sunset and ½ hour before the following sunrise.
- 4.05 To use a gate card, entry pass, boating permit, trail permit, or other permit issued to another person for entry and use of District's watershed.
- 4.06 To fail to present and/or surrender a gate card, entry pass, boating permit, trail permit or other permit when requested by authorized personnel.
- 4.07 To permit unauthorized use of any District gate card, entry pass, boating permit, trail permit or other permit.
- 4.08 To enter the Lafayette Recreation Area with a vehicle pulling a trailer.
- 4.09 To fail to comply with the terms of an access revocation as authorized in Section 1.06.
- 4.10 To claim a picnic table without an individual present.
- 4.11 To enter Camanche or Pardee Recreation Area(s) by any other means than a vehicle without first registering at the front gate and showing appropriate photo identification.

#### **IV. ACCESS (Cont'd)**

- 4.12 To save, claim, or in any way reserve a parking space.
- 4.13 To hold any special event without first obtaining written permission from the District.

## V. BOATING REGULATIONS

It shall be unlawful for any person:

### OPERATIONS

- 5.01 To violate any section or provision of the California Harbors & Navigation Code, the California Vehicle Code, the California Code of Regulations, or the Health & Safety Code while operating, using, or launching any vessel on any District's watershed.
- 5.02 Operate or place any vessel on a District watershed without first paying the established fee and obtaining a boating permit.
- 5.03 To place or launch a vessel in or on District waterways except in designated launching areas, and at Middle Bar, which is a designated take-out facility only.
- 5.04 To tie up to any buoy, buoy line, log boom, boat restraining barrier, float or dock placed in any District waterway except designated mooring buoys or to place any private mooring facilities on any District waterway unless otherwise posted.
- 5.05 To operate or use on any vessel on Lafayette Reservoir which is powered by any means other than oars, paddles, electric motor, or sails.
- 5.06 To operate or use on any District waterway any vessel less than 7 feet, 10 inches in length except 1) at the Mokelumne River Day Use Area; 2) at Camanche in 5 MPH or NO BOAT ZONES; 3) when towed on Camanche Reservoir as an aquaplane by an registered vessel or 4) registered Personal Watercraft at Camanche Reservoir.
- 5.07 To use personal float fishing devices at Pardee, Camanche, Lafayette, or San Pablo Reservoirs in violation of any of the following rules and conditions:
  - a) Personal float fishing devices must only be used in NO WAKE – 5 MPH zones.
  - b) Personal float fishing device users must wear chest waders, except at Camanche Reservoir.
  - c) Personal float fishing devices must not be used in areas where their use is prohibited.



## V. BOATING REGULATIONS (Cont'd)

- d) Personal float fishing devices must be launched, landed and used in designated areas.
  - e) Motorized personal float fishing devices are not allowed.
  - f) Personal float fishing device users at Pardee, Lafayette, and San Pablo Reservoirs must register and pay the required fee for such use.
  - g) Personal float fishing device users must have a brightly colored hat, upper body article of clothing or decals on personal float fishing device.
  - h) Personal float fishing devices shall not be used between sunset and the following sunrise.
  - i) Personal float fishing devices are not allowed on Briones or Upper San Leandro Reservoirs.
- 5.08 To operate or use on any District waterway, except at Camanche Reservoir and at the Mokelumne River Day Use Area, any vessel that does not prevent body contact with the water during the routine operation of the vessel.
- 5.09 To operate a vessel on any District waterway, or portion thereof which has been designated closed to the public.
- 5.10 To operate any vessel within one hundred feet of any dock or marina while trolling or fishing unless embarking or disembarking a vessel within the marina.

### TIME RESTRICTIONS

- 5.11 To operate any vessel except personal watercraft on any District waterway between one half-hour after sunset and one half hour before sunrise. Personal watercraft shall not be operated between sunset and sunrise.
- 5.12 To moor, anchor or occupy any private vessel between one half hour after sunset and one half hour before the following sunrise on any District waterway except at Camanche Reservoir or other locations designated by the District.

## V. BOATING REGULATIONS (Cont'd)

### SPEED RESTRICTIONS

- 5.13 To operate or tow any vessel at a speed greater than 5 MPH or that which creates a wake within two hundred feet of any reservoir shoreline, fishing dock, swimming area, boathouse, marina, launch ramp, landing float, floating restroom, or in any designated "no wake" areas.
- 5.14 To operate any vessel in excess of the speed limits posted on the waterway.

### MISCELLANEOUS

- 5.15 To enter with a vessel any District waterway when an authorized representative of the District has determined that the waterway has reached the maximum number of vessels for safe and reasonable boating or the vessel is unsafe, overloaded or undersized, improperly equipped, unsanitary, inadequately muffled to deaden the noise according to State noise level standards and criteria, or not registered according to State law. [See 11.09, Vessels]
- 5.16 To ride or sit or allow any person to ride or sit in or on areas within or upon a vessel not designed for passengers.
- 5.17 To organize, hold, participate in, or otherwise sponsor any boat race, drag race, regatta, fishing derby or other event on any District waterway unless authorized in writing by the District. EXCEPTION: Fishing derbies at Camanche and Pardee do not require a permit issued by the District.
- 5.18 To operate or use any raft, aquaplane, surfboard, sailboard, personal watercraft or similar device on any District waterway except in designated areas at Camanche Reservoir and at the Mokelumne River Day Use Area whether used individually, towed, or used for towing.
- 5.19 To operate any vessel within any portion of a District waterway not open to the public and closed to boating and trespassing by protective lines of buoys, log booms, or regulatory signage, or to operate or to permit any vessel to pass through any lines of buoys, log booms, boat restraining barrier, or regulatory signage designating such closed area.
- 5.20 To operate or use any vessel on any District waterway without at all times complying with all conditions upon which a boating permit is issued.

## V. BOATING REGULATIONS (Cont'd)

- 5.21 To enter any District waterway with a vessel which has an unsealed sink or drain or flush toilet on board, or which is determined to be in a mechanical condition that would allow a pollutant to enter said reservoir. Such determination shall only be made by an authorized representative of the District.
- 5.22 To occupy a moored or beached vessel at night without a sealed toilet onboard.
- 5.23 To enter with a vessel any District waterway when an authorized representative of the District has determined that a condition unsafe to boating exists due to excessive wind or other hazard and the launch ramp or area is posted CLOSED TO BOATING.
- 5.24 To launch, operate or use at Camanche South Shore ponds any swimming aid or motorized vessel or vessel not between 6 and 12 feet in length except for personal float fishing devices that meet the use rules and conditions of this ordinance. Coast Guard regulations requiring personal flotation devices for each person on board manually propelled vessels less than 16 feet are in force on the Camanche South Shore ponds.
- 5.25 To launch, operate or use at San Pablo Reservoir a vessel that is powered by any other means than:
- Oars
  - Sails
  - Inboard gasoline-powered engine
  - 4-cycle gasoline-powered outboard engine
  - Any gasoline-powered outboard engine that meets a low emissions engine performance standard equivalent to 4-cycle engine emissions based on a comparison of equivalent of horsepower ranges, using certified emissions data from U.S. Environmental Protection Agency's air pollution program for gasoline spark-ignition marine engines. Outboard engines which meet this performance standard will be listed by manufacturer and model and posted at the San Pablo Recreation Area.
  - Paddles
  - An Electric motor
- 5.26 To operate any vessel, float-tube, canoe, kayak, raft or any other flotation device on any District waterway without first complying with all requirements of the current Vessel Inspection Program.

## VI. CAMPING

It shall be unlawful for any person:

- 6.01 To camp on any watershed except in designated camping areas, during such seasons and for such length of time as designated by the District permitting such uses. To occupy a campsite or vessel for more than 14 days within a 30-day period at any District campground or reservoir.
- 6.02 To occupy a campsite, recreational vehicle site, or trailer parking or storage space until: (a) the established charge for the total length of time of the stay has been paid in advance, (b) the site or space to be occupied has been designated for camping, parking, or storage by District, and (c) the person applying for such site or space has shown proof of age 18 years or older and has registered in writing, giving such information as may be required by the District.
- 6.03 To occupy any recreational vehicle or vessel while it is in a designated dry storage area.
- 6.04 To install any guy wires, ropes, braces, or other external supports outside recreational vehicles or other facilities in the camping, trailer parking or storage areas, except those specifically allowed by the District.
- 6.05 To park more than two vehicles at any campsite, except at sites designated for additional vehicles.
- 6.06 To not adhere to "site standards" as established by the District.
- 6.07 To occupy a campsite with more than eight (8) people or (4) tents per site except in sites designated for additional people.
- 6.08 To allow livestock to enter, travel through or occupy any portion of a recreation area, except for horses and llamas and other approved trail animals being ridden or led on a designated watershed trail or while being transported by trailer to a designated trail staging area, or in a camp area specifically designated for trail animal use.
- 6.09 To occupy or reserve any designated "Whole Access Site" without obtaining the appropriate permit.

## VI. CAMPING (Cont'd)

- 6.10 Under the age of 18 to loiter in any recreational area, other than in their own designated campsite, after posted quiet time hours unless (1) the minor is accompanied with his or her parent or guardian or other adult person having the care and custody of the minor; (2) the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the care and custody of the minor; or (3) the minor is traveling directly to or from a restroom facility to their campsite.
- 6.11 To register more than one recreational vehicle in a single campsite. Higher occupancy campsites such as double, triple, quadruple sites, etc. may have two, three and four recreational vehicles, respectively.
- 6.12 To fail to establish a proper, water-tight, grey or black water connection when connecting to the park's provided sewer drain inlet.
- 6.13 To set up more than one tent in an RV site.
- 6.14 To register into a campsite any vehicle or recreational vehicle that is not operational upon check-in. An operational vehicle capable of legally towing a trailer must accompany all tow-behind trailers. The tow vehicle must be registered into the campsite for the same duration as the trailer.

Additionally:

- 6.15 Visitors registered as primary for any campsite are responsible for the actions and conduct of all other occupants, guests and invitees. Such responsibility shall include, but not be limited to, financial responsibility for any breakage, destruction, or vandalism of the Park's recreational facilities and common areas. An eviction of the primary and/or all campers from the campsite may also occur in accordance with Section 1.06 of these regulations.

## **VII. COMMERCIAL USES**

It shall be unlawful for any person:

- 7.01 To take a commercial photograph(s) or make a commercial movie(s) or video(s) within any watershed without a permit issued by the District.
- 7.02 To sell or offer to sell, or to engage in the business of soliciting, selling, or peddling any food, beverage, goods, wares, merchandise or service(s) within any watershed without first obtaining written permission from the concessionaire and District.
- 7.03 To advertise any services by means of posting handouts and/or handbills, within any watershed.
- 7.04 To drive or operate, or enter with any vehicle for the purpose of doing business within any watershed, except in the service of the District or its Concessionaire.
- 7.05 To sell or transport a Christmas tree in any watershed without a sales receipt except within the Pardee and Camanche Recreation Areas.

