



AGENDA

NOTICE OF REGULAR MEETING

TIME: 6 p.m.

DATE: Tuesday, October 5, 2021

PLACE: Regular Meeting Place
7051 Dublin Boulevard, Dublin, CA

To allow the public the option to participate remotely during the COVID-19 pandemic, the public may listen and comment by telephone via Webex during open session as described in the Teleconference Access Information on Page 4 of the Agenda Packet.

Our mission is to protect public health and the environment by providing reliable and sustainable water, recycled water, and wastewater services in a safe, efficient, and fiscally responsible manner.

1. CALL TO ORDER
2. PLEDGE TO THE FLAG
3. ROLL CALL – Members: Goel, Halket, Johnson, Rubio, Vonheeder-Leopold
4. SPECIAL ANNOUNCEMENTS/ACTIVITIES
5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)
At this time, members of the public in the audience and on the teleconference call are encouraged to address the Board on any item of interest that is within the subject matter jurisdiction of the Board and not already included on tonight's agenda. Comments should not exceed five minutes. Speaker cards are available for audience members from the District Secretary and should be completed and returned to the Secretary prior to addressing the Board. The President of the Board will recognize each speaker, at which time the speaker should introduce him/herself, and then proceed with his/her comment. Written comments of five minutes or less and received by 5 p.m. on the day of the meeting will be read into the meeting record.
6. AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS)
7. CONSENT CALENDAR
Matters listed under this item are considered routine and will be enacted by one Motion, in the form listed below. There will be no separate discussion of these items unless requested by a Member of the Board or the public prior to the time the Board votes on the Motion to adopt.
 - 7.A. Approve Regular Meeting Minutes of September 21, 2021
Recommended Action: Approve by Motion
 - 7.B. Approve Annual Scholarship Donations to Association of California Water Agencies (ACWA) and California Association of Sanitation Agencies (CASA) in Honor of Former DSRSD Director James B. Kohnen
Recommended Action: Approve by Motion
 - 7.C. Approve Proclamation Supporting October 2021 as Cybersecurity Awareness Month
Recommended Action: Approve by Motion

8. BOARD BUSINESS

8.A. Approve 180-Day Wait Period Exception for Retired Annuitant Levi Fuller as the Water/Wastewater Systems Superintendent under Government Code Sections 7522.56 and 21224
Recommended Action: Approve by Resolution

8.B. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists
Recommended Action: Approve by Motion

8.C. Approve Stage 1 Water Shortage Condition Rates
Recommended Action: Approve by Resolution

8.D. Receive Presentation on 2020 Decennial Census Results and Election Redistricting Process and Provide Direction for Proposed Voting Area Maps Based on Census Data Changes
Recommended Action: Receive Presentation and Provide Direction

8.E. Receive Presentation on Biosolids Processing, Regulations, and Trends
Recommended Action: Receive Presentation

9. REPORTS

9.A. Boardmember Items

- Joint Powers Authority and Committee Reports
 - DERWA – September 27, 2021
 - Special LAVWMA – September 29, 2021
 - DSRSD/City of San Ramon – September 30, 2021
- Submittal of Written Reports for Day of Service Events Attended by Directors
- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

9.B. Staff Reports

- Event Calendar
- Correspondence to and from the Board

10. CLOSED SESSION

10.A. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2):
One Potential Case

10.B. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6
Agency Negotiators: Dan McIntyre, General Manager
Jan Lee, Assistant General Manager
Carol Atwood, Administrative Services Director
Michelle Gallardo, Human Resources and Risk Manager
Employee Organizations: 1. Stationary Engineers, Local 39
2. Mid-Management Employees Bargaining Unit
3. Professional Employees Bargaining Unit
Additional Attendees: Douglas E. Coty, General Counsel

10.C. Public Employee Performance Evaluation Pursuant to Government Code Section 54957
Title: General Manager

11. REPORT FROM CLOSED SESSION

12. ADJOURNMENT

All materials made available or distributed in open session at Board or Board Committee meetings are public information and are available for inspection during business hours by calling the District Secretary at (925) 828-0515. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.

Teleconference Access Information

Dublin San Ramon Services District Regular Board Meeting Tuesday, October 5, 2021

If the public wishes to join the meeting by phone to provide comments during Agenda Item 5 – Public Comment, or on any of the agendized items, please dial in to Webex using the instructions below, or email written comments to the Board of Directors at board@drsd.com by 5 p.m., Tuesday, October 5, 2021. Written comments, of five minutes or less, will be read into the meeting record during the public comment portion of the agenda or during discussion of the subject of the comment.

To Join by Phone:

1. Dial **(510) 338-9438** USA Toll from any phone.
2. Enter Access Code (meeting number) **2558 207 7467#** when prompted.
3. Enter Attendee ID (numeric meeting password) **8233 8937#** when prompted.
4. If you are unsuccessful in joining, hang up and dial in again.
5. You must unmute yourself when you wish to speak by pressing *6, which is also used to mute yourself when you finish speaking.

Participation Instructions and Information:

- Stay muted unless speaking.
- Listen for prompts to know when public comments are solicited.
- You must unmute yourself when you wish to speak during Public Comment or during discussion of a particular agenda item. The meeting host can mute but cannot unmute participants.
- Announce yourself and speak slowly and clearly when commenting.

Boardmembers and staff will be attending the meeting in person.

The Boardroom is open to the public during the open session but closed to the public during the closed session.

Due to the COVID-19 pandemic, meeting attendees are required to conduct a self-screening before entering District facilities. Face coverings are required.

**DUBLIN SAN RAMON SERVICES DISTRICT
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

September 21, 2021

Pursuant to Governor Newsom's Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, this Board meeting was held via Teams teleconference. The District Boardroom is closed to the public; however, the public may observe and comment by calling in to the teleconference meeting per the instructions provided on page 4 of the agenda. As required by the Brown Act, all votes were taken by roll call vote due to the attending Directors participating via teleconference.

1. **CALL TO ORDER**

A regular meeting of the Board of Directors was called to order at 6 p.m. by President Johnson.

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

Boardmembers present at start of meeting:

President Ann Marie Johnson, Vice President Richard M. Halket, Director Marisol Rubio, Director Arun Goel, and Director Georange M. Vonheeder-Leopold.

District staff present: Dan McIntyre, General Manager; Jan Lee, Assistant General Manager; Carol Atwood, Administrative Services Director/Treasurer; Jeff Carson, Operations Director; Douglas E. Coty, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

4. **SPECIAL ANNOUNCEMENTS/ACTIVITIES**

New Employee Introduction:

Michelle McQuiston, Human Resources Analyst I

5. **PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)** – 6:03 p.m. No public comment was received.

6. **AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS)** – No changes were made.

7. **CONSENT CALENDAR**

Director Vonheeder-Leopold MOVED for approval of the items on the Consent Calendar. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

7.A. Approve Regular Meeting Minutes of September 7, 2021 – Approved

7.B. Retroactively Approve Director Attendance at San Ramon Chamber of Commerce State of the County Address Luncheon with Supervisor Candace Andersen on July 21, 2021 – Approved

7.C. Approve Resolution Supporting the State's Proclamation Declaring October 2-10, 2021 as California's Water Professionals Appreciation Week – Approved – Resolution No. 47-21

8. BOARD BUSINESS

8.A. Accept Donation of Two Eagle Scout Projects for the DSRSD Demonstration Garden

Administrative Services Director Atwood reviewed the item for the Board. She presented Eagle Scout Julian Lavaysse's picnic tables project. Eagle Scout Aadityab Punnamraju presented his project of four redwood planter boxes and thanked the Board for the opportunity to complete this project. The Board thanked the members of Boy Scout Troop 905 for their contributions to the DSRSD garden.

Director Rubio MOVED to Accept the Donation of Two Eagle Scout Projects for the DSRSD Demonstration Garden. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

8.B. Receive Presentation and Provide Comments on Los Vaqueros Reservoir Expansion Project

Prior to the item review, General Counsel Doug Coty stated, for transparency purposes, that he has worked with Contra Costa Water District (CCWD) regarding the Los Vaqueros Reservoir Expansion project.

Assistant General Manager Lee reviewed the item for the Board and introduced Ms. Marguerite Patil, Assistant General Manager Policy and External Affairs for CCWD, and Dr. Amparo Flores, Manager of Integrated Water Resources for Zone 7 Water Agency (Zone 7). They gave presentations to familiarize the Board with the Los Vaqueros Reservoir facility, the project expansion design, components, cost and schedule, an overview of new and existing facilities, agency partners and creation of a Joint Powers Authority, and Tri-Valley and regional benefits. The presenters confirmed the project is expected to be firmed up in about a year's time and qualifies for funding opportunities such as the WIIN Act (Water Infrastructure Improvements for the Nation Act). The presentations were added as supplemental materials to the agenda on the District website. The Board thanked Ms. Patil and Ms. Flores for their presentations.

8.C. Second Reading: Adopt Ordinance Revising District Code Section 1.50.030 Regarding Discontinuation of Service

President Johnson read the title of the ordinance.

Director Rubio MOVED to Waive Reading of the Ordinance. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

President Johnson asked for the staff presentation. Utility Billing and Customer Services Supervisor Kelly Richards reviewed the item for the Board. The Board had no further discussion.

Vice President Halket MOVED to Adopt Ordinance No. 349, Amending District Code Section 1.50.030 of the District Code to Include Revisions Regarding Discontinuation of Services Due to Senate Bill 998. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

8.D. Public Hearing: Second Reading and Adoption of Ordinance Revising District Code Chapter 4.10 General Regulations and Protective Measures and Chapter 4.20 Potable Water Use and Protective Measures

President Johnson announced the item and declared the Public Hearing open. She read the title of the ordinance.

Director Vonheeder-Leopold MOVED to Waive Reading of the Ordinance. Director Rubio SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

President Johnson asked for the staff presentation. General Manager McIntyre reviewed the item for the Board.

President Johnson inquired if there were any comments from the public. There was no public comment received. President Johnson declared the Public Hearing closed. The Board had no further discussion.

Director Vonheeder-Leopold MOVED to Adopt Ordinance No. 350, Amending Sections 4.10.010, 4.10.020, 4.10.030, 4.20.010 of the District Code and Adding Sections 4.20.030, 4.20.040, 4.20.050, 4.20.060 to the District Code to Update Water Emergency and Water Shortage Emergency Provisions. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

8.E. Receive Presentation and Approve Declaration of a Stage 2 Water Shortage Emergency

Assistant General Manager Lee reviewed the item for the Board and gave a presentation providing overviews of 2021 water supply conditions, 2022 water supply projections, the District's Water Shortage Contingency Plan, Stage 2 Water Use Regulations, a comparison of potable water consumption in 2021 versus 2020, and DSRSD and Zone 7 Water Agency (Zone 7) conservation messaging. On September 1, 2021, Zone 7 declared a Stage 2 Water Shortage Emergency requiring 15% conservation from its retailers. The presentation was added as supplemental materials to the agenda on the District website.

The Board and staff discussed the proposed timing of irrigation restrictions, ongoing weather unpredictability, activation of enforcement measures, and the importance of working closely with the Tri-Valley agencies during the drought emergency. Staff reported the Tri-Valley agencies are actively collaborating on rebate programming and public outreach/messaging, and the General Managers have formed a steering committee to align messaging efforts. Director Goel suggested staff incorporate Smart Irrigation programming information into the rebate program outreach to educate residents on how to utilize advanced features for optimal water conservation.