## VIII. DANGEROUS ACTIVITIES

It shall be unlawful for any person:

- 8.01 To engage in any activity or operate any device recklessly or negligently within any watershed so as to endanger any animal or the life, limb, or property of any person.
- 8.02 To drive, chip, or in any other manner play or practice golf, or hit golf balls within any watershed unless the areas have been designated for that use.
- 8.03 To operate self-propelled and/or radio-controlled model airplanes, boats, automobiles, or other model craft of any kind or description within any watershed except in designated areas.
- 8.04 To operate a hang-glider, parachute, kite tube, traction kite, parasail or similar device within any watershed.
- 8.05 To cause damage or loss of property to any other boater or person fishing.
- 8.06 To possess or discharge any gun, firearm, paint gun, spear, bow and arrow, fishing bow, crossbow, slingshot, air or gas weapon, or any other dangerous weapon within or into the boundaries of any watershed, except approved firearms within the Camanche Hills Hunting Preserve.
- 8.07 To use or possess fireworks of any kind within any watershed.
- 8.08 To conduct or participate in "hardball" baseball games, or to play "catch" with a hardball baseball within any watershed unless the area has been designated for that use.
- 8.09 To smoke on watershed lands except in turfed, graveled or paved portions of developed recreation areas, or within developed campgrounds or day use areas.
- 8.10 To smoke in a "no-smoking" posted area and/or fail to comply with District fire prevention measures during a Red Flag Event.
- 8.11 To dive or jump from bluffs, cliffs, rocks or structures within any watershed.
- 8.12 To swing by means of a rope, cable, or chain except as designated within recreation areas.
- 8.13 To allow any child under the age of 14 and unaccompanied by an adult to swim or wade in any District waterway or swimming pool.

## **IX. GENERAL NUISANCE**

It shall be unlawful for any person:

- 9.01 To remove any "RESERVED" sign(s) from any picnic area, day use area, campsite, RV site, or facility which has been reserved, or to willfully occupy or hold a picnic area, day use area, campsite, RV site or facility which has been reserved by another person.
- 9.02 To use or operate any radio receiving set, musical instrument, phonograph, CD player, television set, public address system, generator, or other machine in such a manner as to disturb the peace, quiet, and comfort of any watershed users or any reasonable person of normal sensitivity residing in the area. The use of any such device or machine, such that the sound produced is audible at a distance in excess of fifty feet, shall be deemed a prima facie violation of Section 9.02.
- 9.03 To land any aircraft on any watershed except in the case of an emergency forced landing.
- 9.04 To practice, or attempt to practice, the landing, take-off, or taxiing of any aircraft over or upon any watershed.
- 9.05 To operate or cause to be operated any aircraft or ultralight which disturbs or causes harm to any of the flora or fauna within any watershed or which impairs the lawful use and enjoyment of a watershed by other persons.
- 9.06 To operate or cause to be operated, any aircraft over any watershed at a height lower than 500' in height.
- 9.07 To expose or permit to be exposed to public view, a woman's breasts (except for breast-feeding), or the genital or anal region of a person's body.
- 9.08 To use a portable generator without permission of the District except at Pardee and Camanche Recreation Areas, Camanche Hills Hunting Preserve and the Mokelumne River Day Use Area.
- 9.09 To have air filled play devices, such as trampolines.
- 9.10 To fail to abide by posted Quiet Time regulations.



## **IX. GENERAL NUISANCE (Cont'd)**

- 9.11 To fill portable swimming pools greater than 100 gallons within any recreation area.
- 9.12 To possess alcoholic beverages in designated "Alcohol Free" posted areas; or to possess an open container or consume alcohol beverages in any parking area not designated for such purpose.

## X. PROTECTION OF PROPERTY AND RESOURCES

It shall be unlawful for any person:

- 10.01 To violate any section or provision of the California Department of Fish and Game Code while on any District watershed.
- 10.02 To use a metal detector or similar device within any watershed.
- 10.03 ~~To disturb, injure, or take any rock, mineral, plant, artifact, vertebrate or invertebrate, or to disturb its habitat within any watershed, without the District's express written permission in possession except that fish may be taken in accordance with California State law at reservoirs and in areas designated by the District as open to the public for that purpose, and approved game may be taken at the Camanche Hills Hunting Preserve.~~ **To injure, take or intentionally disturb any rock, mineral, plant, fungi, artifact, vertebrate, or invertebrate, or to damage its habitat within any watershed, without the District's express written permission in possession except that fish may be taken in accordance with California State law at reservoirs and in areas designated by the District as open to the public for that purpose, and approved game may be taken at the Camanche Hills Hunting Preserve.**
- 10.04 To introduce, plant or relocate any plant or animal onto any watershed without the District's express written permission in possession.
- 10.05 To fish from any District-designated prohibited shoreline, including the total shorelines of Briones Reservoir (Contra Costa County), Upper San Leandro Reservoir (Contra Costa and Alameda Counties), the Rabbit Creek Arm of Camanche Reservoir north of Camanche Parkway (Amador County) and posted sections of any other waterways in accordance with California State Fishing Regulations.
- 10.06 To fish in any tributary to any District reservoir except that portion of the Mokelumne River that is open to angling in accordance with the California State Fishing Regulations and District Ordinance.
- 10.07 ~~To fish in designated waterways without a valid Daily Fishing Access permit in possession. A maximum of four children under sixteen years of age may fish under the permit of an accompanying licensed adult. Others, and those not accompanied by an adult with a permit, must have their own Daily Fishing Access Permit.~~ **To fish in any waterways open for public fishing without a valid EBMUD Fishing Access Permit in possession. The segments of the Mokelumne River east of Middle Bar Bridge and west of Camanche Dam are excluded from the EBMUD Fishing Access Permit requirement. A maximum of four children under sixteen years of**

*age may fish under the permit and limit of an accompanying licensed adult. Others, and those not accompanied by an adult with a permit, must have their own EBMUD Fishing Access Permit.*

- 10.08 To light, build or maintain any fire within any watershed, except in designated areas at Camanche, Lafayette, Pardee, or San Pablo Recreation Areas, and then only in units provided for that use. Approved fire containers may be utilized in designated areas provided that they are used within existing fire rings or BBQs and only if the minimum 5-foot bare ground clearance in all directions is achieved. (Exception: Approved fire containers may be used in the Primitive Overflow and Miner's Camp with 5-foot bare ground clearance in all directions). The District or its representative may prohibit all fires in the recreation areas when the California Department of Forestry and Fire Protection (CAL FIRE) has determined that extreme fire conditions exist. To light, build, or maintain any fire at Camanche or Pardee Recreation Areas that has a flame length

#### **X. PROTECTION OF PROPERTY AND RESOURCES (Cont'd)**

greater than 4 feet from the ground or which is not completely within the provided or approved fire container. To burn any plastics, polystyrene foam, rubber, tar, construction materials, gasoline and diesel fuel, motor oil or other items prohibited by local air pollution control districts. Gasoline-fueled camp stoves are permissible in accordance with other provisions set forth in these regulations.

- 10.09 To gather wood or other fuel within any watershed without the District's express written permission in possession.
- 10.10 To cut, carve, deface or destroy any object within any watershed or to paint, mark, paste, or fasten upon any object within any watershed, any bill, advertisement, or inscription, without the District's express written permission except upon message boards provided by the District for public use.
- 10.11 To possess or use any live fish, mollusk, crustacean, amphibian, reptile or any other bait contained, preserved or transported in water as bait in any District waterway. Dead mollusks (except frozen or freeze-dried clams) are also prohibited.
- 10.12 To fish within fifty yards of a fish planting truck while planting fish and for one half-hour after said plant.
- 10.13 To operate a hydraulic dredge within any watershed.
- 10.14 To fish, jump, dive or swim from floating restrooms, marina, boathouse, or launching docks and ramps.

- 10.15 To remove recyclables from any designated recycling station, or to remove water or other commodity from any watershed.
- 10.16 To leave any fire unattended.
- 10.17 To feed any feral animals or wildlife at any time.
- 10.18. To remove, disturb, use, damage, or otherwise tamper with any District lifesaving device or equipment deployed in the Watershed unless said device or equipment is being used in the course of an actual emergency.
- 10.19 To discharge any material or non-household waste (e.g. diapers, cobbles, solids, fats, oils, grease, etc.) into or through any toilet, sink drain, or other sewer inlet that causes obstruction of flow, damage to sewer facilities, or that is classified as a toxic, corrosive, flammable, irritant, or strong sensitizer.

#### **X. PROTECTION OF PROPERTY AND RESOURCES (Cont'd)**

- 10.20 To discharge waste into the sewerage facilities, which causes, threatens to cause or is capable of causing, either alone or by interaction with other substances:
  - a) Interference with the wastewater treatment process, or overloading of the sewerage facilities, or excessive collection or treatment costs, or use of a disproportionate share of the capacity of the sewerage facilities;
  - b) Interference with any wastewater reclamation process which does or may operate in conjunction with the sewerage facilities, or overloading, or a breakdown of such reclamation process, or excessive reclamation costs, or any product of the treatment process which renders such reclamation process impracticable or not feasible under normal operating conditions;
  - c) A detrimental environmental impact, or a nuisance wherever located, or a condition unacceptable to any public agency having regulatory jurisdiction over operation of the sewerage facilities;
  - d) Discoloration, or any other adverse condition in the quality of the effluent from the sewerage facilities such that receiving water quality requirements established by any statute, rule, regulation, ordinance, or permit condition cannot be met by the District;
  - e) Conditions at or near the sewerage facilities, or any portion thereof, which cause or may cause the District to be in violation of the requirements of the law;

- f) Pollutants introduced into the sewerage facilities that pass through or interfere with the operation of the sewerage facilities;
  - g) Any substance which will cause the sewerage facilities to violate its National Pollutant Discharge Elimination System permit and/or State Waste Discharge Requirements or the receiving water quality standards.
- 10.22 To fail to immediately report to an EBMUD or concession representative, the discharge to the environment of sewage from an RV, trailer, camper, other vehicle or structure.
- 10.23 To waste potable water supplied by the water systems in the watershed and recreation areas, or to fail to comply with any water use prohibition during a declared water shortage emergency.

## XI. SANITATION

It shall be unlawful for any person:

- 11.01 To bring any dog, cat, or other animal, other than a Service Animal, onto any watershed, except 1) on specifically designated fire roads and trails or 2) into recreation areas.
- 11.02 To bring more than three dogs onto watershed trails and recreation areas, or have more than three dogs per campsite. If a campground has more restrictive dog limits, then those limits will be the effective maximum.
- 11.03 To bring into or have any dog or other pet or service animal in any designated recreation area unless such animal is contained or securely leashed, the other end of which is either securely attached to a stationary object or retained in the possession of a person capable of exercising control. Leashes must not be extended to more than 6 feet in any Developed Area. Exception: Dogs may be off-leash at the Camanche Hills Hunting Preserve for bird hunting purposes only.
- 11.04 To bring any dog, cat, or other animal, other than a Service Animal, onto any portion of a recreation area that is posted prohibiting such use.
- 11.05 To permit any dog, other than Service Animals, or other pet to enter any part of San Pablo Recreation Area other than the west side parking lots and picnic areas.
- 11.06 To bring any dog into any recreation area unless said dog meets all County requirements for dog ownership, has current proof of rabies vaccination, and appropriate fees have been paid.

- 11.07 To fail to promptly remove from any recreation area to an appropriate receptacle, any fecal matter deposited thereon by a dog or any other animal in said person's charge.
- 11.08 To permit any dog, cat, horse, cattle, goat or other domestic animal to swim, wade, drink from or otherwise come into contact with the waters of any District waterway except 1) at the Mokelumne River Day Use Area, and 2) that horses may drink from and dogs may enter Camanche Reservoir while under physical control.
- 11.09 To make bodily contact with the waters of any District waterway except at the Mokelumne River Day Use Area and in Camanche Reservoir.
- 11.10 To clean fish within any watershed, except at places designated and provided by the District and are equipped with fish cleaning facilities and receptacles for the deposit of waste substances.