Director Vonheeder-Leopold MOVED to Approve Resolution No. 48-21, Declaring Stage 2 Water Shortage Emergency and Approving Water Use Regulations. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

8.F. Receive Update on District's Emergency Response to COVID-19 and Provide Direction on Resuming In-Person Board Meetings, and Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

Assistant General Manager Lee reviewed the item for the Board. She explained Assembly Bill 361 (Rivas) was signed into law yesterday which allows agencies to continue virtual meetings if certain unsafe conditions exist during a state-declared emergency. Ms. Lee reported the DSRSD Boardroom is ready for basic in-person meeting operations should the Board find Board meetings should resume in person. There are currently no emergency health orders governing facility capacity or social distancing, however, staff would recommend distancing measures in addition to enforcing the current mask mandate. The Board may determine to return to virtual meetings at any time under AB 361 should pandemic conditions or safety concerns change.

The Board directed staff to return to in-person Board meetings starting October 5 and acknowledged its support for the District staff who have been working on-site for some time. General Counsel Coty confirmed that standard Brown Act procedures would be fully reinstated for in-person and teleconference meeting operations. The Board and staff also discussed possible strategies to shorten Board meetings for attendee comfort, such as taking breaks, carrying items over, and shortening meeting agendas.

Director Johnson MOVED to Direct Staff to Resume In-Person Board Meetings and Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

9. REPORTS

9.A. Boardmember Items

- Joint Powers Authority and Committee Reports
Special LAVWMA – September 8, 2021

President Johnson invited comments on recent JPA activities. Directors felt the available staff reports adequately covered the matters considered at the JPA meetings and made a few comments about some of the JPA activities.

- Submittal of Written Reports for Day of Service Events Attended by Directors

Director Vonheeder-Leopold submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the California Association of Sanitation Agencies Board of Directors meeting on September 18. She summarized the activities and discussions at the meeting.

- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda – None

9.B. Staff Reports

- Event Calendar – General Manager McIntyre reported on the following:
 - The State of Dublin Mayor's Address is tomorrow (September 22). Some Directors and staff are registered to attend.
- Correspondence to and from the Board on an Item not on the Agenda – None

10. CLOSED SESSION

At 7:27 p.m. the Board went into Closed Session.

10.A. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6

Agency Negotiators: Dan McIntyre, General Manager
Jan Lee, Assistant General Manager
Carol Atwood, Administrative Services Director
Michelle Gallardo, Human Resources and Risk Manager
Employee Organizations: 1. Stationary Engineers, Local 39
2. Mid-Management Employees Bargaining Unit
3. Professional Employees Bargaining Unit
Additional Attendees: Douglas E. Coty, General Counsel
Dania Torres Wong, Sloan Sakai Yeung & Wong LLP

10.B. Public Employee Performance Evaluation Pursuant to Government Code Section 54957
Title: General Manager

11. REPORT FROM CLOSED SESSION

At 8:24 p.m. the Board came out of Closed Session. President Johnson announced that there was no reportable action.

12. ADJOURNMENT

President Johnson adjourned the meeting at 8:24 p.m.

Submitted by,

Nicole Genzale, CMC
Executive Services Supervisor/District Secretary



TITLE: Approve Annual Scholarship Donations to Association of California Water Agencies (ACWA) and California Association of Sanitation Agencies (CASA) in Honor of Former DSRSD Director James B. Kohnen

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Motion, annual contributions for calendar years 2021 and 2022, in the amount of \$1,000 each year to the Association of California Water Agencies (ACWA) scholarship program and the California Association of Sanitation Agencies (CASA) Education Foundation, in memory of former DSRSD Director James B. Kohnen.

BACKGROUND:

Dr. James B. Kohnen served on the District Board of Directors for eight years, from 1992 to 2000. His commitment and vision made a difference in our community. After he passed away in 2012, the District decided to honor Dr. Kohnen, and in September 2012, created the James B. Kohnen Scholarship in his name. In May 2013, the first scholarship was awarded to the only applicant. In 2014, despite staff efforts to promote the scholarship, the District received only one applicant who did not meet the scholarship eligibility criteria. Thus, no scholarship was awarded for 2014. On January 2015, the Board changed the District's scholarship program to make annual donations of \$1,000 each to the scholarship programs at ACWA and CASA. The scholarship expenses were included and approved June 1, 2021 in the District's Operating Budget for Fiscal Years Ending 2022 and 2023. Costs will be charged to the District's Administrative Overhead fund (Legislative budget – Division 10).

DISCUSSION:

ACWA awarded \$17,000 in scholarships to four undergraduate students for the 2020-21 school year: \$3,500 to William Welch, a mechanical engineering student at the University of California, Los Angeles; \$3,500 to Marcus Sanchez, a chemical engineering student at California State University, Long Beach; \$5,000 Clair A. Hill Scholarship to Matthew Grehm, an environmental engineering student at University of California, Berkeley; and, another \$5,000 Clair A. Hill Scholarship to Sabrina Chui, a forestry and economics students at University of California, Berkeley. At ACWA's fall conference, Ian Prichard, a graduate student studying public administration for public sector management and leadership at California State University, Northridge and an employee at Carmosa Water District, received the Stephen K. Hall Water Law & Policy Scholarship, a \$10,000 scholarship.

The CASA Education Foundation was formed to enhance the future of California's clean water community by attracting new professionals into the clean water sector through scholarships. Students pursuing higher education in engineering, environmental science, public administration, or other related fields, who show an interest in serving the clean water community, are eligible to apply. In 2021, the CASA Education Foundation presented \$5,000 scholarships to three worthy students: Aiyanna Durepo will be attending Point Loma Nazarene University and hopes to become an environmental lawyer; Lena Schorkopf will be attending University of California at Los Angeles to study political science as a foundation for a career in public office; and, Lensaa Temesgen will be attending University of California at Berkeley to study environmental science.

Originating Department: Office of the General Manager	Contact: S. Stephenson	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: \$2,000 annually from Legislative Division, Administrative Overhead (Fund 900) Account 900.10.10.000.3.340	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		10 of 95



TITLE: Approve Proclamation Supporting October 2021 as Cybersecurity Awareness Month

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Motion, a Proclamation supporting October 2021 as Cybersecurity Awareness Month.

DISCUSSION:

The Dublin San Ramon Services District recognizes that it plays a vital role in identifying, protecting its citizens from, and responding to cybersecurity threats that may have a significant impact to the District's individual and collective safety and privacy. In the 2022–2026 Strategic Plan, the Board specifically directed staff to "strengthen cybersecurity and network resiliency capabilities" responding to cybersecurity threats.

The Information Technology Services Division has placed cybersecurity as a high priority, establishing critical infrastructure protection and continually educating staff on the importance of awareness when operating computers, mobile phones, and other internet-connected devices. Performance measures for the fiscal years ending 2022 and 2023 include:

- Block all SPAM email messages,
- Perform regular third-party penetration testing, and
- Perform daily backups of critical systems to ensure business continuity

Support of October 2021 as Cybersecurity Awareness Month continues the efforts of the District in educating the staff and customers on the importance of STOP. THINK. CONNECT.™

Originating Department: Administrative Services	Contact: C. Atwood	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input checked="" type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		

Proclamation

Supporting

Cybersecurity Awareness Month: October 2021

WHEREAS, the Dublin San Ramon Services District (DSRSD) recognizes that it plays a vital role in identifying, protecting its citizens from, and responding to cybersecurity threats that may have significant impact to DSRSD's individual and collective safety and privacy; and

WHEREAS, critical infrastructure is increasingly reliant on the support of information systems and technology; and

WHEREAS, cybersecurity education and awareness are crucial for everyone, including large corporations, small businesses, financial institutions, schools, government agencies, the home user, and anyone who connects to the internet, be it with a computer, mobile phone, or other internet-connected device; and

WHEREAS, monitoring accounts, being conscientious of what is shared online, keeping computer software up to date, creating unique passwords and changing them regularly, installing antivirus programs and firewalls, and using mobile devices and other internet-connected devices safely are ways people and organizations can protect themselves from phishing, viruses, ransomware, other types of malware, financial loss, and loss of sensitive data; and

WHEREAS, we showcase the need to inspire, engage, and inform the public about the demand, opportunities, and career options available within the area of cybersecurity and highlight how building the nation's and DSRSD's cybersecurity workforce enhances the nation's security and promotes economic prosperity; and

WHEREAS, DSRSD's Information Technology Services Division is dedicated to providing every individual in DSRSD the resources necessary to ensure the understanding, implementation, and success of Cybersecurity Awareness Month to help the citizens served by DSRSD stay safe online and connect with confidence; and

WHEREAS, the STOP. THINK. CONNECT.™ Campaign serves as the national cybersecurity public awareness campaign, implemented through a coalition of private companies, nonprofit, government organizations, and academic institutions working together to increase the public's understanding of cyber threats and empowering Americans to be safer and more secure online; and

WHEREAS, the National Institute of Standards and Technology (NIST) Cybersecurity Workforce Framework is a free resource to help organizations improve their cybersecurity practices through a practical approach to address the ever-evolving cybersecurity threats and challenges; and

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each person has a critical role to play, and awareness of essential cyber hygiene will improve the security of DSRSD's information, infrastructure, and economy; and

WHEREAS, the Federal Government of the United States of America, the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (www.cisa.gov), the Multi-State Information Sharing and Analysis Center (www.cisecurity.org/ms-isac), the National Association of State Chief Information Officers (www.nascio.org), and the National Cyber Security Alliance (www.staysafeonline.org) all recognize October as Cybersecurity Awareness Month; and all citizens are encouraged to visit these websites, and the STOP. THINK. CONNECT.™ Campaign website (www.cisa.gov/stophinkconnect or www.stophinkconnect.org) to learn about cybersecurity to put that knowledge into practice in their homes, schools, workplaces, and businesses.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, officially supports

October 2021 as Cybersecurity Awareness Month

Adopted this 5th day of October, 2021

Ann Marie Johnson, President

Richard M. Halket, Vice President

Marisol Rubio, Director

Arun Goel, Director

Georange M. Vonheeder-Leopold, Director

Nicole Genzale, District Secretary

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TITLE: Approve 180-Day Wait Period Exception for Retired Annuitant Levi Fuller as the Water/Wastewater Systems Superintendent under Government Code Sections 7522.56 and 21224

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Resolution, a 180-day wait period exception for retired annuitant Levi Fuller as the Water/Wastewater Systems Superintendent under Government Code Sections 7522.56 and 21224.

DISCUSSION:

The District has an immediate need for technical guidance on the District's water distribution and wastewater collections systems, and supervisory responsibilities over the Field Operations Division and its staff, as a result of three recent and unexpected vacancies within the Division. In accordance with Government Code Sections 7522.56 and 21224, staff recommends the appointment of retired annuitant Levi Fuller as Water/Wastewater Systems Superintendent in the Field Operations Division, and requests approval by the Board of Directors for an exception to the 180-day wait period required by Government Code Section 7522.56.

The Public Employees' Retirement Law (PERL) and Public Employees' Pension Reform Act (PEPRA) restrict the circumstances under which public agencies participating in the California Public Employees' Retirement System (CalPERS) may use the services of retired annuitants. In the absence of an emergency in which the employment is required to prevent stoppage of public business, the extra help retired annuitant must have "specialized skills" that are needed for the employment. Government Code Section 21224 in the PERL states:

(a) A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by the appointing power of a state agency or public agency employer either during an emergency to prevent stoppage of public business or because the retired person has specialized skills needed in performing work of limited duration. These appointments shall not exceed a combined total of 960 hours for all employers each fiscal year. The compensation for the appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule divided by 173.333 to equal an hourly rate. A retired person appointed pursuant to this section shall not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. A retired annuitant appointed pursuant to this section shall not work more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.

The PEPRA contains similar language in Government Code Section 7522.56. At the District, retired annuitants are hired as temporary "extra help" for assignments that cannot be handled by the agency's existing employees. Levi Fuller has unique, specialized skills developed over many years of work for the District as the Wastewater Treatment Plant Operations Superintendent and years of experience in the water and wastewater industry, which cannot be provided by existing District employees due to the unique nature of the work, the volume of work already being performed by full-time regular District employees, and the three full-time staff vacancies in the Field Operations Division. This appointment is intended to be of a limited duration, and in accordance with the requirements of CalPERS. Final approval of this appointment will be made by CalPERS Membership and Post-Employment, Employer Account Management Division.

Originating Department: Administrative Services	Contact: M. Gallardo	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: \$95,200 from Local Wastewater Enterprise (Fund: 200) Account 200.50.51.000.1.100 and Water Enterprise (Fund 600) Account 600.50.51.000.1.100	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		13 of 95

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPROVING A 180-DAY WAIT PERIOD EXCEPTION FOR RETIRED ANNUITANT LEVI FULLER AS THE WATER/WASTEWATER SYSTEMS SUPERINTENDENT UNDER GOVERNMENT CODE SECTIONS 7522.56 AND 21224

WHEREAS, in compliance with Government Code section 7522.56 of the Public Employees' Retirement Law, the Board of Directors must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since the retiree's retirement date; and

WHEREAS, Levi Fuller (CalPERS ID: 3284450243) retired from Dublin San Ramon Services District ("the District") in the position of Wastewater Treatment Plant Operations Superintendent, effective June 8, 2021; and

WHEREAS, Government Code Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 6, 2021, without this certification resolution; and

WHEREAS, Government Code Section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Board, the District, and Levi Fuller certify that Levi Fuller has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Board hereby appoints Levi Fuller as an extra-help retired annuitant to perform the duties of the Water/Wastewater Systems Superintendent under Government Code Section 21224, effective October 14, 2021; and

WHEREAS, the entire appointment document between Levi Fuller and the District has been reviewed by this body and is attached herein as Exhibit "A"; and

WHEREAS, no matters, issues, terms, or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to the retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.33 to equal the hourly rate; and

Res. No. _____

WHEREAS, the maximum base salary for this position is \$17,181 per month and the hourly equivalent is \$99.12, and the minimum base salary for this position is \$14,135 per month and the hourly equivalent is \$81.54; and

WHEREAS, the hourly rate paid to Levi Fuller will be \$99.12; and

WHEREAS, Levi Fuller has not and will not receive any other benefit, incentive, compensation in lieu of benefit, or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, that the Board certifies that the nature of the employment of Levi Fuller as described herein and detailed in the appointment document attached as Exhibit "A" and that this appointment is necessary to fill the critically needed position of Water/Wastewater Systems Superintendent for the District by October 14, 2021, because the position oversees the operations of the District's potable and recycled water distribution and wastewater collections systems to ensure compliance with all environmental and water and wastewater regulations for public health and safety for the District's service area.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 5th day of October, 2021, and passed by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary



**Dublin San Ramon
Services District**
Water, wastewater, recycled water

7051 Dublin Boulevard
Dublin, CA 94568-3018

main (925) 828-0515
fax (925) 829-1180
www.dsrsd.com

October 6, 2021

Levi Fuller

[REDACTED]

SUBJECT: Extra-Help Appointment as Retired Annuitant to Water/Wastewater Systems Superintendent Position

Dear Levi:

Upon recommendation of the Operations Director, the Dublin San Ramon Services District is pleased to offer you an interim appointment as a retired annuitant to Water/Wastewater Systems Superintendent. This position is an extra-help appointment as defined by Government Code sections 7522.56 and 21224. This letter outlines the terms and conditions of the appointment.

1. Salary and Appointment

As discussed with the District's Human Resources & Risk Division, appointment to the temporary Water/Wastewater Systems Superintendent position, Salary Range MWWSOM, Step E, \$17,181 per month (payable biweekly, at a equivalent hourly rate of \$99.12 per hour), becomes effective on October 14, 2021. Your assignment is anticipated to end no later than April 15, 2021, but may end at any time at the discretion of the District. The District finds that your unique, specialized skills, developed over your many years of work for the District as the Wastewater Treatment Plant Operations Superintendent and years of experience in the water and wastewater industry, cannot be provided by existing District employees due to the unique nature of the work, the volume of work already being performed by full-time regular District employees, and the three full-time staff vacancies in the Field Operations Division. The work you will provide is in excess of what existing, regular staff can do. Your work as a retired annuitant will be technical guidance on the District's water distribution and wastewater collections systems, and supervisory responsibilities over the Field Operations division and staff.

Moreover, the work described above is of limited duration. Once the extra-work is completed, your appointment will be terminated. In accordance with CalPERS regulations, you may not work more than 960 hours in a fiscal year. In fiscal year 2022, you confirmed that you have not worked any retired annuitant hours for a CalPERS agency. As such, you are eligible to work up to 960 hours through fiscal year 2022 or until the end of your appointment, whichever occurs first. Please note this position is "at-will," and as such, you will not have or acquire property interest or right to continued employment.

You will report directly to the Operations Director and be a member of the Field Operations Division. Should you accept this position, you will be expected to meet all conditions of employment and perform the duties of the position.

2. District Benefits and Retirement

In accordance with CalPERS regulations and state law, as a retired annuitant, you are not eligible for any District benefits, including sick leave or health insurance. Furthermore, as a temporary employee, you are not eligible for any District incentive or employee programs.

As a retired annuitant and in accordance with CalPERS regulations, the District will not make retirement contributions to CalPERS on your behalf.

3. Unemployment Insurance Benefits Certification

Per CalPERS Regulations, you may not be appointed to work as a retired annuitant at the District if, in the previous 12 months, you received unemployment insurance benefits from a prior employer. By accepting this appointment and signing below, you certify that you have not received unemployment insurance benefits in the immediately preceding 12-month period.

4. Additional Considerations

As you may know, the Public Employees' Retirement Law and Public Employees' Pension Reform Act restrict the circumstances under which public agencies participating in the California Public Employees' Retirement System (CalPERS) may use the services of retired annuitants. It is therefore important for you to understand the restrictions on a CalPERS employer's use of a retired annuitant as well as the consequences of noncompliance with those restrictions.

In the absence of an emergency in which the employment is required to prevent stoppage of public business, the retired annuitant must have "specialized skills" that are needed for the employment. Government Code section 21224 in the PERL states:

(a) A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by the appointing power of a state agency or public agency employer either during an emergency to prevent stoppage of public business or because the retired person has specialized skills needed in performing work of limited duration. These appointments shall not exceed a combined total of 960 hours for all employers each fiscal year. The compensation for the appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule divided by 173.333 to equal an hourly rate. A retired person appointed pursuant to this section shall not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. A retired annuitant appointed pursuant to this section shall not work more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.

The PEPRA contains similar language in Government Code section 7522.56. At the District, retired annuitants are hired as temporary "extra help" for assignments that cannot be handled by the agency's existing employees.

Therefore, it is the responsibility of both the employer and the retired annuitant to ensure that the type of work performed falls within the criteria. If CalPERS receives information that a retired annuitant may be performing work that is outside the restrictions of Government Code sections 21224 and 7522.56

and confirms noncompliance with the restrictions, the retired annuitant may be required to do the following at CalPERS' discretion:

1. Reimburse CalPERS for the retirement income received during the unlawful employment;
2. Pay the employee share of retirement contribution, with interest, that would have otherwise been paid during the period of unlawful employment; and
3. Pay CalPERS for administrative expenses incurred to investigate the situation if the retiree is determined to be at fault.¹

Please note that, in addition, the CalPERS employer may be required to pay the employer share of retirement contributions, with interest, that should otherwise have been paid, plus administrative expenses if the employer is determined to be at fault. However, the consequences of doing work outside the statutory limitations are more severe for the retired annuitant than for the CalPERS employer.

The District has reviewed your job assignment and duties with me and has determined that your assignment meets the PERL's and PEPRA's requirements for employment of a retired annuitant. If you have any concerns about your duties/assignment or if any changes to your duties/assignment occur during your temporary employment, please contact your manager immediately to ensure that your duties continue to meet the criteria listed in sections 21224 and 7522.56. Although the District has concluded that the services you will provide as described above comply with the restrictions on work performed by retired annuitants, the District cannot guarantee that CalPERS would make the same determination if it were to review the nature of your work for the District. Therefore, you should also satisfy yourself that your work will be in compliance with the law's work restrictions for retired annuitants.

Please print and sign this letter. It can be emailed to Samantha Koehler, Human Resources Analyst II, at koehler@dsrsd.com.

Please return this letter within three (3) business days. You should also retain a copy of the appointment letter for your records.

We feel very fortunate and are extremely pleased you have accepted this appointment.

Sincerely,

Dan McIntyre
General Manager

cc: Personnel File
 Jan Lee, Assistant General Manager
 Jeff Carson, Operations Director

I, Levi Fuller, hereby accept the offer as outlined in this letter.

Signature

Date

¹ Gov. Code, § 21220(b).



TITLE: Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Motion, a continuation of the State of Emergency response to the COVID-19 pandemic, as declared by the General Manager and confirmed and ratified by Resolution No. 26-20 and find that there exists a need for continuing the District's COVID-19 emergency which the Board last confirmed on September 21, 2021.

DISCUSSION:

On March 16, 2020, the General Manager, as the District's Emergency Manager per the Emergency Response Plan policy (P300-16-2), declared a District State of Emergency in response to the COVID-19 pandemic and state and local public health orders that limited the operations of certain businesses and activities to protect public health and slow the spread of the virus. District emergency plans were aggressively implemented to allow for operational flexibility in meeting the challenges of COVID-19, while providing essential water and wastewater services. On March 25, 2020, the Board of Directors approved Resolution No. 26-20, which confirmed the continuation of the District State of Emergency and directed the General Manager to report on progress at least at every regularly scheduled meeting until the State of Emergency is terminated.

Since the first Bay Area Shelter-in-Place order was issued on March 16, 2020, the State of California, Alameda County Health Officer, and California Division of Occupational Safety and Health (Cal/OSHA) have implemented and modified several COVID-19 restrictions that affect DSRSD's safety practices and operations. These COVID-19 restrictions have evolved based on changing pandemic conditions. The District is in compliance with all applicable COVID-19 regulations for the workplace.

The California State of Emergency for COVID-19 remains in effect. Although COVID-19 and hospitalization rates are noticeably declining, community transmission of COVID-19 remains high within our service area. To assure proper staffing and support of critical operational functions, staff is requesting the Board find that there still exists a need to continue the COVID-19 State of Emergency reflected by Resolution No. 26-20.

Originating Department: Office of the General Manager	Contact: J. Lee	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		

**TITLE:** Approve Stage 1 Water Shortage Condition Rates**RECOMMENDATION:**

Staff recommends the Board of Directors approve, by Resolution, Stage 1 Water Shortage Condition Rates.

SUMMARY:

Staff projected the fiscal impact of the Zone 7 Water Agency's (Zone 7) mandatory 15% conservation target for fiscal year ending (FYE) 2022. Per District Code Section 4.40.030, the Board may adopt water shortage condition rates, which were designed to mitigate revenue loss from reduced water sales. Three water shortage condition rate options with corresponding customer impacts have been prepared for Board consideration. Since DSRSD does not have a water shortage condition rate of 15%, staff is recommending Option 3 which implements Stage 1 rates (10% water reduction goal) and funds the additional lost revenue with operating budget savings and fund reserves.