#### **XI. SANITATION (Cont'd)**

- 11.11 To deposit, place, dispose of, discharge or allow to enter any District waterway or watershed, any waste matter, including greywater and litter, except at receptacles or sanitary facilities designated and provided for such use by the District.
- 11.12 To import and dispose of any waste matter in any manner within any watershed.
- 11.13 To ride, drive, lead or keep any saddle or pack animal in any recreation area except that portion which is the most direct route from the front gate to the staging area or Equestrian Campground.

## **XII. TRAILS**

It shall be unlawful for any person:

- 12.01 To enter or use any designated watershed trail without a valid Trail Use Permit in possession.
- 12.02 To leave the designated watershed trails, to leave trail gates open, or to disturb, molest or interfere with livestock or wildlife within any watershed.
- 12.03 To ride, drive, lead, or keep any saddle or pack animal in a reckless or negligent manner so as to endanger the life, limb, or property of any person or animal, or to allow the saddle or pack animal to stand unattended or insecurely tied.
- 12.04 To enter or to remain upon any designated watershed trail between sunset of one day and sunrise of the following day.
- 12.05 To gain access to any designated watershed trail except from staging areas or designated entry points.
- 12.06 To enter any designated watershed trail with a stallion or colt.
- 12.07 To enter or use any designated watershed trail without at all times complying with all conditions upon which the trail permit was issued or any that are posted.

### XIII. VEHICLES

It shall be unlawful for any person:

- 13.01 To violate any section or provision of the California Vehicle Code while operating or using any vehicle on any District watershed.
- 13.02 To exceed the posted vehicle speed limit.
- 13.03 To drive a vehicle upon any road, trail, path, lawn, landscaped area, thoroughfare, parking space, or other portion of any watershed closed to vehicle entry: a) To park a motor vehicle in any restricted parking zone or other area not designated for parking; b) to park longer than the designated time period; or c) to park in more than one space.
- 13.04 To operate any internal combustion engine of any kind within any watershed without an efficient, operative muffler and spark arrester approved by the United States Forest Service.
- 13.05 To perform any non-emergency vehicle or vessel maintenance on any District watershed.
- 13.06 To operate any vehicle other than on improved roads or parking areas that are open for public travel.
- 13.07 To operate any vehicle in the recreation area not licensed for use on the highway, except approved vehicles in designated areas at the Camanche Hills Hunting Preserve provided the driver is at least 18 years of age.
- 13.08 For a driver to knowingly permit any person to ride a) unrestrained within any truck bed or upon any portion of a vehicle not designed for passengers, or b) on any towed trailer or trailered boat while being transported on any road except that persons may ride in trailered boats while launching on a launch ramp.
- 13.09 To operate any golf cart on District watershed except at the Camanche Hills Hunting Preserve or under the following conditions:
  - a. It is registered for use on the street or highway with the California Department of Motor Vehicles.
  - b. The operator possesses a current driver's license.
  - c. The golf cart is covered by insurance required for vehicles operating on the highway in the State of California.



### **XIII. VEHICLES (Cont'd)**

- d. The golf cart is properly equipped as required by the California Vehicle Code.
- e. The golf cart is subject to the Rules of the Road, Division 11 of the California Vehicle Code.
- f. The golf cart is subject to all provisions of this ordinance pertaining to vehicles.

### **PARKING**

- 13.10 To park a motor vehicle, except when in compliance with the directions of a District employee or its authorized representative, in any of the following places:
  - a. In areas where prohibited as indicated by "No Parking" signs.
  - b. On any fire trail.
  - c. On any equestrian or hiking trail.
  - d. Blocking or obstructing any gate, entrance, or exit.
  - e. In such a manner as to take up more than one "marked" parking place in any authorized parking area.
  - f. In any area where such vehicle blocks or obstructs the free flow of traffic.
  - g. Within 15 feet of a fire hydrant.
  - h. Adjacent to any curb painted red.
  - i. In any recreation area or watershed beyond the posted closing time except pursuant to a valid parking permit.
  - j. In a District parking lot where a fee is charged, a permit is issued as a receipt, and the permit or receipt is not displayed in a conspicuous place upon the vehicle as to be easily observed.
  - k. In a parking lot where a fee is charged and the fee is not paid.
  - l. In a parking lot on District property for the purpose of advertising or attempting to sell a vehicle.
  - m. In any area not designated for parking.
  - o. In violation of posted parking restrictions.
  - p. In a metered parking space without paying the posted parking meter fee.
- 13.11 To park a vehicle beyond posted parking time limits.
- 13.12 To permit a vehicle to be parked or left standing within any watershed or recreation area for 72 or more consecutive hours except in camping areas or Mobile Home Parks pursuant to a valid parking permit.

### **XIII. VEHICLES (Cont'd)**

*Additionally:*

- 13.13 **Parking Spaces – Disabled Person and Disabled Veteran**
- a. Certain parking stalls or spaces at District facilities shall be designated for the exclusive use of disabled persons' vehicles that display a distinguishing license plate or placard issued pursuant to Section 22511.5 of the California Vehicle Code or the disabled veteran, as specified in Section 9105 of the California Vehicle Code.
  - b. **Removal.** Any vehicle parked or left standing in violation of this section may be removed from such properly posted disabled persons' parking space in accordance with Section 22511.8 of the California Vehicle Code.
- 13.14 **Vehicles left standing for 72 consecutive hours or more without permit**
- a. **Removal.** Any vehicle parked or left standing in violation of this Section may be removed as provided in the California Vehicle Code.
  - b. **Abandonment.** Whenever a Public Safety Officer has reasonable grounds to believe that a vehicle has been abandoned within the Watershed or Recreation Area, the vehicle may be removed as authorized by Vehicle Code 22669(a).
- 13.15 **In any prosecution involving a violation of Section 13 Parking, prima facie evidence shall be obtained by proof that the vehicle was parked in violation of such provision, together with proof that the defendant was at the time the registered owner of the vehicle. These provisions shall apply only when the following conditions are complied with:**
- a. While the vehicle is illegally parked, a notice shall be securely attached to the vehicle stating the section of the Ordinance violated, the approximate time, and the location and fixing a time and place for appearance by the registered owner.
  - b. Any police officer who observes a violation of this section may attach said notice in any conspicuous place on said vehicle.
- 13.16 **Any vehicle parked or left standing in violation of Section 13 - Parking may be removed in accordance with the California Vehicle Code.**

**XIV. BICYCLES, SKATEBOARDS, ROLLER SKATES, ROLLER BLADES,  
ETC.**

It shall be unlawful for any person:

- 14.01 To operate any bicycle, roller skates, roller blades, or similar conveyance except in designated recreation areas and on improved roads and trails provided for this use, and only during designated hours and days.
- 14.02 To operate any bicycle, roller skates, roller blades, or similar conveyance in a negligent, unsafe, or reckless manner, or in any way that endangers the life, limb or property of any person or in violation of any regulatory signs.
- 14.03 To operate any skateboard at Lafayette Recreation Area.

## **XV. HUNTING**

**It shall be unlawful for any person at Camanche Hills Hunting Preserve:**

- 15.01 To hunt without payment of the appropriate fees.**
- 15.02 To fail to sign the register in and out each day.**
- 15.03 To hunt or be in the field without a valid California hunting license and field permit in their possession.**
- 15.04 To ground shoot or to shoot at low flushing birds.**
- 15.05 To consume any alcoholic beverages while hunting or while in the field.**
- 15.06 To hunt, or to be in the field for upland game without a blaze orange vest or hat.**
- 15.07 To hunt upland game without a dog.**
- 15.08 To shoot in posted safety zones or closed areas.**
- 15.09 For persons under 18 years of age to hunt unless accompanied by an adult.**
- 15.10 To shoot any non-game bird or other non-game animal.**
- 15.11 To leave wounded birds in hunting zones without making an attempt to recover them, or discard unwanted birds or birds caught by a dog.**
- 15.12 Beginning October 1, 2009, to discharge lead shot in any area not designated as a Lead Reclamation Area, or to otherwise fail to comply with terms of the posted Lead Management Program**

RESOLUTION NO. \_\_\_\_\_

AMENDING RULES AND REGULATIONS RELATING TO PUBLIC USE  
OF EAST BAY MUNICIPAL UTILITY DISTRICT  
WATERSHED, RESERVOIRS AND RECREATION AREAS

Introduced by Director

; Seconded by Director

WHEREAS, uniform Rules and Regulations have previously been established for all District watershed, reservoir and recreation areas, and for the trails system; and

WHEREAS, pursuant to District Ordinance No. 284 and to Section 12821(b) of the Public Utilities Code, any violation of the District's Rules and Regulations is an infraction punishable by (1) a fine not exceeding \$50 for a first violation; (2) a fine not exceeding \$100 for a second violation of the same ordinance within one year; and (3) a fine not exceeding \$250 for each additional violation of the same ordinance within one year; and

WHEREAS, the District periodically amends the Rules and Regulations governing usage of its watershed and recreation areas to ensure public safety, environmental and fiscal responsibility, and consistency with state laws and codes; and

WHEREAS, it is necessary to amend these Rules and Regulations to provide clarification of the prohibition on injury to watershed flora, fauna and habitat and to address changes in watershed and recreation area activities;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Municipal Utility District that pursuant to Sections 117060 and 117105 of the Health and Safety Code:

Section I. The 2014 amendments to the Watershed and Recreation Rules and Regulations, as shown on the attached copy of the Rules and Regulations, are hereby adopted.

Section II. This resolution shall take effect and be in force upon its passage. The Secretary of the District is hereby directed to cause a copy of this resolution to be posted upon the areas described above, and to cause a summary of the amended Rules and Regulations, along with an Internet address and the physical location where the complete text of the amended Rules and Regulations may be viewed, to be published at least once in the Contra Costa Times, the Oakland Tribune, the Stockton Record, the Amador Ledger, and the Calaveras Enterprise, said newspapers being of general circulation published and in the counties of Contra Costa, Alameda, San Joaquin, Amador and Calaveras, respectively, and in which counties the District's watershed lands and recreation areas are situated.

Section III. Resolution No. 33718-09 and any other resolutions or portions thereof in conflict with this resolution are hereby rescinded.

ADOPTED this 27th day of May, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM AND PROCEDURE:

\_\_\_\_\_  
General Counsel

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**EXHIBIT A**

**WATERSHED AND RECREATION RULES AND REGULATIONS**

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## I. GENERAL PROVISIONS

- 1.01 The following Regulations shall apply to all persons except:
- A. They shall not apply to District Employees, concessionaires, or employees of District concessionaires acting within the scope of their authorized duties.
  - B. They shall not apply to employees of Federal, State, County or Municipal governments acting within the scope of their authorized duties and with the knowledge of the District.
  - C. They shall not apply to persons possessing District Land Use, Special Use, Property Entry or Watershed Entry Permits when such permits specifically suspend a section or sections of the regulations providing said permittees are in compliance with all conditions of the permit and all other regulations.
  - D. They shall not apply to leaseholders where such use is expressly provided for in the terms and conditions of their lease.
- 1.02 District employees, concessionaires, and employees of District concessionaires shall abide by the laws of the State of California and all applicable county and municipal ordinances.
- 1.03 Special regulations enacted for an area or a subject do not preclude the application of general regulations unless expressly so indicated.
- 1.04 Authority: All sections of these Rules and Regulations are adopted by the District Board pursuant to Sections 117060 and 117105 of the Health & Safety Code, and apply to all District lands, waters and facilities unless expressly indicated otherwise.
- 1.05 Pursuant to Section 12821 (b) of the Public Utilities Code, any violation of the following Regulations is an infraction and punishable by (1) a fine not exceeding \$50 for the first violation; (2) a fine not exceeding \$100 for a second violation of the same regulation within one year; and (3) a fine not exceeding \$250 for each additional violation of the same regulation within one year.