DISCUSSION:

On September 21, 2021, the Board declared a Stage 2 Water Shortage Emergency and mandated 15% water conservation. In addition to the demand reduction measures identified in the District's Water Shortage Contingency Plan and regulations on water use per the District Code Chapter 4.20, the Board may also consider implementation of water shortage rates to incentivize water conservation. Table 1 summarizes the projected fiscal impact to the Water Operating Fund (Fund 600) under three water shortage condition rate options.

Table 1 – Fund 600 Projected Fiscal Impacts

	Option 1	Option 2	Option 3
Fund 600	Normal Conditions	Stage 2	Stage 1
Water Reduction Goal	0%	20%	10%
Revenue – 20% reduction plus stage rate increases	(2,780,785)	(2,006,242)	(2,443,245)
Expense – water purchase reduction	(1,803,345)	(1,803,345)	(1,803,345)
Projected Fiscal Impact	(977,440)	(202,897)	(639,900)
Salary Savings	291,367	291,367	291,367
Projected Fiscal Impact (after salary savings)	(686,073)	88,470	(348,533)

As the District's water customers conserved greater than the mandatory target during the last drought (2014–2016), staff assumed in its fiscal projections for the three options an overall 20% reduction (5% greater than the mandatory target set by Zone 7) for the remainder of the fiscal year beginning in September. Staff also conservatively assumed delayed customer growth for the remainder of FYE 2022. The fiscal impact of delayed customer growth is estimated to be \$205,000 and would not be recovered by the implementation of water shortage condition rates. Revenue loss from reduced water sales is projected to be approximately \$2.78 million. The revenue loss would be partially mitigated by lower water purchase expenses of \$1.80 million and any water shortage condition rates approved (Options 2 and 3). Options 2 and 3 assume water shortage condition rates to be effective November 5, 2021, for consistency with the Stage 2 Water Shortage Emergency declaration.

Originating Department: Administrative Services	Contact: H. Chen	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: \$639,900 cost for Water Enterprise (Fund 600 and Fund 605)	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	20 of 95	

For all three options, staff is projecting approximately \$291,000 in salary savings from vacant positions in Fund 600, which may further reduce the projected fiscal impact from water fund reserves if realized.

Option 1 – Keep Rates Unchanged and Utilize Reserves

When Zone 7 declared a Stage 2 Water Shortage Emergency and mandated a 15% conservation target to retailers, wholesale water rates were not increased. Instead, Zone 7 will utilize reserves to offset anticipated revenue losses. Similarly, DSRSD's Option 1 assumes no water shortage condition rates are implemented and the District will utilize the Water Rate Stabilization Fund (Fund 605) to offset a projected \$977,000 fiscal impact (\$686,000 after anticipated salary savings). Preliminary FYE 2021 ending balances for Water Operation Funds (Fund 600 and 605) total \$28.40 million, which is \$5.85 million above policy target reserve (\$22.55 million) and \$17.12 million above policy minimum reserve (\$11.28 million) set by the District's Financial Reserves policy (P400-15-1).

Option 2 – Utilize Stage 2 Water Shortage Condition Rates

Option 2 assumes Stage 2 Water Shortage Condition Rates, which were designed to offset a 20% conservation target revenue loss. As a result, the revenue loss in Option 2 was reduced approximately \$775,000 to \$2.01 million compared to Option 1 (no stage rates). With the decrease in water purchase expenses of \$1.80 million, this results in a projected net fiscal impact of \$203,000 (a gain of \$88,000 after anticipated salary savings). The projected fiscal impact is primarily due to the conservative delayed customer growth assumption of approximately \$205,000. This option has the least impact to water fund reserves and is consistent with the water emergency declaration (Stage 2 Water Shortage Emergency declaration and Stage 2 Water Shortage Condition Rates). However, Option 2 will have the greatest customer bill impact among the three proposed options.

Option 3 – Utilize Stage 1 Water Shortage Condition Rates, Budget Reductions, and Reserves

Option 3 is a balanced approach between Options 1 and 2 and assumes Stage 1 Water Shortage Condition Rates (10%). Option 3 would utilize less water fund reserves than Option 1 and have a lower customer bill impact than Option 2. However, Stage 2 (20% water reduction goal) rates in Option 2 were designed to have a stronger price signal compared to the Stage 1 rates (10% water reduction goal). As price signals from higher rates are typically one of the stronger tools to incentivize conservation, Option 3 is reliant on other public outreach and enforcement efforts to reach the Zone 7 15% mandatory conservation target. The projected fiscal impact for Option 3 is \$640,000 (\$349,000 after anticipated salary savings).

Customer Bill Impacts for Options 1, 2, and 3

Tables 2 – 4, below, reflect the bill impact to the District's single-family residence (SFR) customers at various consumption levels.

Table 2 reflects the bill impact for low SFR customers, and is based on a bimonthly consumption of 13 hundred cubic feet (ccf). The consumption level is based on SB 606 (Hertzberg) and AB 1668 (Friedman), which established an indoor water use standard of 50 gallons per capita per day (gpcd) by January 2030. Staff assumed the 50 gpcd standard as the lowest water usage for households (3.03 persons per household in the City of Dublin per Census data) in the District. Accordingly, households at the low consumption level may not be able to conserve the mandatory 15% to mitigate water shortage condition rates because further conservation could reduce consumption below essential water use, which would have health, safety, and welfare impacts. Low consumption customer water bills would increase \$5.46 bimonthly (\$2.73 monthly equivalent) under Option 2 and \$2.34 bimonthly (\$1.17 monthly equivalent) under Option 3.

Table 2 – Customer Bill Impact (Low Single-Family Residence)

Water Shortage Condition Consumption (Bimonthly)	Current	Option 1	Option 2	Option 3
	Normal Conditions	Normal Conditions	Stage 2	Stage 1
	13 Units	13 Units	13 Units	13 Units
Fixed Charges				
Service Charge (5/8")	\$35.73	\$35.73	\$35.73	\$35.73
Consumption Charges				
Zone 7 Cost of Water	\$50.05	\$50.05	\$50.05	\$50.05
Single-Family Residential	\$17.16	\$17.16	\$21.58	\$19.11
Power Charge	\$3.38	\$3.38	\$4.42	\$3.77
Total Bimonthly Bill	\$106.32	\$106.32	\$111.78	\$108.66
Bill Impact (\$)		-	\$5.46	\$2.34
Bill Impact (%)		-	5.14%	2.20%

Table 3 reflects the average SFR consumption of 20 ccf and is based on historical billed consumption from an eight-month period between January to August 2021. Average consumption is slightly higher than historical consumption due to higher telecommuting during the current pandemic. When the pandemic subsides, staff anticipates average SFR consumption to decline as employers limit telecommuting options. If the mandatory 15% conservation target is met, average SFR consumption customer water bills would decrease in all scenarios.

Table 3 – Customer Bill Impact (Average Single-Family Residence)

Water Shortage Condition Consumption (Bimonthly)	Current	Option 1	Option 2	Option 3
	Normal Conditions	Normal Conditions	Stage 2	Stage 1
	20 Units	17 Units	17 Units	17 Units
Fixed Charges				
Service Charge (5/8")	\$35.73	\$35.73	\$35.73	\$35.73
Consumption Charges				
Zone 7 Cost of Water	\$77.00	\$65.45	\$65.45	\$65.45
Single-Family Residential	\$26.40	\$22.44	\$28.22	\$24.99
Power Charge	\$5.20	\$4.42	\$5.78	\$4.93
Total Bimonthly Bill	\$144.33	\$128.04	\$135.18	\$131.10
Bill Impact (\$)		(\$16.29)	(\$9.15)	(\$13.23)
Bill Impact (%)		-11.29%	-6.34%	-9.17%

Table 4 reflects high SFR consumption of 35 ccf, which represents the average consumption of the District's highest 25% SFR customers for the eight-month period between January to August 2021. High SFR consumption customers would realize approximately the same level of decrease percentagewise in customer water bills if the mandatory 15% conservation target is met.

Table 4 – Customer Bill Impact (High Single-Family Residence)

Water Shortage Condition Consumption (Bimonthly)	Current	Option 1	Option 2	Option 3
	Normal Conditions	Normal Conditions	Stage 2	Stage 1
	35 Units	30 Units	30 Units	30 Units
Fixed Charges				
Service Charge (5/8")	\$35.73	\$35.73	\$35.73	\$35.73
Consumption Charges				
Zone 7 Cost of Water	\$134.75	\$115.50	\$115.50	\$115.50
Single-Family Residential	\$46.20	\$39.60	\$49.80	\$44.10
Power Charge	\$9.10	\$7.80	\$10.20	\$8.70
Total Bimonthly Bill	\$225.78	\$198.63	\$211.23	\$204.03
Bill Impact (\$)	(\$27.15)	(\$14.55)	(\$21.75)	
Bill Impact (%)	-12.02%	-6.44%		-9.63%

Staff is recommending approval of Option 3 as part of the District's water conservation efforts. Water Operation fund reserves are sufficient to mitigate the fiscal impact in all three scenarios regardless of whether salary savings are realized. However, without price signals from water shortage condition rates, Option 1 would be entirely reliant on other public outreach and enforcement efforts to reach the Zone 7 15% mandatory conservation target. In addition, the price signal under Option 2, while consistent with the Stage 2 Water Shortage Emergency declaration, is stronger than necessary resulting in higher customer bill impacts than the other two options. The balanced approach in Option 3 is intended to introduce the lowest price signal available as a component to the District's conservation efforts. Staff anticipates providing a status update on water revenue in March 2022, after State Water Project allocations are published, and if needed, proposing adjustments to water shortage condition rates.

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPROVING STAGE 1 WATER SHORTAGE CONDITION RATES AS AUTHORIZED BY RESOLUTION NO. 21-19 ESTABLISHING WATER CONSUMPTION RATES DURING A WATER SHORTAGE CONDITION

WHEREAS, on June 15, 2021, the Dublin San Ramon Services District (District) Board of Directors adopted the District's 2020 Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan (WSCP). The WSCP defined six water shortage stages ranging from 10% to greater than 50% shortage conforming with the state's required stages; and

WHEREAS, on September 21, 2021, the District adopted District Code Section 4.20.040 Water Emergencies under Chapter 4.20 Potable Water Use Regulations and Protective Measures, to incorporate into the District Code, provisions for enforcement of the water-use restrictions at each stage, which was included in the adopted 2020 UWMP and WSCP; and

WHEREAS, calendar year 2021 is a critically dry year and is the second dry year in a row; and

WHEREAS, 93% of California is in severe drought with 45% in an exceptional drought, according to the latest information from the U.S. drought monitor; and

WHEREAS, on May 10, 2021, Governor Newsom issued a Proclamation of a State of Emergency due to drought conditions in 41 counties, including the Sacramento-San Joaquin Delta and Alameda Counties; and

WHEREAS, on July 8, 2021, Governor Newsom issued Executive Order No. N-10-21, which called for 15% voluntary water conservation statewide; and

WHEREAS, the District's potable water supply is provided by Zone 7 of Alameda County Flood Control and Water Conservation District (Zone 7); and

WHEREAS, on average 90% of the Zone 7 water supply is from the California State Water Project (SWP); and

WHEREAS, the SWP's largest reservoir, Oroville Reservoir, is at 22% of capacity, the lowest in the reservoir's history; and

WHEREAS, the combination of extremely low storage in the SWP water system and continuing dry conditions may limit the amount of water available to Zone 7 from the SWP. Further, if conditions are severe, there could be periods of Delta outages; and

WHEREAS, Zone 7 has determined that water shortage emergency conditions are likely to exist in Zone 7's service area based on current and projected conditions; and

Res. No. _____

WHEREAS, on September 1, 2021, Zone 7 declared a Stage 2 Water Shortage Emergency mandating retailers to reduce potable water usage by 15% as compared to the year 2020; and

WHEREAS, the District is authorized pursuant to California Water Code Section 350 to declare a water shortage emergency condition whenever it finds and determines that the ordinary demands and requirements of customers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water supply for human consumption, sanitation, and fire protection; and

WHEREAS, the District is further authorized pursuant to California Water Code Sections 350 and 375 to adopt and enforce measures and programs to reduce the quantity of water used by customers for the purpose of conserving and preserving water supplies for human consumption, sanitation, and fire protection; and

WHEREAS, District Resolution No. 20-09 and Ordinance No. 324 provide for a Water Conservation Program, which provides for declarations of water shortage and implementation of water shortage measures; and

WHEREAS, the District has defined Water Shortage Stages and corresponding demand reduction actions in its Water Shortage Contingency Plan and District Code Chapter 4.20; and

WHEREAS, on September 21, 2021, the Board declared a Stage 2 Water Shortage Emergency and established mandatory conservation measures to achieve a 15% reduction in water use; and

WHEREAS, the District has previously adopted Resolution No. 21-19, Establishing Water Rates under Chapter 4.40 of the District Code, to establish water consumption rates during a water shortage in accordance with District Code Section 4.20.040.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

1. Stage 1 Water Condition Rates During a Water Shortage, as adjusted in accordance with Board Resolution No. 21-19 and as authorized by Section 4.20.040 of the District Code (Water Emergencies), are in effect upon adoption, but such rates shall be operative on November 5, 2021, and such rates shall thereafter remain in effect until terminated by a resolution of the Board of Directors.

Res. No. _____

The table below shows the Stage 1 Rates effective November 5, 2021:

	Stage One (per ccf)
Potable Consumption Charge	\$1.47
Potable Irrigation Charge	\$1.88
Power Charge	\$0.29

2. In accordance with District Resolution No. 21-19, in January 2022, and continuing annually through January 2024, for all water condition rates during a water shortage as identified in the table above, the General Manager is authorized and directed to adjust user charges by the percentage increase by which the most recent June Consumer Price Index – All Urban Consumers for the San Francisco-Oakland-Hayward, CA area as increased in relation to the preceding June Consumer Price Index.

3. Any conflicting resolutions or Board actions authorizing water shortage condition rates are superseded by this Resolution and this Resolution shall control such matters until terminated by a resolution of the Board of Directors as provided for herein.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 5th day of October, 2021, and passed by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary



TITLE: Receive Presentation on 2020 Decennial Census Results and Election Redistricting Process and Provide Direction for Proposed Voting Area Maps Based on Census Data Changes

RECOMMENDATION:

Staff recommends the Board of Directors receive a presentation on the 2020 Decennial Census results and election redistricting process and provide direction for proposed voting area maps based on census data changes.

SUMMARY:

Elections Code Section 22000 requires the Board of Directors to adjust the boundaries of its voting divisions following the federal census that occurs every 10 years. The 2020 Decennial Census was completed last year, and the results have recently been released, enabling the District to begin its redistricting process to adopt new division boundaries. The Board will receive a presentation from Demographer Michael Wagaman this evening, who will assist the Board in developing draft division maps for consideration.

DISCUSSION:

On January 15, 2019, the Board adopted a resolution of intent to transition from an at-large to a division-based election system in conformance with the California Voting Rights Act of 2001 ("CVRA"). On May 21, 2019, the Board of Directors adopted an ordinance establishing division boundaries to be used in the 2020 election.

In adjusting those boundaries, the Board is required to draw divisions that meet the following legal requirements:

- Each division shall contain nearly equal population, with any deviations justified by other traditional redistricting criteria.
- Each division shall be drawn in a manner that complies with the state and federal Constitutions, the Federal Voting Rights Act, and state law.
- Consistent with the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), divisions shall not be drawn with race as the predominant factor.
- Each division shall be contiguous, meaning that there are no islands or parts of the division that are not attached to the whole.

Elections Code Section 22000 provides that the Board may also take into consideration the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity and compactness of territory, and (4) community of interests of the division. Essentially, these criteria mean that the Board may consider:

- Keeping communities of interest, such as neighborhoods, school district boundaries, etc., undivided by a division boundary, to the extent feasible.
- Respecting visible natural and man-made geographical and topographical features when drawing division boundaries, as much as possible.
- Having compactness of divisions, including their shape and appearance.
- Identifying changes to the housing stock, including areas of population growth, if any, since lines were drawn in 2019, keeping in mind, however, that divisions will have to contain nearly equal population based on the 2020 Census data.
- Including public facilities in each division, to the extent feasible.
- Including commercial interests in each division, to the extent feasible.

Originating Department: Administrative Services	Contact: N. Genzale	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: \$100,000 from Legislative Division, Administrative Overhead (Fund 900) Account 900.10.10.000.3.340	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Demographer Presentation Attachment 2 – Draft Baseline Maps Attachment 3 – Community of Interest Mapping Tool Attachment 4 – Current Division Map Adopted May 19, 2019	

The additional criteria may or may not be applicable or appropriate in the District's service area.

When the Board considered criteria for the 2019 transition to a "by-division" election system, the Board directed that at least one map be drawn that prioritized county lines and at least one map be drawn that prioritized covering at least two of the service areas.

The community should be encouraged to provide input on some or all of these additional criteria and may also provide input on or suggest other criteria not mentioned above.

Procedural Requirements

Although under the CVRA, the Board was required to hold two public hearings prior to adopting division boundaries, Section 22000 requires only one public hearing on a proposal to adopt new boundaries in light of the federal census prior to the hearing at which a final redistricting plan is adopted. Staff, however, still intends to hold two public hearings at the October 19 and November 16 Board meetings. The District's demographer will inform the District whether population shifts will require major adjustments in division lines. If only minor changes are necessary, the demographer could suggest appropriate changes to the Board at a public meeting, and if the Board agrees, it could schedule a public hearing on the changes and then publish a draft map with the changes that it may adopt by resolution at a subsequent public hearing. The District's current divisions were approved within Ordinance No. 345 which transitioned the District to division-based elections, and this ordinance will require amendment to provide for future division adjustments by resolution as provided for by law.

However, if more extensive changes are necessary, the Board could discuss those changes at an initial meeting, ask the demographer to propose two or more maps that incorporate those changes, and schedule one or more public hearings to take public comment on them. At the end of the final public hearing, the Board can choose one map, publish it, and then adopt it at a subsequent public hearing.

Under Government Code Section 61026, the deadline for adjusting the boundaries is November 1 of the year preceding the next election. However, because the federal census was delayed this year due to the COVID-19 pandemic, the Legislature enacted a one-time adjustment to the deadline, making it now April 17, 2022. Staff recommends that the Board hold its first public hearing on October 19, 2021, in order to provide sufficient time for public outreach to engage the community in the redistricting process. The second hearing would be scheduled for November 16.

Public Outreach

The Board of Directors will be informed by the public input. To support the public in providing input, a map of the current District divisions is attached to this report (Attachment 4). District staff has developed a public outreach strategy to help inform the public on division-based elections and to encourage and obtain feedback and input, using the following methods:

- Establish a dedicated web page on the District's website to provide information regarding the redistricting process and how to submit comments and questions: <http://www.dsrsd.com/about-us/census-redistricting>
- Create a home page slide on the District's website promoting the meetings and links to the dedicated web page
- Post ongoing social media outreach to the District's Facebook, Twitter, and Nextdoor accounts
- Issue a press release to inform residents and businesses in the District's service about how they can participate in the process
- Provide mapping tool for public to submit adjusted division maps for Board consideration

Fiscal and Administrative Impacts

The fiscal and administrative impacts to amend Ordinance No. 345, adopt the required resolution, and implement the procedures to adjust the District's current voting division boundaries will include several dedicated hours from staff, legal, and consultants. Anticipated costs include staff time, General Counsel fees (up to \$25,000), consultant fees for special legal counsel and demographer (up to \$50,000), and public noticing. A preliminary estimate of the total amount necessary to complete this process is estimated to be approximately \$100,000. A redistricting budget was included and approved June 1, 2021 in the District's Operating Budget for Fiscal Years Ending 2022 and 2023. Costs will be charged to the District's Administrative Overhead fund (Legislative budget – Division 10).



**Dublin San Ramon
Services District**

Water, wastewater, recycled water

Redistricting

Dublin San Ramon Services District
Education and Initial Direction

October 5, 2021 29 of 95



Actions Requested

Conduct public hearings to receive input

Provide direction on the composition of voting divisions

Request any additional information needed to facilitate future discussion



Timeline

Hearing	Purpose	Date
1	<ul style="list-style-type: none">• Education• Initial direction	October 5
2	<ul style="list-style-type: none">• Review plans (public & draft)• Provide additional direction	October 19
3	<ul style="list-style-type: none">• Review plans (revised)• Further revise plans if necessary• Adopt final plan	November 16



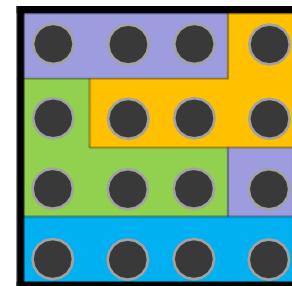
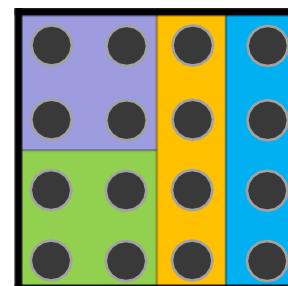
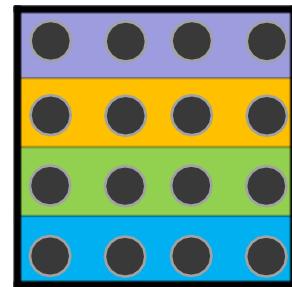
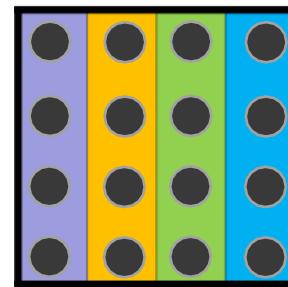
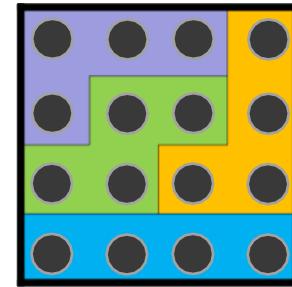
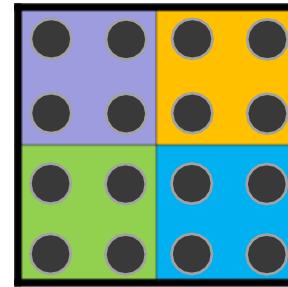
What is Redistricting?

Directors elected from divisions

Populations shift over time

Redistricting the act of
redrawing those lines

How those lines are drawn
affects how people are
represented





Why Redistrict?