## I. GENERAL PROVISIONS (Cont'd)

- 1.06 The District or its authorized representative may withdraw or revoke the privilege of access to District watershed lands and/or waterways or the use of any facility for reasons of safety, security or environmental protection, or from any person violating any provision of these Regulations or any other statute. Privileges may also be revoked permanently or on a long-term basis depending on the severity of the offense in accordance with the Access Revocation Procedure.
- 1.07 If any section, subsection, sentence, clause or phrase of these Regulations is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of these Regulations.
- 1.08 Where a section herein or regulation adopted pursuant thereto is amended or repealed, acts and commissions prior thereto may be prosecuted as though such section or regulation had not been so amended or repealed.
- 1.09 These Regulations shall take effect and be in force upon their passage.

## II. DEFINITIONS

- 2.01 "Approved Fire Container" - A manufactured receptacle the design of which prevents the escape of rolling embers from a campfire. Fire rings constructed of rock or other native materials are specifically excluded.
- 2.02 "Aquaplane" - Any aquaplane, plank, surfboard, water ski, or other device used for the transporting, conveyance or carrying of a person or animal that is towed or pulled by a boat by means of a rope, chain, cable, wire or other connection.
- 2.03 "Authorized Personnel/Representative" - The General Manager of the District, any Peace Officer, or other persons and/or employees of the District acting under the authority of the General Manager.
- 2.04 "Beach" - To run, haul, drive, or bring ashore a vessel.
- 2.05 "Bicycle" - A device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.
- 2.06 "Boating Permit" - A receipt showing fees paid for daily boating access or an affixed decal showing current paid annual boating access fees.
- 2.07 "Board" - The Board of Directors of the East Bay Municipal Utility District.
- 2.08 "Campsite" - A developed or undeveloped campsite.
- 2.09 "Canoe" - A light, narrow vessel with sharp ends and curved sides that is usually, but not exclusively, propelled by paddles.
- 2.10 "Concessionaire" - Any person who through contract, lease, or other written agreement with the District is authorized to operate recreation facilities on District lands and waters.
- 2.11 "Controlled" - The condition of being restrained from running free or otherwise creating a nuisance. At the Camanche Hills Hunting Preserve, electrical or voice techniques may be employed to maintain control of dogs engaged in hunting.
- 2.12 "Corrosive" - Any substance capable of destroying by chemical action living tissue through contact.

## II. DEFINITIONS (Cont'd)

- 2.13 “Developed Area” – Any area defined as a public road open to vehicular traffic, parking lot, paved trail, lawn, playground, picnic area, campground, building, or any other area specifically designated as such by EBMUD.
- 2.14 “Developed Campsite” – An established area within the boundaries of a recreation area that contains a picnic table, fire ring, and campsite number.
- 2.15 “Dimensions of Vessel” – The overall width of the hull is measured on a horizontal plane at the widest section of the hull excluding any attachments. The length is measured from end to end over the deck, excluding the sheer.
- 2.16 “District” – The East Bay Municipal Utility District lands and waters, and facilities owned, controlled, or managed by the East Bay Municipal Utility District and excluding Chabot Reservoir and the adjoining lands leased to the East Bay Regional Park District.
- 2.17 “Flammable” – Any substance capable of burning during normal handling and which may produce harmful gas or particles.
- 2.18 “Golf Cart” - A vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 MPH and designed to carry golf equipment and not more than two persons including the driver.
- 2.19 “Greywater” – Wastewater that does not contain the products of bodily functions being mainly the product of bathing, showering, dishwashing, and similar activities.
- 2.20 “Improved Road” – A paved, graveled, or graded route or way that is maintained and open to vehicle travel.
- 2.21 “Inflatable Vessel” – An air-filled watercraft not less than 7 feet, 10 inches in length.
- 2.22 “Irritants” – Any substance capable of causing a local inflammatory reaction to a person’s skin or body.
- 2.23 “Kayak” – A portable covered frame vessel with small openings for one or two persons and propelled by double-bladed paddles.
- 2.24 “Launch” – To make ingress or egress to a waterway with a vessel or float tube.

## II. DEFINITIONS (Cont'd)

- 2.25 “Launching Area” – An area specifically designated to allow ingress and egress to a waterway with a vessel or float tube.
- 2.26 ***“Marina”- A recreational boating facility that provides services, facilities for storage of boats, launching and retrieving vessels, as well as embarking and disembarking of boat operators and passengers. This includes floating structures, docks (except designated fishing docks), launch ramp, as well as shoreline within 30 feet of these facilities.***
- 2.27 “Moored” – To make fast or secure a vessel by cables, anchors, or lines.
- 2.28 “Motorboat” – Any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.
- 2.29 “Occupy” – To maintain a reasonable and obvious physical presence in a site, vehicle, or vessel after having obtained and displayed as required all necessary permits.
- 2.30 “Permission” – Written permission granted by the District, the General Manager of the District or authorized designee, unless otherwise expressly provided.
- 2.31 “Person” – Any natural person, partnership, firm, corporation, club, municipality, district or public agency, and associations or combinations of persons whenever acting for themselves or by any agent, servant, or employee.
- 2.32 “Personal Flotation Device” – A jacket, vest, cushion or ring buoy designed to support a person in water and approved by the U.S. Coast Guard, shown by a stencil marking or tag bearing the name and address of the manufacturer, the approval #, the amount of flotation in the device and the type of device.
- 2.33 “Personal Float Fishing Device” – A multi-compartmented device designed to float not more than one person, propelled by fins and not more than seven feet and ten inches in length.
- 2.34 “Personal Watercraft” – A small vessel, which uses an internal combustion engine powering a jet pump or propeller, and which is designated to carry from one to three persons.

## II. DEFINITIONS (Cont'd)

- 2.35 “Recreation Area” – Those parts of District-owned, controlled, or managed lands, water and facilities that have been designated as a “Recreation Area” by the District. Excluded from this definition are Chabot Reservoir and the adjoining lands leased to the East Bay Regional Park District.
- 2.36 “Recreational Vehicle” – A motorized vehicle or trailer that contains enclosed living quarters with a sink and toilet.
- 2.36 “Red Flag Alert” – Weather-related events that can lead to extreme fire behavior; includes Fire Weather Watches and Red Flag Warnings as determined by the National Weather Service or Manager of Watershed and Recreation.
- 2.37 “Reservoir” – Refers to Briones Reservoir (Contra Costa County), Lafayette Reservoir (Contra Costa County), Camanche Reservoir (Amador, San Joaquin, and Calaveras Counties), Pardee Reservoir (Amador and Calaveras Counties), San Pablo Reservoir (Contra Costa County), and Upper San Leandro Reservoir (Alameda and Contra Costa Counties).
- 2.38 “RV Site” – An established area within the boundaries of a recreation area that contains a picnic table, electrical, sewer, water hookups, and RV site number.
- 2.39 “Service Animal” – Any guide dog, signal dog, or other animal individually trained or in training to provide assistance to an individual with a disability.
- 2.40 “Site Standards” – Criteria established by the District and posted in the Recreation Area that regulates the use, cleanliness, neatness, sanitary or occupancy conditions.
- 2.41 “Special Event” – A meeting, event, occasion or performance attended by a group of individuals at an EBMUD recreation area or on watershed land necessitating planning, logistic or operational support from EBMUD staff in addition to staff’s normal scheduled duties, and likely to disrupt or displace the activities of regular users of recreation areas or watershed lands.
- 2.42 “Strong Sensitizers” – Any substance capable of causing allergic or hypersensitive reactions to a person’s skin or body.

## II. DEFINITIONS (Cont'd)

- 2.43 "Sunrise and Sunset" – Those times designated as sunrise and sunset in the published Tide Table Predictions of the National Aeronautical and Oceanographic Commission and adjusted according to Pacific Daylight Savings Time.
- 2.44 "Swimming Aid" – An air mattress, inflatable water toy, inner tube, raft less than six feet in length or other aid to floatation not designed to minimize or prevent body contact with the water.
- 2.45 "Take" – To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct.
- 2.46 "Take-Out Facility" – An area specifically designated to allow the recovery of vessels from District waterways only.
- 2.47 "Toxic" – Any substances capable of producing injury, illness or damage to humans, livestock or terrestrial and aquatic wildlife through ingestion, inhalation or absorption through any body surface.
- 2.48 "Trail" – All designated District hiking and equestrian trails, and staging areas except those staging areas shared with other agencies.
- 2.49 "Ultralite Vehicle" – A vehicle that is used or intended for use in a manned operation in the air by a single occupant and for the recreation or sport purposes only as further defined in the Federal Aviation Regulations.
- 2.50 "Undeveloped Campsite" – An established area within the boundaries of a recreation area that allows for overnight camping but does not contain a picnic table, fire ring, or a campsite number.
- 2.51 "Vehicle" – A device by which any person or property may be transported on any District roadway, trail, or land, except (a) devices propelled exclusively by human power, (b) devices subject to ADA standards, and (c) electric-powered conveyance devices specifically designed to transport the physically disabled.
- 2.52 "Vessel" – Includes every description of watercraft used or capable of being used as a means of transportation on water, as defined in the California Vehicle Code.
- 2.53 "Wake" – A visible wave of white water created by the movement of a vessel through the water and measuring six inches or more when measured trough to crest.

## II. DEFINITIONS (Cont'd)

- 2.54 “Waste Matter” – Any bottles, cans, wastepaper, litter, waste products, trash, motor oil, debris, human or animal excrement, and contaminating, hazardous or polluting substances of any kind.
- 2.55 “Watershed” – All lands, water, and facilities owned, controlled, or managed by the District which are, or may be used to gather, store, transport, treat, distribute, or otherwise process water for use as a public water supply and/or for power generation, flood control purposes, grazing of domestic animals, or for recreational purposes.
- 2.56 “Watershed Trail” – ~~Staging areas and a corridor one hundred feet to each side of a designated trail outside of a recreation area and exclusive of waterways, restricted areas and non-District properties.~~ ***Staging areas, trail access points and a corridor fifty feet to each side of a designated trail outside of a recreation area and exclusive of waterways, restricted areas and non-District properties.***
- 2.57 “Waterway” – Any reservoir, river, pond, stream, creek, or part thereof, within a District watershed.
- 2.58 “Whole Access Site” – A site designated to accommodate disabled access.

### III. GENERAL RULES

It shall be unlawful for any person:

- 3.01 To knowingly report or cause to be reported, or in any other manner communicate any false report of an emergency or other information to any District employee, authorized representative, peace officer, or an employee of District's Concessionaire which such person knows to be false.
- 3.02 To use any threatening, abusive, boisterous, loud, insulting, or indecent language or gesture, to engage in conduct that unreasonably and unnecessarily impairs the lawful use and enjoyment of a watershed by other persons or impairs the ability of the District's or Concessionaire's employees to perform their authorized duties.