New Data: Census conducted every ten years

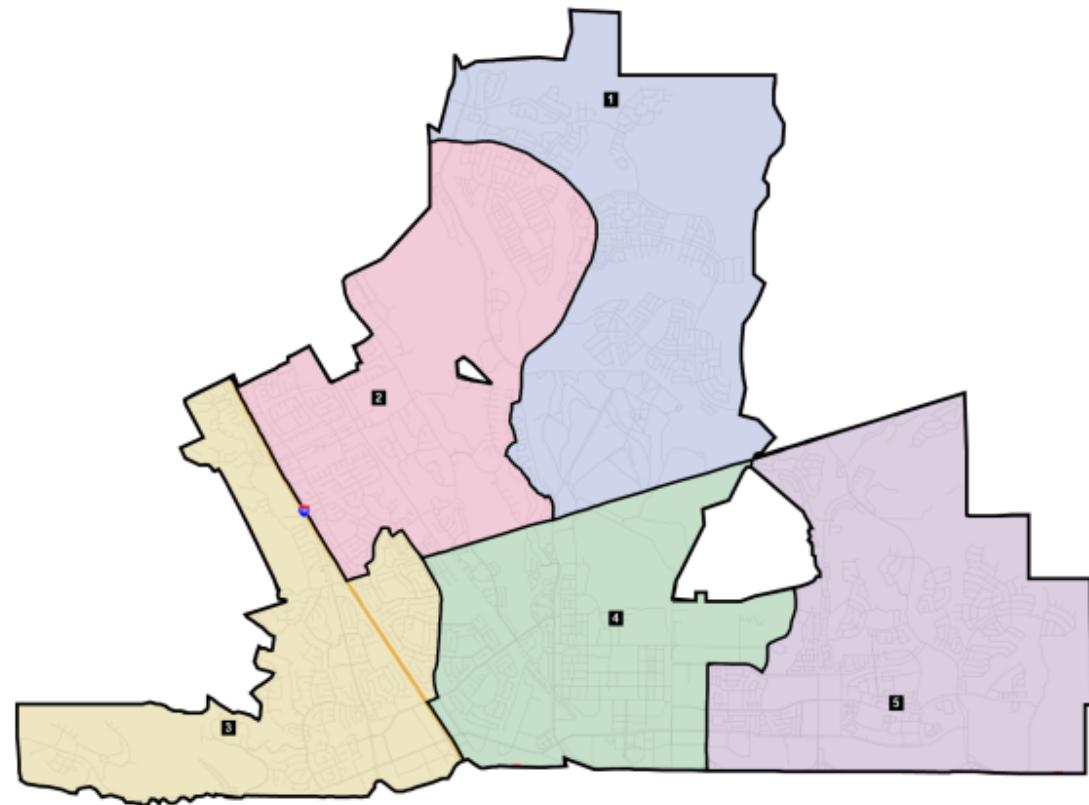
Evolving Rules: Federal/state law continue to change. Both through legislation and the courts

Public Input: Communities change over time. New opportunities to engage public



Current Lines

#	Population [^]	
	Total	Deviation
1	19,360	-19.8%
2	26,066	+8.0%
3	20,454	-15.2%
4	19,205	-20.4%
5	35,545	+47.3%
Total	120,630	
Ideal	24,126	



[^] 2020 Census Redistricting Data. Adjusted for incarcerated populations

+ Boundaries adjusted to conform to 2020 Census geography when necessary



Current Lines

#	Population^		Citizen Voting Age Population^					
	Total	Deviation	Total	Latino*	Asian*	Black*	NH-White	
1	19,360	-19.8%	10,006	3.1%	71.3%	0.8%	19.8%	
2	26,066	+8.0%	12,928	9.7%	29.9%	5.6%	53.4%	
3	20,454	-15.2%	12,569	12.5%	25.5%	2.9%	56.8%	
4	19,205	-20.4%	8,526	13.8%	24.1%	6.5%	51.5%	
5	35,545	+47.3%	14,826	7.0%	58.8%	4.8%	26.2%	
Total	120,630		58,855	9.1%	42.4%	4.1%	41.3%	
Ideal	24,126							

[^] 2020 Census Redistricting Data. Adjusted for incarcerated populations

+ 2015-2019 American Community Survey Special Tabulation

* Calculated pursuant to OMB BULLETIN NO. 00-02



Relevant Laws

U.S. Constitution

Federal Voting Rights Act

State Constitution and Code

Case Law



Equal Population

Equal Population: "As far as practicable"

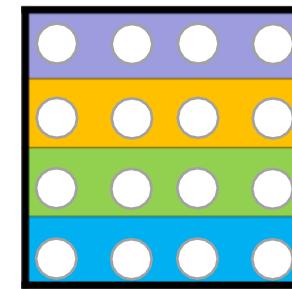
Exact: no. Good faith: yes

Deviation: Difference between actual & ideal size

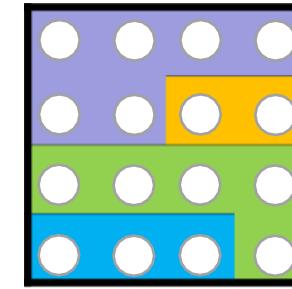
10% no longer clear “safe harbor”

California provides adjusted data for incarcerated populations

Equal



Not



14th Amendment & Voting Rights Act

Race: Must not be the “predominant” factor

Can consider along with traditional, race-neutral, criteria

Traditional criteria must not be subordinate

Vote Dilution: Avoid depriving minority voters of an equal opportunity to elect a candidate of their choice

Discriminatory intent not required, only effect

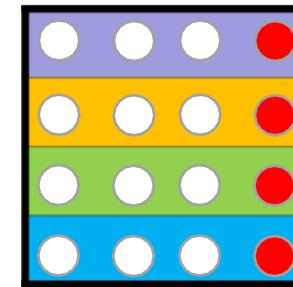


Voting Rights Act

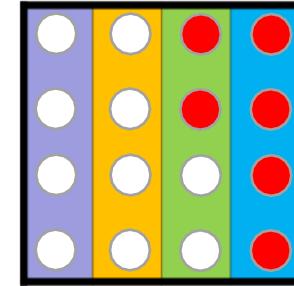
Gingles Criteria:

1. The minority group must be sufficiently large and geographically compact to constitute a majority in a district
2. The minority group must be politically cohesive
3. The white majority votes sufficiently as a block to enable it to usually defeat the minority's preferred candidate

Cracking



Packing



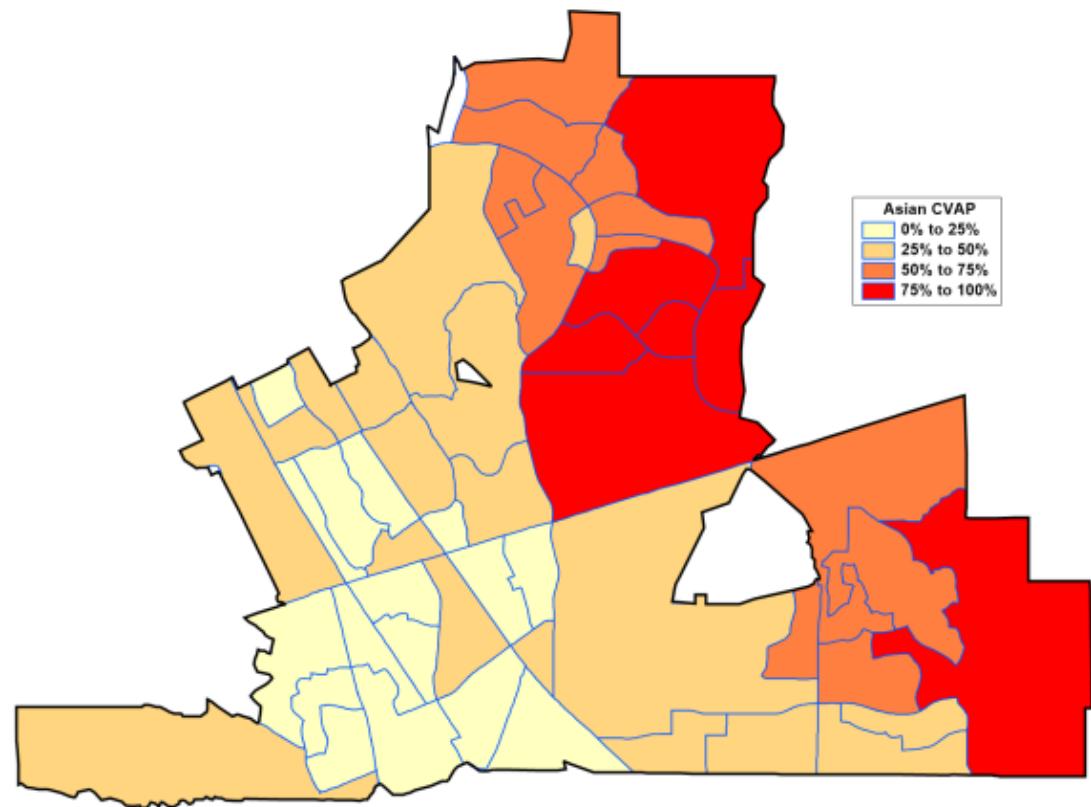
Dispersing into several districts such that a block-voting majority can routinely outvote

Concentrating to minimize influence in other districts



Voting Rights Act

#	CVAP+ Asian*
1	71.3%
2	29.9%
3	25.5%
4	24.1%
5	58.8%
Total	42.4%



+ 2015-2019 American Community Survey Special Tabulation

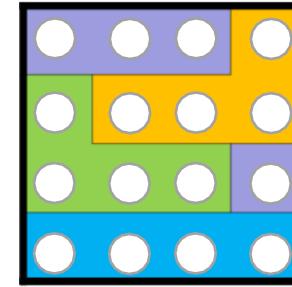
* Calculated pursuant to OMB BULLETIN NO. 00-02



Election Code 22000

Contiguity: All parts should be connected

Non-Contiguous

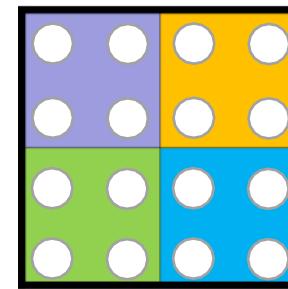




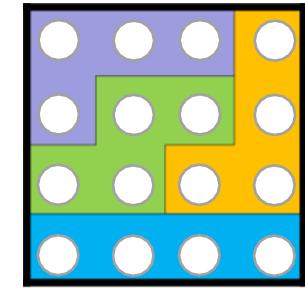
Election Code 22000

Compactness: Be aware of shape and appearance

More



Less





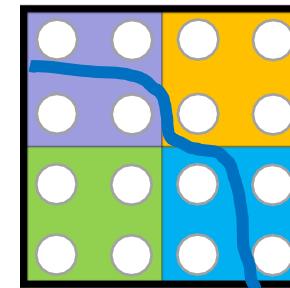
Election Code 22000

Topography and Geography:

Natural and man-made barriers
and boundaries

Not always compact

Compact, But...





Election Code 22000

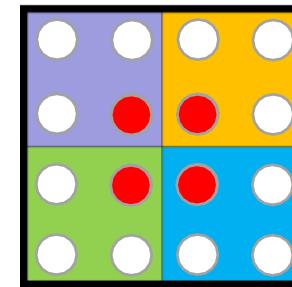
Community of Interest:

Sharing common interests.
Bringing like people together
for representation

Minimize splits of communities
of interest into different districts

Law generally does not limit
the kinds of interests that may
bind a community

Split Community





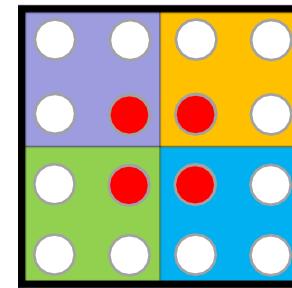
Election Code 22000

COI Examples: Common assets like schools and shopping areas, housing, culture and language, and employment

Can consider existing data such as city planning information

No definitive dataset

Split Community





Things to Remember

Strive for population equality. Be prepared to justify deviations

Ensure compliance with federal Voting Rights Act. Avoid vote dilution where required

Do not use race as the predominant factor. Only as one of many factors and cannot subordinate other redistricting criteria

Focus on traditional criteria. Draw compact, contiguous divisions, making use of existing topography and geography, while respecting communities of interest



Census Data

Census: Conducted every ten years.