#### IV. ACCESS

It shall be unlawful for any person:

- 4.01 To enter, use, or travel through areas of any watershed that are posted “NO TRESPASSING” in accordance with provisions of the penal code or “RESTRICTED” by the District and closed to the public, or to enter upon any watershed except at points designated by the District for entry.
- 4.02 To enter, use, or travel through areas of any watershed that have been temporarily closed by the District providing that signs announcing the closure are posted at District-designated entry points.
- 4.03 To enter any watershed with a motor vehicle without payment of the respective vehicle charge established by the District, to fail to properly display at the front driver’s side, the proper permit, or to enter, use, occupy, or otherwise remain in a building, structure, facility, swimming complex, parking area, picnic area, campsite, trail, or other area within any watershed for which a fee is charged unless that person has paid the required fee.
- 4.04 To be within any designated portion of any watershed open for recreation during any time other than the designated operating hours, or where no hours are designated, during any time between ½ hour after sunset and ½ hour before the following sunrise.
- 4.05 To use a gate card, entry pass, boating permit, trail permit, or other permit issued to another person for entry and use of District’s watershed.
- 4.06 To fail to present and/or surrender a gate card, entry pass, boating permit, trail permit or other permit when requested by authorized personnel.
- 4.07 To permit unauthorized use of any District gate card, entry pass, boating permit, trail permit or other permit.
- 4.08 To enter the Lafayette Recreation Area with a vehicle pulling a trailer.
- 4.09 To fail to comply with the terms of an access revocation as authorized in Section 1.06.
- 4.10 To claim a picnic table without an individual present.
- 4.11 To enter Camanche or Pardee Recreation Area(s) by any other means than a vehicle without first registering at the front gate and showing appropriate photo identification.

#### **IV. ACCESS (Cont'd)**

- 4.12 To save, claim, or in any way reserve a parking space.
- 4.13 To hold any special event without first obtaining written permission from the District.

## V. BOATING REGULATIONS

It shall be unlawful for any person:

### OPERATIONS

- 5.01 To violate any section or provision of the California Harbors & Navigation Code, the California Vehicle Code, the California Code of Regulations, or the Health & Safety Code while operating, using, or launching any vessel on any District's watershed.
- 5.02 Operate or place any vessel on a District watershed without first paying the established fee and obtaining a boating permit.
- 5.03 To place or launch a vessel in or on District waterways except in designated launching areas, and at Middle Bar, which is a designated take-out facility only.
- 5.04 To tie up to any buoy, buoy line, log boom, boat restraining barrier, float or dock placed in any District waterway except designated mooring buoys or to place any private mooring facilities on any District waterway unless otherwise posted.
- 5.05 To operate or use on any vessel on Lafayette Reservoir which is powered by any means other than oars, paddles, electric motor, or sails.
- 5.06 To operate or use on any District waterway any vessel less than 7 feet, 10 inches in length except 1) at the Mokelumne River Day Use Area; 2) at Camanche in 5 MPH or NO BOAT ZONES; 3) when towed on Camanche Reservoir as an aquaplane by an registered vessel or 4) registered Personal Watercraft at Camanche Reservoir.
- 5.07 To use personal float fishing devices at Pardee, Camanche, Lafayette, or San Pablo Reservoirs in violation of any of the following rules and conditions:
  - a) Personal float fishing devices must only be used in NO WAKE – 5 MPH zones.
  - b) Personal float fishing device users must wear chest waders, except at Camanche Reservoir.
  - c) Personal float fishing devices must not be used in areas where their use is prohibited.

## V. BOATING REGULATIONS (Cont'd)

- d) Personal float fishing devices must be launched, landed and used in designated areas.
  - e) Motorized personal float fishing devices are not allowed.
  - f) Personal float fishing device users at Pardee, Lafayette, and San Pablo Reservoirs must register and pay the required fee for such use.
  - g) Personal float fishing device users must have a brightly colored hat, upper body article of clothing or decals on personal float fishing device.
  - h) Personal float fishing devices shall not be used between sunset and the following sunrise.
  - i) Personal float fishing devices are not allowed on Briones or Upper San Leandro Reservoirs.
- 5.08 To operate or use on any District waterway, except at Camanche Reservoir and at the Mokelumne River Day Use Area, any vessel that does not prevent body contact with the water during the routine operation of the vessel.
- 5.09 To operate a vessel on any District waterway, or portion thereof which has been designated closed to the public.
- 5.10 To operate any vessel within one hundred feet of any dock or marina while trolling or fishing unless embarking or disembarking a vessel within the marina.

### TIME RESTRICTIONS

- 5.11 To operate any vessel except personal watercraft on any District waterway between one half-hour after sunset and one half hour before sunrise. Personal watercraft shall not be operated between sunset and sunrise.
- 5.12 To moor, anchor or occupy any private vessel between one half hour after sunset and one half hour before the following sunrise on any District waterway except at Camanche Reservoir or other locations designated by the District.

## V. BOATING REGULATIONS (Cont'd)

### SPEED RESTRICTIONS

- 5.13 To operate or tow any vessel at a speed greater than 5 MPH or that which creates a wake within two hundred feet of any reservoir shoreline, fishing dock, swimming area, boathouse, marina, launch ramp, landing float, floating restroom, or in any designated "no wake" areas.
- 5.14 To operate any vessel in excess of the speed limits posted on the waterway.

### MISCELLANEOUS

- 5.15 To enter with a vessel any District waterway when an authorized representative of the District has determined that the waterway has reached the maximum number of vessels for safe and reasonable boating or the vessel is unsafe, overloaded or undersized, improperly equipped, unsanitary, inadequately muffled to deaden the noise according to State noise level standards and criteria, or not registered according to State law. [See 11.09, Vessels]
- 5.16 To ride or sit or allow any person to ride or sit in or on areas within or upon a vessel not designed for passengers.
- 5.17 To organize, hold, participate in, or otherwise sponsor any boat race, drag race, regatta, fishing derby or other event on any District waterway unless authorized in writing by the District. EXCEPTION: Fishing derbies at Camanche and Pardee do not require a permit issued by the District.
- 5.18 To operate or use any raft, aquaplane, surfboard, sailboard, personal watercraft or similar device on any District waterway except in designated areas at Camanche Reservoir and at the Mokelumne River Day Use Area whether used individually, towed, or used for towing.
- 5.19 To operate any vessel within any portion of a District waterway not open to the public and closed to boating and trespassing by protective lines of buoys, log booms, or regulatory signage, or to operate or to permit any vessel to pass through any lines of buoys, log booms, boat restraining barrier, or regulatory signage designating such closed area.
- 5.20 To operate or use any vessel on any District waterway without at all times complying with all conditions upon which a boating permit is issued.

## V. BOATING REGULATIONS (Cont'd)

- 5.21 To enter any District waterway with a vessel which has an unsealed sink or drain or flush toilet on board, or which is determined to be in a mechanical condition that would allow a pollutant to enter said reservoir. Such determination shall only be made by an authorized representative of the District.
- 5.22 To occupy a moored or beached vessel at night without a sealed toilet onboard.
- 5.23 To enter with a vessel any District waterway when an authorized representative of the District has determined that a condition unsafe to boating exists due to excessive wind or other hazard and the launch ramp or area is posted CLOSED TO BOATING.
- 5.24 To launch, operate or use at Camanche South Shore ponds any swimming aid or motorized vessel or vessel not between 6 and 12 feet in length except for personal float fishing devices that meet the use rules and conditions of this ordinance. Coast Guard regulations requiring personal flotation devices for each person on board manually propelled vessels less than 16 feet are in force on the Camanche South Shore ponds.
- 5.25 To launch, operate or use at San Pablo Reservoir a vessel that is powered by any other means than:
- Oars
  - Sails
  - Inboard gasoline-powered engine
  - 4-cycle gasoline-powered outboard engine
  - Any gasoline-powered outboard engine that meets a low emissions engine performance standard equivalent to 4-cycle engine emissions based on a comparison of equivalent of horsepower ranges, using certified emissions data from U.S. Environmental Protection Agency's air pollution program for gasoline spark-ignition marine engines. Outboard engines which meet this performance standard will be listed by manufacturer and model and posted at the San Pablo Recreation Area.
  - Paddles
  - An Electric motor
- 5.26 To operate any vessel, float-tube, canoe, kayak, raft or any other flotation device on any District waterway without first complying with all requirements of the current Vessel Inspection Program.

## VI. CAMPING

It shall be unlawful for any person:

- 6.01 To camp on any watershed except in designated camping areas, during such seasons and for such length of time as designated by the District permitting such uses. To occupy a campsite or vessel for more than 14 days within a 30-day period at any District campground or reservoir.
- 6.02 To occupy a campsite, recreational vehicle site, or trailer parking or storage space until: (a) the established charge for the total length of time of the stay has been paid in advance, (b) the site or space to be occupied has been designated for camping, parking, or storage by District, and (c) the person applying for such site or space has shown proof of age 18 years or older and has registered in writing, giving such information as may be required by the District.
- 6.03 To occupy any recreational vehicle or vessel while it is in a designated dry storage area.
- 6.04 To install any guy wires, ropes, braces, or other external supports outside recreational vehicles or other facilities in the camping, trailer parking or storage areas, except those specifically allowed by the District.
- 6.05 To park more than two vehicles at any campsite, except at sites designated for additional vehicles.
- 6.06 To not adhere to "site standards" as established by the District.
- 6.07 To occupy a campsite with more than eight (8) people or (4) tents per site except in sites designated for additional people.
- 6.08 To allow livestock to enter, travel through or occupy any portion of a recreation area, except for horses and llamas and other approved trail animals being ridden or led on a designated watershed trail or while being transported by trailer to a designated trail staging area, or in a camp area specifically designated for trail animal use.
- 6.09 To occupy or reserve any designated "Whole Access Site" without obtaining the appropriate permit.

## VI. CAMPING (Cont'd)

- 6.10 Under the age of 18 to loiter in any recreational area, other than in their own designated campsite, after posted quiet time hours unless (1) the minor is accompanied with his or her parent or guardian or other adult person having the care and custody of the minor; (2) the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the care and custody of the minor; or (3) the minor is traveling directly to or from a restroom facility to their campsite.
- 6.11 To register more than one recreational vehicle in a single campsite. Higher occupancy campsites such as double, triple, quadruple sites, etc. may have two, three and four recreational vehicles, respectively.
- 6.12 To fail to establish a proper, water-tight, grey or black water connection when connecting to the park's provided sewer drain inlet.
- 6.13 To set up more than one tent in an RV site.
- 6.14 To register into a campsite any vehicle or recreational vehicle that is not operational upon check-in. An operational vehicle capable of legally towing a trailer must accompany all tow-behind trailers. The tow vehicle must be registered into the campsite for the same duration as the trailer.

Additionally:

- 6.15 Visitors registered as primary for any campsite are responsible for the actions and conduct of all other occupants, guests and invitees. Such responsibility shall include, but not be limited to, financial responsibility for any breakage, destruction, or vandalism of the Park's recreational facilities and common areas. An eviction of the primary and/or all campers from the campsite may also occur in accordance with Section 1.06 of these regulations.



## VII. COMMERCIAL USES

It shall be unlawful for any person:

- 7.01 To take a commercial photograph(s) or make a commercial movie(s) or video(s) within any watershed without a permit issued by the District.
- 7.02 To sell or offer to sell, or to engage in the business of soliciting, selling, or peddling any food, beverage, goods, wares, merchandise or service(s) within any watershed without first obtaining written permission from the concessionaire and District.
- 7.03 To advertise any services by means of posting handouts and/or handbills, within any watershed.
- 7.04 To drive or operate, or enter with any vehicle for the purpose of doing business within any watershed, except in the service of the District or its Concessionaire.
- 7.05 To sell or transport a Christmas tree in any watershed without a sales receipt except within the Pardee and Camanche Recreation Areas.

## VIII. DANGEROUS ACTIVITIES

It shall be unlawful for any person:

- 8.01 To engage in any activity or operate any device recklessly or negligently within any watershed so as to endanger any animal or the life, limb, or property of any person.
- 8.02 To drive, chip, or in any other manner play or practice golf, or hit golf balls within any watershed unless the areas have been designated for that use.
- 8.03 To operate self-propelled and/or radio-controlled model airplanes, boats, automobiles, or other model craft of any kind or description within any watershed except in designated areas.
- 8.04 To operate a hang-glider, parachute, kite tube, traction kite, parasail or similar device within any watershed.
- 8.05 To cause damage or loss of property to any other boater or person fishing.
- 8.06 To possess or discharge any gun, firearm, paint gun, spear, bow and arrow, fishing bow, crossbow, slingshot, air or gas weapon, or any other dangerous weapon within or into the boundaries of any watershed, except approved firearms within the Camanche Hills Hunting Preserve.
- 8.07 To use or possess fireworks of any kind within any watershed.
- 8.08 To conduct or participate in "hardball" baseball games, or to play "catch" with a hardball baseball within any watershed unless the area has been designated for that use.
- 8.09 To smoke on watershed lands except in turfed, graveled or paved portions of developed recreation areas, or within developed campgrounds or day use areas.
- 8.10 To smoke in a "no-smoking" posted area and/or fail to comply with District fire prevention measures during a Red Flag Event.
- 8.11 To dive or jump from bluffs, cliffs, rocks or structures within any watershed.
- 8.12 To swing by means of a rope, cable, or chain except as designated within recreation areas.
- 8.13 To allow any child under the age of 14 and unaccompanied by an adult to swim or wade in any District waterway or swimming pool.

## IX. GENERAL NUISANCE

It shall be unlawful for any person:

- 9.01 To remove any "RESERVED" sign(s) from any picnic area, day use area, campsite, RV site, or facility which has been reserved, or to willfully occupy or hold a picnic area, day use area, campsite, RV site or facility which has been reserved by another person.
- 9.02 To use or operate any radio receiving set, musical instrument, phonograph, CD player, television set, public address system, generator, or other machine in such a manner as to disturb the peace, quiet, and comfort of any watershed users or any reasonable person of normal sensitivity residing in the area. The use of any such device or machine, such that the sound produced is audible at a distance in excess of fifty feet, shall be deemed a prima facie violation of Section 9.02.
- 9.03 To land any aircraft on any watershed except in the case of an emergency forced landing.
- 9.04 To practice, or attempt to practice, the landing, take-off, or taxiing of any aircraft over or upon any watershed.
- 9.05 To operate or cause to be operated any aircraft or ultralight which disturbs or causes harm to any of the flora or fauna within any watershed or which impairs the lawful use and enjoyment of a watershed by other persons.
- 9.06 To operate or cause to be operated, any aircraft over any watershed at a height lower than 500' in height.
- 9.07 To expose or permit to be exposed to public view, a woman's breasts (except for breast-feeding), or the genital or anal region of a person's body.
- 9.08 To use a portable generator without permission of the District except at Pardee and Camanche Recreation Areas, Camanche Hills Hunting Preserve and the Mokelumne River Day Use Area.
- 9.09 To have air filled play devices, such as trampolines.
- 9.10 To fail to abide by posted Quiet Time regulations.

## **IX. GENERAL NUISANCE (Cont'd)**

- 9.11 To fill portable swimming pools greater than 100 gallons within any recreation area.
- 9.12 To possess alcoholic beverages in designated "Alcohol Free" posted areas; or to possess an open container or consume alcohol beverages in any parking area not designated for such purpose.

## X. PROTECTION OF PROPERTY AND RESOURCES

It shall be unlawful for any person:

- 10.01 To violate any section or provision of the California Department of Fish and Game Code while on any District watershed.
- 10.02 To use a metal detector or similar device within any watershed.
- 10.03 ~~To disturb, injure, or take any rock, mineral, plant, artifact, vertebrate or invertebrate, or to disturb its habitat within any watershed, without the District's express written permission in possession except that fish may be taken in accordance with California State law at reservoirs and in areas designated by the District as open to the public for that purpose, and approved game may be taken at the Camanche Hills Hunting Preserve. To injure, take or intentionally disturb any rock, mineral, plant, fungi, artifact, vertebrate, or invertebrate, or to damage its habitat within any watershed, without the District's express written permission in possession except that fish may be taken in accordance with California State law at reservoirs and in areas designated by the District as open to the public for that purpose, and approved game may be taken at the Camanche Hills Hunting Preserve.~~
- 10.04 To introduce, plant or relocate any plant or animal onto any watershed without the District's express written permission in possession.
- 10.05 To fish from any District-designated prohibited shoreline, including the total shorelines of Briones Reservoir (Contra Costa County), Upper San Leandro Reservoir (Contra Costa and Alameda Counties), the Rabbit Creek Arm of Camanche Reservoir north of Camanche Parkway (Amador County) and posted sections of any other waterways in accordance with California State Fishing Regulations.
- 10.06 To fish in any tributary to any District reservoir except that portion of the Mokelumne River that is open to angling in accordance with the California State Fishing Regulations and District Ordinance.
- 10.07 ~~To fish in designated waterways without a valid Daily Fishing Access permit in possession. A maximum of four children under sixteen years of age may fish under the permit of an accompanying licensed adult. Others, and those not accompanied by an adult with a permit, must have their own Daily Fishing Access Permit. To fish in any waterways open for public fishing without a valid EBMUD Fishing Access Permit in possession. The segments of the Mokelumne River east of Middle Bar Bridge and west of Camanche Dam are excluded from the EBMUD Fishing Access Permit requirement. A maximum of four children under sixteen years of~~

***age may fish under the permit and limit of an accompanying licensed adult. Others, and those not accompanied by an adult with a permit, must have their own EBMUD Fishing Access Permit.***

- 10.08 To light, build or maintain any fire within any watershed, except in designated areas at Camanche, Lafayette, Pardee, or San Pablo Recreation Areas, and then only in units provided for that use. Approved fire containers may be utilized in designated areas provided that they are used within existing fire rings or BBQs and only if the minimum 5-foot bare ground clearance in all directions is achieved. (Exception: Approved fire containers may be used in the Primitive Overflow and Miner's Camp with 5-foot bare ground clearance in all directions). The District or its representative may prohibit all fires in the recreation areas when the California Department of Forestry and Fire Protection (CAL FIRE) has determined that extreme fire conditions exist. To light, build, or maintain any fire at Camanche or Pardee Recreation Areas that has a flame length

## **X. PROTECTION OF PROPERTY AND RESOURCES (Cont'd)**

greater than 4 feet from the ground or which is not completely within the provided or approved fire container. To burn any plastics, polystyrene foam, rubber, tar, construction materials, gasoline and diesel fuel, motor oil or other items prohibited by local air pollution control districts. Gasoline-fueled camp stoves are permissible in accordance with other provisions set forth in these regulations.

- 10.09 To gather wood or other fuel within any watershed without the District's express written permission in possession.
- 10.10 To cut, carve, deface or destroy any object within any watershed or to paint, mark, paste, or fasten upon any object within any watershed, any bill, advertisement, or inscription, without the District's express written permission except upon message boards provided by the District for public use.
- 10.11 To possess or use any live fish, mollusk, crustacean, amphibian, reptile or any other bait contained, preserved or transported in water as bait in any District waterway. Dead mollusks (except frozen or freeze-dried clams) are also prohibited.
- 10.12 To fish within fifty yards of a fish planting truck while planting fish and for one half-hour after said plant.
- 10.13 To operate a hydraulic dredge within any watershed.
- 10.14 To fish, jump, dive or swim from floating restrooms, marina, boathouse, or launching docks and ramps.
- 10.15 To remove recyclables from any designated recycling station, or to remove water or other commodity from any watershed.
- 10.16 To leave any fire unattended.
- 10.17 To feed any feral animals or wildlife at any time.
- 10.18. To remove, disturb, use, damage, or otherwise tamper with any District lifesaving device or equipment deployed in the Watershed unless said device or equipment is being used in the course of an actual emergency.
- 10.19 To discharge any material or non-household waste (e.g. diapers, cobbles, solids, fats, oils, grease, etc.) into or through any toilet, sink drain, or other sewer inlet that causes obstruction of flow, damage to sewer facilities, or that is classified as a toxic, corrosive, flammable, irritant, or strong sensitizer.

## **X. PROTECTION OF PROPERTY AND RESOURCES (Cont'd)**

- 10.20 To discharge waste into the sewerage facilities, which causes, threatens to cause or is capable of causing, either alone or by interaction with other substances:
- a) Interference with the wastewater treatment process, or overloading of the sewerage facilities, or excessive collection or treatment costs, or use of a disproportionate share of the capacity of the sewerage facilities;
  - b) Interference with any wastewater reclamation process which does or may operate in conjunction with the sewerage facilities, or overloading, or a breakdown of such reclamation process, or excessive reclamation costs, or any product of the treatment process which renders such reclamation process impracticable or not feasible under normal operating conditions;
  - c) A detrimental environmental impact, or a nuisance wherever located, or a condition unacceptable to any public agency having regulatory jurisdiction over operation of the sewerage facilities;
  - d) Discoloration, or any other adverse condition in the quality of the effluent from the sewerage facilities such that receiving water quality requirements established by any statute, rule, regulation, ordinance, or permit condition cannot be met by the District;
  - e) Conditions at or near the sewerage facilities, or any portion thereof, which cause or may cause the District to be in violation of the requirements of the law;
  - f) Pollutants introduced into the sewerage facilities that pass through or interfere with the operation of the sewerage facilities;
  - g) Any substance which will cause the sewerage facilities to violate its National Pollutant Discharge Elimination System permit and/or State Waste Discharge Requirements or the receiving water quality standards.
- 10.22 To fail to immediately report to an EBMUD or concession representative, the discharge to the environment of sewage from an RV, trailer, camper, other vehicle or structure.
- 10.23 To waste potable water supplied by the water systems in the watershed and recreation areas, or to fail to comply with any water use prohibition during a declared water shortage emergency.



## XI. SANITATION

It shall be unlawful for any person:

- 11.01 To bring any dog, cat, or other animal, other than a Service Animal, onto any watershed, except 1) on specifically designated fire roads and trails or 2) into recreation areas.
- 11.02 To bring more than three dogs onto watershed trails and recreation areas, or have more than three dogs per campsite. If a campground has more restrictive dog limits, then those limits will be the effective maximum.
- 11.03 To bring into or have any dog or other pet or service animal in any designated recreation area unless such animal is contained or securely leashed, the other end of which is either securely attached to a stationary object or retained in the possession of a person capable of exercising control. Leashes must not be extended to more than 6 feet in any Developed Area. Exception: Dogs may be off-leash at the Camanche Hills Hunting Preserve for bird hunting purposes only.
- 11.04 To bring any dog, cat, or other animal, other than a Service Animal, onto any portion of a recreation area that is posted prohibiting such use.
- 11.05 To permit any dog, other than Service Animals, or other pet to enter any part of San Pablo Recreation Area other than the west side parking lots and picnic areas.
- 11.06 To bring any dog into any recreation area unless said dog meets all County requirements for dog ownership, has current proof of rabies vaccination, and appropriate fees have been paid.
- 11.07 To fail to promptly remove from any recreation area to an appropriate receptacle, any fecal matter deposited thereon by a dog or any other animal in said person's charge.
- 11.08 To permit any dog, cat, horse, cattle, goat or other domestic animal to swim, wade, drink from or otherwise come into contact with the waters of any District waterway except 1) at the Mokelumne River Day Use Area, and 2) that horses may drink from and dogs may enter Camanche Reservoir while under physical control.
- 11.09 To make bodily contact with the waters of any District waterway except at the Mokelumne River Day Use Area and in Camanche Reservoir.
- 11.10 To clean fish within any watershed, except at places designated and provided by the District and are equipped with fish cleaning facilities and receptacles for the deposit of waste substances.