Purpose is to count every person

Used to determine if populations are equal

Reported by census blocks

ACS: Monthly sample averaged over five years

Purpose to estimate a more detailed demographics

Used to determine compliance with Voting Rights Act.

Reported primarily by census block groups or tracts

But California breaks down CVAP data to census block



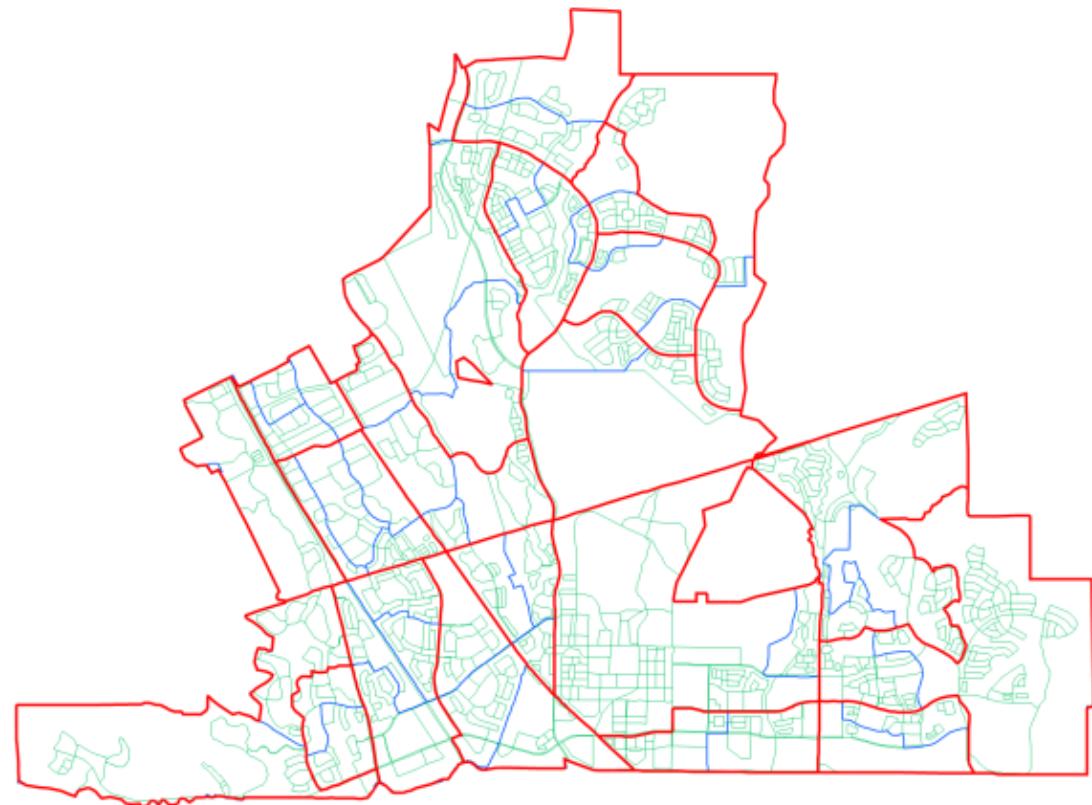
Census Geography

Type	#	Average Pop
------	---	-------------

Block 1,011 119

Block Group 55 2,193

Tract 21 5,744





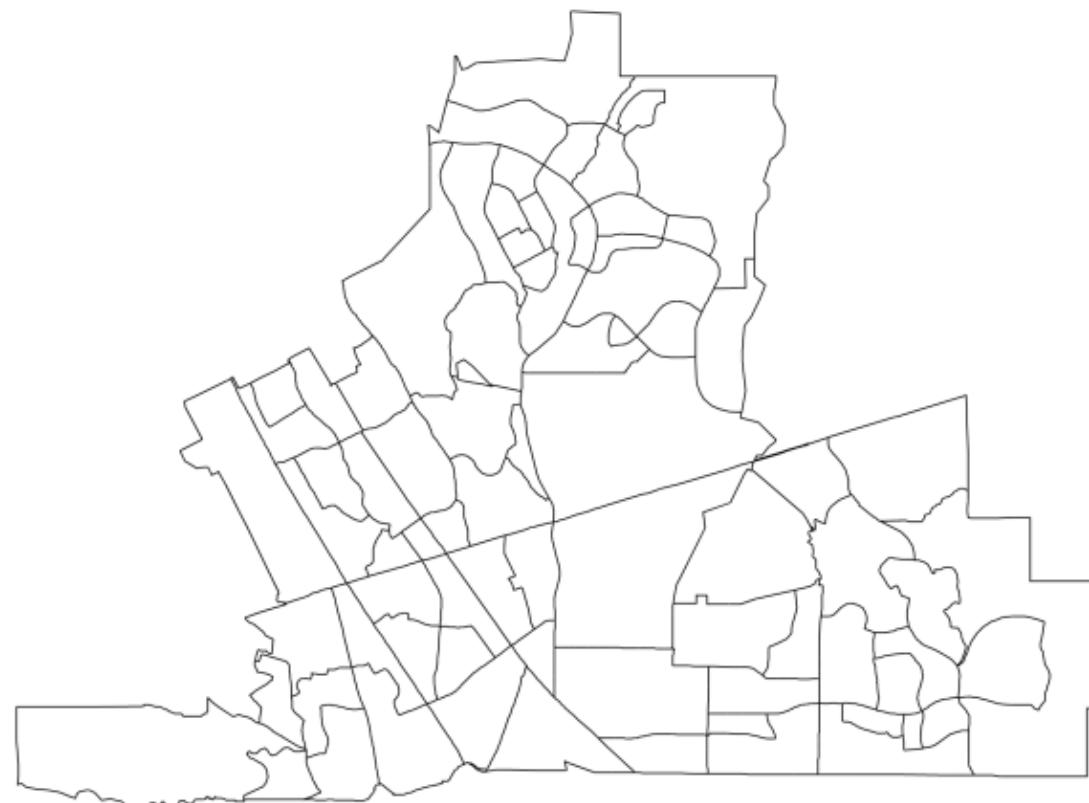
Slice Geography

Type	#	Average Pop
------	---	-------------

Slice 78 1,547

Slices: Combination of census block groups, understandable boundaries and existing plan

Used to allow for public redistricting plans





Public Input

Communities of Interest:

- Where is it located?
- What is the mutual interest of the community?
- Why should it be kept together?

Printable worksheet

Plans:

Worksheet and interactive excel using slices

Basic demographics, PDF, interactive map, and GIS files produced for all plans



Two Phases

Phase I: Before drawing draft plans:

- October 5

Input on communities of interest, existing lines, and potential changes

Phase II: After first draft plans

- October 19
- November 16

Chance for feedback, suggested revisions, and alternate plans.