## **XI. SANITATION (Cont'd)**

- 11.11 To deposit, place, dispose of, discharge or allow to enter any District waterway or watershed, any waste matter, including greywater and litter, except at receptacles or sanitary facilities designated and provided for such use by the District.
- 11.12 To import and dispose of any waste matter in any manner within any watershed.
- 11.13 To ride, drive, lead or keep any saddle or pack animal in any recreation area except that portion which is the most direct route from the front gate to the staging area or Equestrian Campground.

## XII. TRAILS

It shall be unlawful for any person:

- 12.01 To enter or use any designated watershed trail without a valid Trail Use Permit in possession.
- 12.02 To leave the designated watershed trails, to leave trail gates open, or to disturb, molest or interfere with livestock or wildlife within any watershed.
- 12.03 To ride, drive, lead, or keep any saddle or pack animal in a reckless or negligent manner so as to endanger the life, limb, or property of any person or animal, or to allow the saddle or pack animal to stand unattended or insecurely tied.
- 12.04 To enter or to remain upon any designated watershed trail between sunset of one day and sunrise of the following day.
- 12.05 To gain access to any designated watershed trail except from staging areas or designated entry points.
- 12.06 To enter any designated watershed trail with a stallion or colt.
- 12.07 To enter or use any designated watershed trail without at all times complying with all conditions upon which the trail permit was issued or any that are posted.

### **XIII. VEHICLES**

It shall be unlawful for any person:

- 13.01 To violate any section or provision of the California Vehicle Code while operating or using any vehicle on any District watershed.
- 13.02 To exceed the posted vehicle speed limit.
- 13.03 To drive a vehicle upon any road, trail, path, lawn, landscaped area, thoroughfare, parking space, or other portion of any watershed closed to vehicle entry: a) To park a motor vehicle in any restricted parking zone or other area not designated for parking; b) to park longer than the designated time period; or c) to park in more than one space.
- 13.04 To operate any internal combustion engine of any kind within any watershed without an efficient, operative muffler and spark arrester approved by the United States Forest Service.
- 13.05 To perform any non-emergency vehicle or vessel maintenance on any District watershed.
- 13.06 To operate any vehicle other than on improved roads or parking areas that are open for public travel.
- 13.07 To operate any vehicle in the recreation area not licensed for use on the highway, except approved vehicles in designated areas at the Camanche Hills Hunting Preserve provided the driver is at least 18 years of age.
- 13.08 For a driver to knowingly permit any person to ride a) unrestrained within any truck bed or upon any portion of a vehicle not designed for passengers, or b) on any towed trailer or trailered boat while being transported on any road except that persons may ride in trailered boats while launching on a launch ramp.
- 13.09 To operate any golf cart on District watershed except at the Camanche Hills Hunting Preserve or under the following conditions:
  - a. It is registered for use on the street or highway with the California Department of Motor Vehicles.
  - b. The operator possesses a current driver's license.
  - c. The golf cart is covered by insurance required for vehicles operating on the highway in the State of California.

### XIII. VEHICLES (Cont'd)

- d. The golf cart is properly equipped as required by the California Vehicle Code.
- e. The golf cart is subject to the Rules of the Road, Division 11 of the California Vehicle Code.
- f. The golf cart is subject to all provisions of this ordinance pertaining to vehicles.

### PARKING

- 13.10 To park a motor vehicle, except when in compliance with the directions of a District employee or its authorized representative, in any of the following places:
  - a. In areas where prohibited as indicated by "No Parking" signs.
  - b. On any fire trail.
  - c. On any equestrian or hiking trail.
  - d. Blocking or obstructing any gate, entrance, or exit.
  - e. In such a manner as to take up more than one "marked" parking place in any authorized parking area.
  - f. In any area where such vehicle blocks or obstructs the free flow of traffic.
  - g. Within 15 feet of a fire hydrant.
  - h. Adjacent to any curb painted red.
  - i. In any recreation area or watershed beyond the posted closing time except pursuant to a valid parking permit.
  - j. In a District parking lot where a fee is charged, a permit is issued as a receipt, and the permit or receipt is not displayed in a conspicuous place upon the vehicle as to be easily observed.
  - k. In a parking lot where a fee is charged and the fee is not paid.
  - l. In a parking lot on District property for the purpose of advertising or attempting to sell a vehicle.
  - m. In any area not designated for parking.
  - o. In violation of posted parking restrictions.
  - p. In a metered parking space without paying the posted parking meter fee.
- 13.11 To park a vehicle beyond posted parking time limits.
- 13.12 To permit a vehicle to be parked or left standing within any watershed or recreation area for 72 or more consecutive hours except in camping areas or Mobile Home Parks pursuant to a valid parking permit.

### XIII. VEHICLES (Cont'd)

*Additionally:*

#### 13.13 Parking Spaces – Disabled Person and Disabled Veteran

- a. Certain parking stalls or spaces at District facilities shall be designated for the exclusive use of disabled persons' vehicles that display a distinguishing license plate or placard issued pursuant to Section 22511.5 of the California Vehicle Code or the disabled veteran, as specified in Section 9105 of the California Vehicle Code.
- b. Removal. Any vehicle parked or left standing in violation of this section may be removed from such properly posted disabled persons' parking space in accordance with Section 22511.8 of the California Vehicle Code.

#### 13.14 Vehicles left standing for 72 consecutive hours or more without permit

- a. Removal. Any vehicle parked or left standing in violation of this Section may be removed as provided in the California Vehicle Code.
- b. Abandonment. Whenever a Public Safety Officer has reasonable grounds to believe that a vehicle has been abandoned within the Watershed or Recreation Area, the vehicle may be removed as authorized by Vehicle Code 22669(a).

#### 13.15 In any prosecution involving a violation of Section 13 Parking, prima facie evidence shall be obtained by proof that the vehicle was parked in violation of such provision, together with proof that the defendant was at the time the registered owner of the vehicle. These provisions shall apply only when the following conditions are complied with:

- a. While the vehicle is illegally parked, a notice shall be securely attached to the vehicle stating the section of the Ordinance violated, the approximate time, and the location and fixing a time and place for appearance by the registered owner.
- b. Any police officer who observes a violation of this section may attach said notice in any conspicuous place on said vehicle.

#### 13.16 Any vehicle parked or left standing in violation of Section 13 - Parking may be removed in accordance with the California Vehicle Code.

**XIV. BICYCLES, SKATEBOARDS, ROLLER SKATES, ROLLER BLADES,  
ETC.**

It shall be unlawful for any person:

- 14.01 To operate any bicycle, roller skates, roller blades, or similar conveyance except in designated recreation areas and on improved roads and trails provided for this use, and only during designated hours and days.
- 14.02 To operate any bicycle, roller skates, roller blades, or similar conveyance in a negligent, unsafe, or reckless manner, or in any way that endangers the life, limb or property of any person or in violation of any regulatory signs.
- 14.03 To operate any skateboard at Lafayette Recreation Area.

## XV. HUNTING

It shall be unlawful for any person at Camanche Hills Hunting Preserve:

- 15.01 To hunt without payment of the appropriate fees.
- 15.02 To fail to sign the register in and out each day.
- 15.03 To hunt or be in the field without a valid California hunting license and field permit in their possession.
- 15.04 To ground shoot or to shoot at low flushing birds.
- 15.05 To consume any alcoholic beverages while hunting or while in the field.
- 15.06 To hunt, or to be in the field for upland game without a blaze orange vest or hat.
- 15.07 To hunt upland game without a dog.
- 15.08 To shoot in posted safety zones or closed areas.
- 15.09 For persons under 18 years of age to hunt unless accompanied by an adult.
- 15.10 To shoot any non-game bird or other non-game animal.
- 15.11 To leave wounded birds in hunting zones without making an attempt to recover them, or discard unwanted birds or birds caught by a dog.
- 15.12 Beginning October 1, 2009, to discharge lead shot in any area not designated as a Lead Reclamation Area, or to otherwise fail to comply with terms of the posted Lead Management Program





AGENDA NO. 15.  
 MEETING DATE May 27, 2014

TITLE BAY AREA WATER SUPPLY REGIONAL RELIABILITY PRINCIPLES

MOTION \_\_\_\_\_  RESOLUTION \_\_\_\_\_  ORDINANCE \_\_\_\_\_

**RECOMMENDED ACTION**

Adopt the Bay Area Regional Reliability Principles as a framework for cooperative efforts among eight participating agencies, to develop water supply reliability projects that provide regional benefit.

**SUMMARY**

Eight of the Bay Area's largest water suppliers have jointly developed principles for Bay Area Regional Reliability (Attachment). The purpose of these principles is to coordinate regional efforts to improve water supply reliability through development of projects with regional benefit. They are intended to foster cooperation without limiting the ability of individual agencies or partnerships to pursue their own projects. The governing boards of the eight agencies are considering the principles for adoption during the month of May. The eight agencies developed a fact sheet and plan to pursue funding of preliminary studies to identify projects that will provide the greatest regional benefit. A presentation on this effort was made to the Planning Committee on May 13, 2014.

**DISCUSSION**

In January 2014, the Regional Desalination Project (RDP) partner agencies, which include Contra Costa Water District (CCWD), East Bay Municipal Utility District (EBMUD), Santa Clara Valley Water District (SCVWD), San Francisco Public Utility Commission (SFPUC), and the Zone 7 Water Agency (Zone 7), met to review the results of recently completed RDP related studies and discuss next steps. At that meeting, it was agreed that before determining next steps for RDP, the group should consider a broader spectrum of water supply reliability efforts. After discussion with the Bay Area Water Agency Coalition (BAWAC), Alameda County Water District (ACWD) and Marin Municipal Water District (MMWD) and as an extension of the SFPUC, the Bay Area Water Supply and Conservation Agency (BAWSCA) were included in the regional reliability discussions.

Funds Available: FY14		Budget Code: WSC/WNR/455/1008026
DEPARTMENT SUBMITTING  Water and Natural Resources	DEPARTMENT MANAGER or DIRECTOR   Richard G. Sykes	APPROVED   General Manager

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

All eight agencies are considering adoption of the principles in the month of May 2014. Key elements of the principles include the following:

- Improve Bay Area's regional water supply and water quality reliability through a regional partnership,
- Maximize the use of existing assets of partner agencies, and if needed, construct new ones to benefit near and long-term reliability projects,
- Employ equitable cost, risk, and benefit sharing approach, and
- Conduct all work in a transparent, inclusive, mutually beneficial manner.

Typical projects to be considered as a part of the regional reliability effort include water system interties, treatment improvements, and regional desalination. Specific projects involving EBMUD include interties with Zone 7 and MMWD, regional desalination, and possible addition of pretreatment at Walnut Creek filter plant to increase EBMUD's conventional water treatment capacity. In addition to new projects, the partners will consider ways to use available capacity in existing facilities such as the Freeport Regional Water Project and Los Vaqueros Reservoir for regional benefit. Once all of the partner agencies have adopted the principles, agencies will resume the focus on securing either state or federal funding to advance regional studies and projects.

## **FISCAL IMPACT**

Adoption of the Bay Area Regional Reliability Principles will have no significant fiscal impact on the District. However, the District would be committed to working cooperatively to seek funding for projects and programs that may ultimately benefit the District and the Bay Area region.

## **ALTERNATIVES**

**Do not adopt the Bay Area Regional Reliability Principles.** This alternative is not recommended because the Regional Reliability Principles may benefit EBMUD and the region during times of drought. If the principles lead to plans for agencies to wheel water through EBMUD's system, the District may benefit through cost sharing on system capital, maintenance, and operating costs.

Attachment: Bay Area Regional Reliability Principles

RGS:MTT:acr

**Guiding Principles for  
Bay Area Regional Reliability Partnership Development**

**Alameda County Water District  
Contra Costa Water District  
East Bay Municipal Utility District  
Marin Municipal Water District  
San Francisco Public Utilities Commission  
(with the Bay Area Water Supply and Conservation Agency)  
Santa Clara Valley Water District  
Zone 7 Water Agency**

The purpose of these principles is to memorialize the mutual willingness of the Bay Area's largest public water agencies to develop regional solutions to improve the water supply reliability for over 6 million area residents and the thousands of businesses and industries located in the area. The Bay Area Regional Water Supply Reliability Partnership ("Regional Partnership") would enable Bay Area agencies to work cooperatively to address water supply reliability concerns on a mutually beneficial and regionally focused basis.

\*\*\*\*\*

Whereas, the Alameda County Water District, Contra Costa Water District, East Bay Municipal Utility District, Marin Municipal Water District, San Francisco Public Utilities Commission (with the Bay Area Water Supply and Conservation Agency), Santa Clara Valley Water District, and Zone 7 Water Agency (referred collectively herein as the "Parties") own and operate independent water systems that collectively serve the needs of over 6 million residents and businesses in the San Francisco Bay Region, and

Whereas, the Parties recognize that integrated utilization of capacity in existing infrastructure and new interconnections or facilities may provide water supply reliability and/or water quality benefits to multiple agencies or other regional partners and the public we all serve, and

Whereas, recognizing the potential for mutual and regional benefits, the Parties agree to these principles for cooperative pursuit of short and long-term projects for water supply and/or water quality benefits which look first to maximize the use of existing infrastructure of each agency and may eventually include additional joint facilities to assist in providing region-wide water supply reliability and/or water quality benefits.

Therefore, in consideration of the recitals and mutual obligations, the Parties wish to establish a set of foundational principles that will guide any future partnership development as follows:

- Parties will participate in the evaluation of near- and long-term joint water supply reliability projects including, but not limited to, use of capacity of existing facilities, changes to infrastructure including new interconnections, recycled water, water conservation, expanded treatment, regional desalination, water transfers and exchanges, and other projects or institutional arrangements that encourage a regional approach to achieving water supply reliability in the Bay Area.

**Guiding Principles for  
Bay Area Regional Reliability Partnership Development**

- Parties will conduct Regional Partnership activities in an inclusive manner that encourages voluntary participation by the Parties as well as other interested persons or organizations.
- A specific project or activity does not have to involve all signatories of this Regional Partnership document but it is expected that each Party would endeavor to communicate planning efforts initiated by two or more Parties to improve water supply reliability including water transfers, wheeling agreements, interties and additional water supply infrastructure improvements.
- Partnerships are expected to result in betterment for of the public served by the agencies involved and be conducted in a manner that does not adversely affect any of the Parties. Parties will not undertake Bay Area regional projects or activities that may impact the conditions within the service area of another Party without first obtaining that Party's approval.
- Parties will ensure equitable cost- and risk-sharing for future projects or concepts commensurate with the benefits to be received.
- Parties agree to transparency with regard to costs and the expectation is that actual costs will be used in determining reimbursements unless another acceptable arrangement is determined by the participants.
- To the extent a partnership relies on regional, state or federal grant money to evaluate regional reliability, the grant recipients will work with the Parties to determine how priorities for regional reliability are balanced against other individual agency priorities.
- Characterization and evaluation of facilities, water rights, or water contracts owned by any Party will not be conducted without the express consent of the owner.
- Parties undertaking specific projects identified through the Regional Partnership will cooperate in and, to the extent applicable, facilitate efforts to obtain regulatory approvals necessary to conduct demonstration and full scale projects.

ITEM #16.

LEGISLATIVE UPDATE

WILL BE GIVEN AS AN  
ORAL REPORT



ITEM #17

WATER SUPPLY

UPDATE

WILL BE GIVEN AS AN  
ORAL REPORT





## EAST BAY MUNICIPAL UTILITY DISTRICT

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DATE: May 22, 2014

MEMO TO: Board of Directors

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

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

SUBJECT: Planning Committee Minutes – May 13, 2014

Chair Katy Foulkes called to order the Planning Committee at 9:17 a.m. in the Training Resource Center. Director Lesa R. McIntosh was present at roll call and Director Doug Linney arrived at 9:22 a.m. Staff present included: General Manager Alexander R. Coate, General Counsel Jylana Collins, Director of Wastewater Bennett K. Horenstein, Director of Water and Natural Resources Richard G. Sykes, Director of Operations and Maintenance Michael J. Wallis, Engineering Manager Serge V. Terentieff, Associate Civil Engineer Casey J. Leblanc, Senior Civil Engineer Sophia D. Skoda, Manager of Water Supply Improvements Michael T. Tognolini, Construction and Maintenance Superintendent Margo Schueler, Special Assistant to the General Manager Cheryl A. Farr and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**Panoramic Hill Water System Improvements Update.** Associate Civil Engineer Casey J. Leblanc reported that existing facilities serving the Panoramic Hill neighborhood are over 50 years old, in poor condition, and in need of replacement. He described planned improvements, which include replacing University Reservoir with two smaller reservoirs to address structural and water quality issues. The existing pumping plant and approximately 6,800 feet of pipeline will be replaced. The phasing and scheduling for these project components is being closely coordinated with the City of Berkeley (City) to minimize community disruptions and ensure completion prior to the City's street repaving project. Outreach meetings were held with City staff between December 2013 and April 2014 and key issues include: community and emergency vehicle access during pipeline construction, the final location and appearance of the Arden Path staircase (near the new pumping plant), advance and real time notification of road closures and detours, parking and fire flow availability before and after the project. Next steps include preparation of environmental documents in the summer of 2014 and awarding of construction contracts for the pipelines and reservoir in the summer of 2015. The construction contract for the University Pumping Plant is planned to be awarded in late 2016. The Committee raised no questions.

**Update on Food Waste Sourcing.** Senior Civil Engineer Sophia D. Skoda presented an update on the District's efforts in pursuing high strength energy producing wastes to expand the District's Resource Recovery (R2) Program. She reported that the District has been working with the Central Contra Costa Solid Waste Authority (CCCSWA), Recology and the City of Oakland (City) on EBMUD processing and digestion of food waste. District staff is currently preparing a contract with CCCSWA for consideration by both Boards in June. The District has been working with solid

waste hauler Recology on food waste processing and digestion at the Main Wastewater Treatment Plant.

Board members and District staff have been working together to encourage the City to include the District as the processor for the City's food waste in the new franchise agreements. City staff conveyed concerns regarding the District's current practice of sending digested solids for use as alternative daily cover at landfills. As a result, District staff is evaluating alternative end uses for this material. City staff also raised questions regarding whether District processing of Oakland organic waste complies with StopWaste's Ordinance 2012-1. District staff is working with StopWaste to better understand the ordinance and their perspective and to ensure there are no compliance issues. City staff plans to bring forward a final recommendation for franchise award at a Special Meeting of the City Council currently planned for May 29<sup>th</sup>.

**Bay Area Regional Reliability Principles.** Manager of Water Supply Improvements Michael T. Tognolini reported that seven of the Bay Area's largest water suppliers have jointly developed principles for Bay Area regional water supply reliability. The purpose of these principles is to coordinate regional efforts to improve water supply reliability through development of projects with regional benefit. The EBMUD Board is scheduled to consider adoption of the Regional Reliability Principles at its May 27<sup>th</sup> meeting.

**Distribution Valve Maintenance.** Construction and Maintenance Superintendent Margo Schueler described valve inspection and maintenance activities. She reported that District staff piloted two GIS-based work management software packages for tracking asset status, recording valve exercise data, identifying impacted customers and assets during water outages and improving work order routing capabilities. The infraMAP® software from iWater Inc. presented the best overall performance and capabilities. This software includes a pipe isolation tool that automates the identification of the valves that need to be operated and the customers impacted during a potential shutdown. Board consideration of an agreement to purchase the Oracle enterprise version of the infraMAP® software is scheduled for May 27<sup>th</sup>. After software is purchased, training will be expanded to include five crews responsible for valve inspection, maintenance and repairs using the installed software. Full deployment is planned to be completed by October 2014 and will include customizing the software for water outage tracking and integration with the General Work Order system. In response to questions by the Committee, staff said that the consultant will train the permanent valve crews and the crews will update information in the new software over the next couple years.

**Adjournment.** Director Foulkes adjourned the meeting at 10:09 a.m.

ARC/LML/slb

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**EAST BAY MUNICIPAL UTILITY DISTRICT**

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DATE: May 22, 2014

MEMO TO: Board of Directors

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

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

SUBJECT: Legislative/Human Resources Committee Minutes – May 13, 2014

Chair Lesa R. McIntosh called to order the Legislative/Human Resources Committee at 10:15 a.m. in the Training Resource Center. Director John A. Coleman was present at roll call and Director Frank Mellon arrived at 10:16 a.m. Staff present included: General Manager Alexander R. Coate, General Counsel Jylana Collins, Manager of Legislative Affairs Marlaigne K. Dumaine, Manager of Human Resources Delores A. Turner, Manager of Employee Relations Michael K. Rich, Special Assistant to the General Manager Cheryl A. Farr, and Secretary of the District Lynelle M. Lewis.

**Public Comment.** None.

**Transparency in Labor Negotiations.** Manager of Employee Relations Michael K. Rich summarized a staff presentation from the April Planning Committee meeting on bargaining transparency initiatives and provided some additional information gathered in the subsequent weeks. He reported that Costa Mesa's staff said the COIN Ordinance appeared to have tempered the number of proposals from labor and that the parties had not yet reached agreement. He also said the City of Beverly Hills used a consultant to analyze the fiscal impacts of proposed amendments to their labor agreement and the cost analyses were posted on the City's website before a tentative agreement was reached. The transparency steps implemented were reported as adding a "little extra time" and extra costs to the bargaining process.

In response to the Committee's request, staff also had contacted the League of California Cities (LCC) and California State Association of Counties (CSAC) for information on activities and initiatives of their member agencies relating to transparency in labor negotiations. The LCC staff reported there has been no discussion at the League Board or Policy Committee level to pursue an initiative relating to transparency in bargaining. Legislative staff for CSAC was not aware of any county initiatives similar to COIN and confirmed that no initiatives have been proposed at the CSAC level relating to transparency in negotiations.

There was discussion about the pros and cons of developing an ordinance on transparency in labor negotiations. Director Coleman made a motion, seconded by Director Mellon, to have staff draft an ordinance that includes (1) a requirement for third party analysis of costs of proposals and counter-proposals and (2) a requirement that Board members announce if they have met with a group concerning labor negotiations such as a union or a taxpayer group. The motion carried (2-1) with Directors Coleman and Mellon voting "yes" and Director McIntosh voting "no." Staff will next present the ordinance to the Committee for consideration and then present the ordinance and the Committee's recommendation to the full Board.

Board of Directors  
Legislative/Human Resources Committee  
Minutes of May 13, 2014  
May 22, 2014  
Page 2

**Legislative Report.** General Manager Alexander R. Coate recommended that staff present the recommendation on SB 1199 (Hancock) Wild and Scenic Rivers: Mokelumne River to the full Board for discussion. It was moved by Director Coleman and seconded by Director Mellon to approve the recommended positions in Legislative Report No. 07-14 for AB 2684 (Stone) and H.R. 4456 (Miller). The motion carried (3-0) with Directors Coleman, Mellon, and McIntosh voting "yes."

**Adjournment.** Director McIntosh adjourned the meeting at 10:31 a.m.

ARC/LML/slb

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