Final plans must be adopted by April 17



Resources

Webpage

- <https://www.dsrsd.com/about-us/census-redistricting>

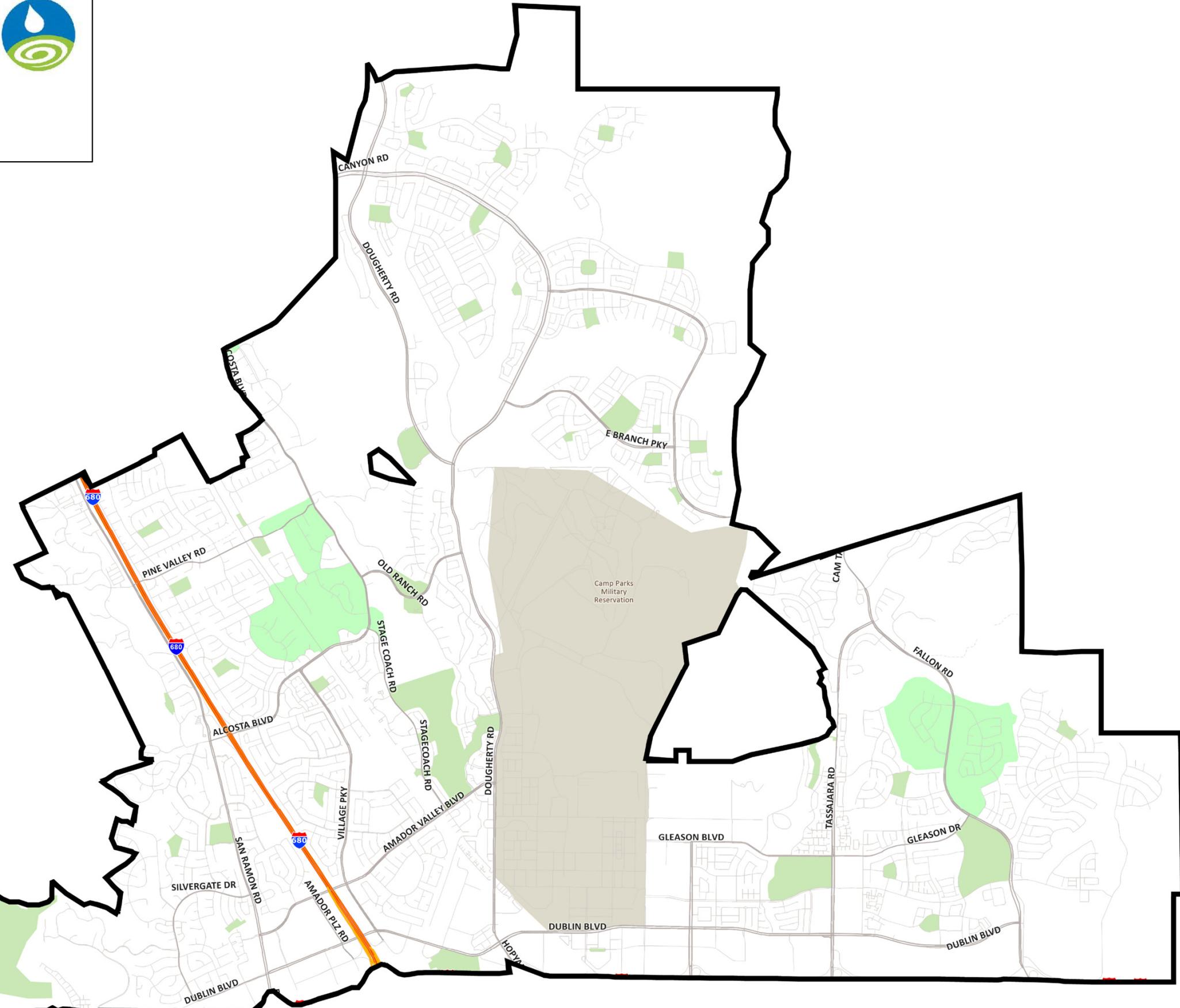
Staff Contact

- Lea Blevins, Public Affairs
- Nicole Genzale, District Secretary

Email Contact

- contact@dsrsd.com

Dublin San Ramon
Services District
Baseline Geography

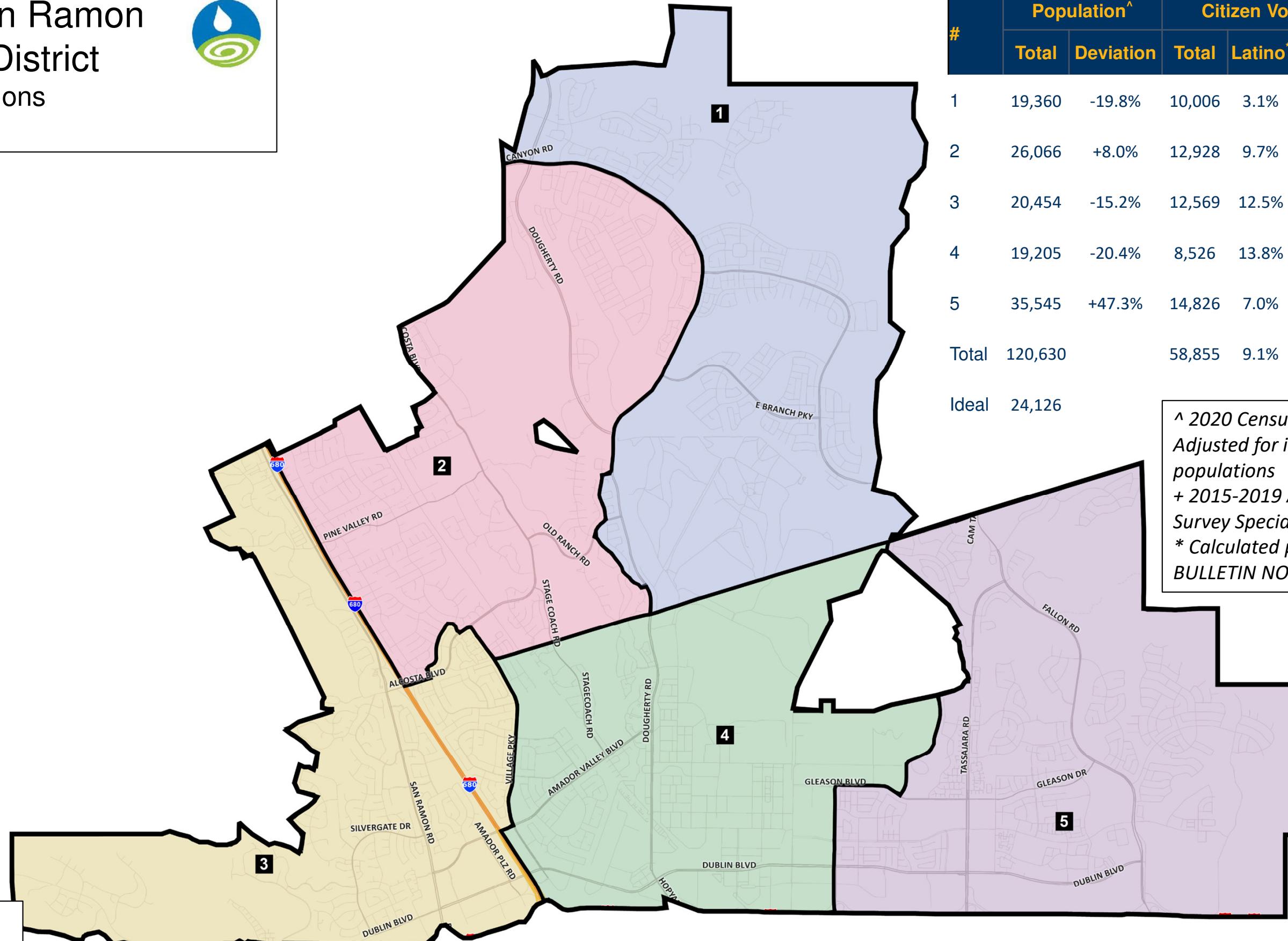


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STRATEGIES

Dublin San Ramon Services District



Current Divisions



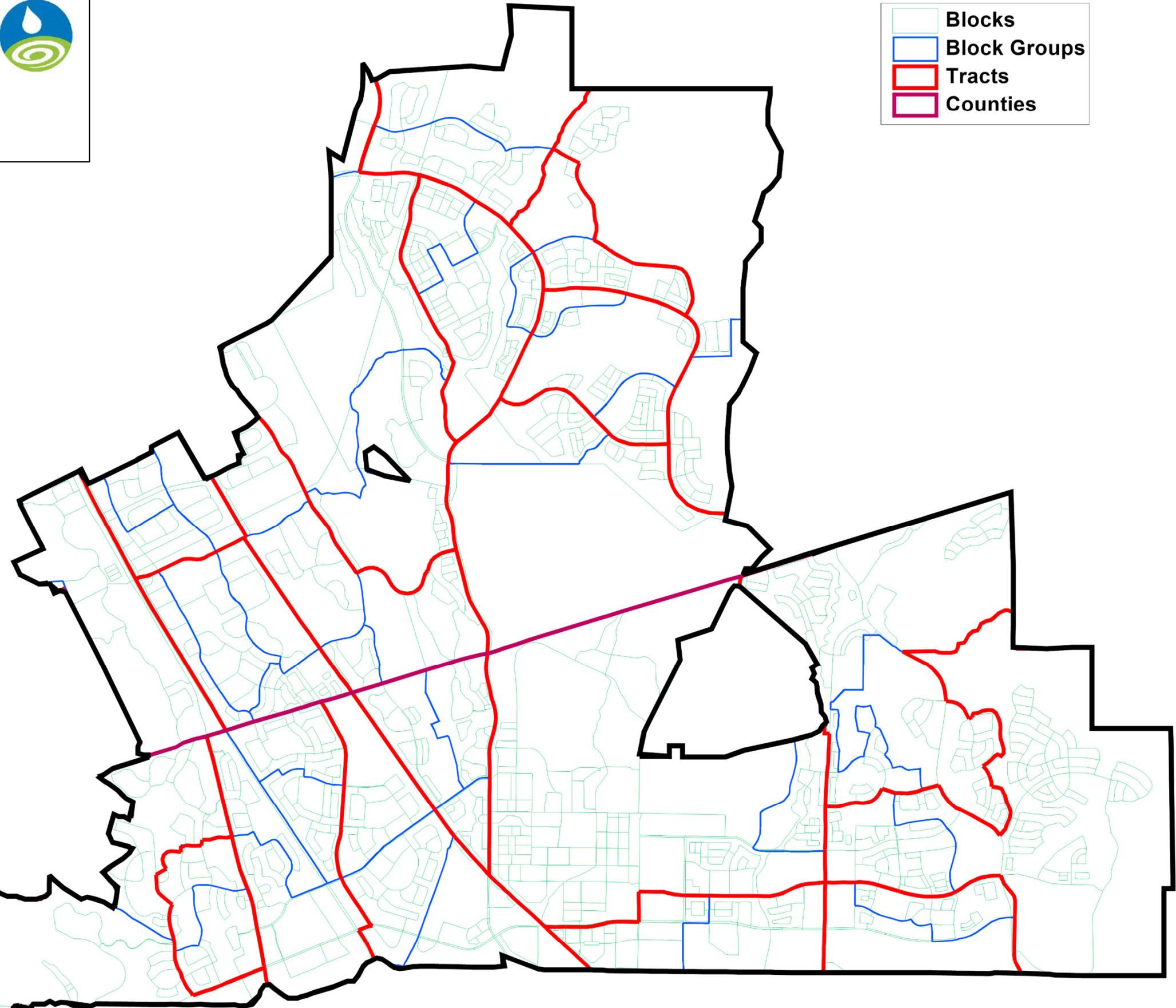
#	Population^		Citizen Voting Age Population^				
	Total	Deviation	Total	Latino*	Asian*	Black*	NH-White
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Total	120,630		58,855	9.1%	42.4%	4.1%	41.3%
Ideal	24,126						

[^] 2020 Census Redistricting Data.
 Adjusted for incarcerated populations
⁺ 2015-2019 American Community Survey Special Tabulation
 * Calculated pursuant to OMB BULLETIN NO. 00-02

Dublin San Ramon
Services District
Census Geography



- Blocks
- Block Groups
- Tracts
- Counties



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STRATEGIES

Dublin San Ramon Services District

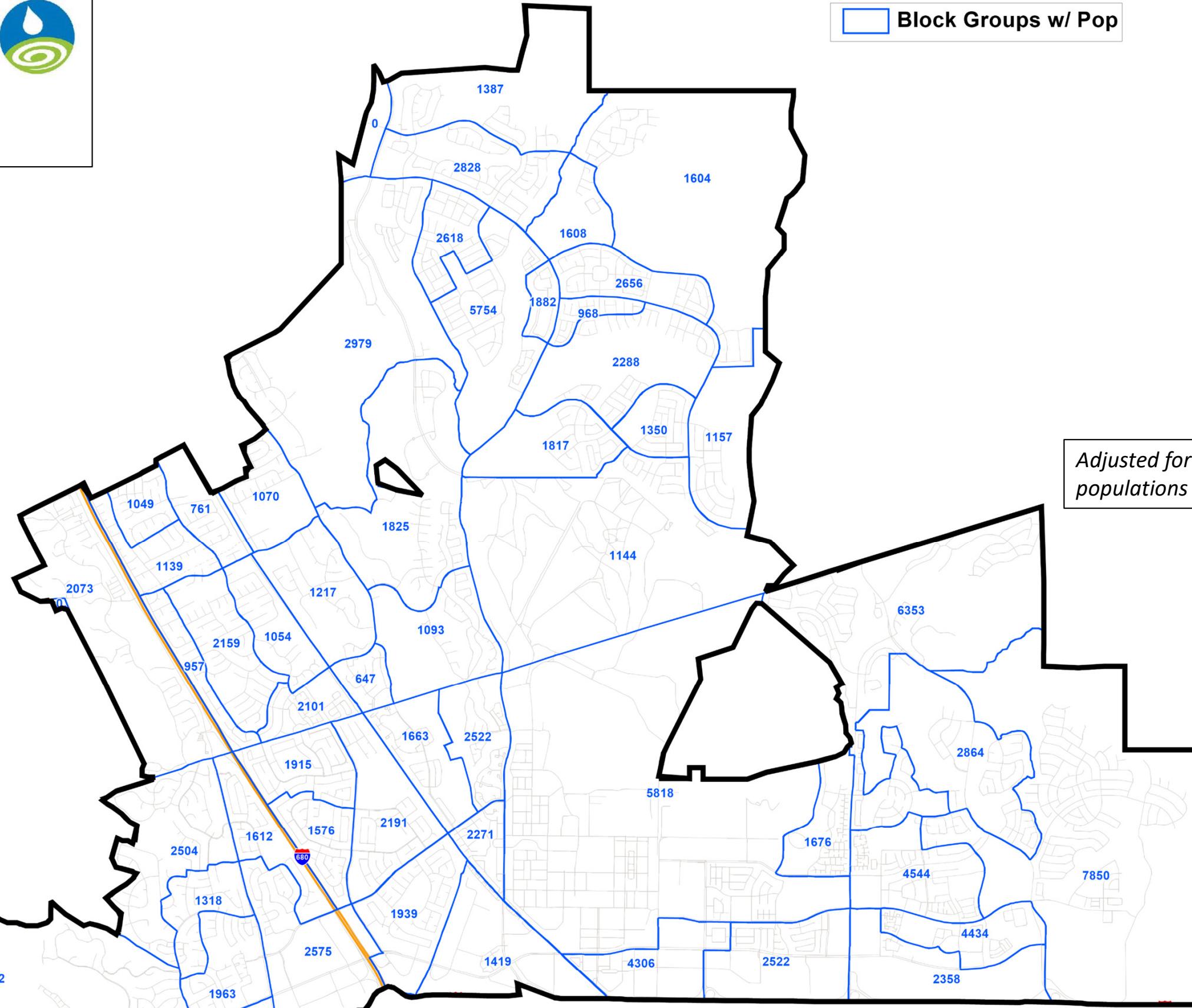
Population by Block Group



Block Groups w/ Pop

Adjusted for incarcerated populations

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STRATEGIES

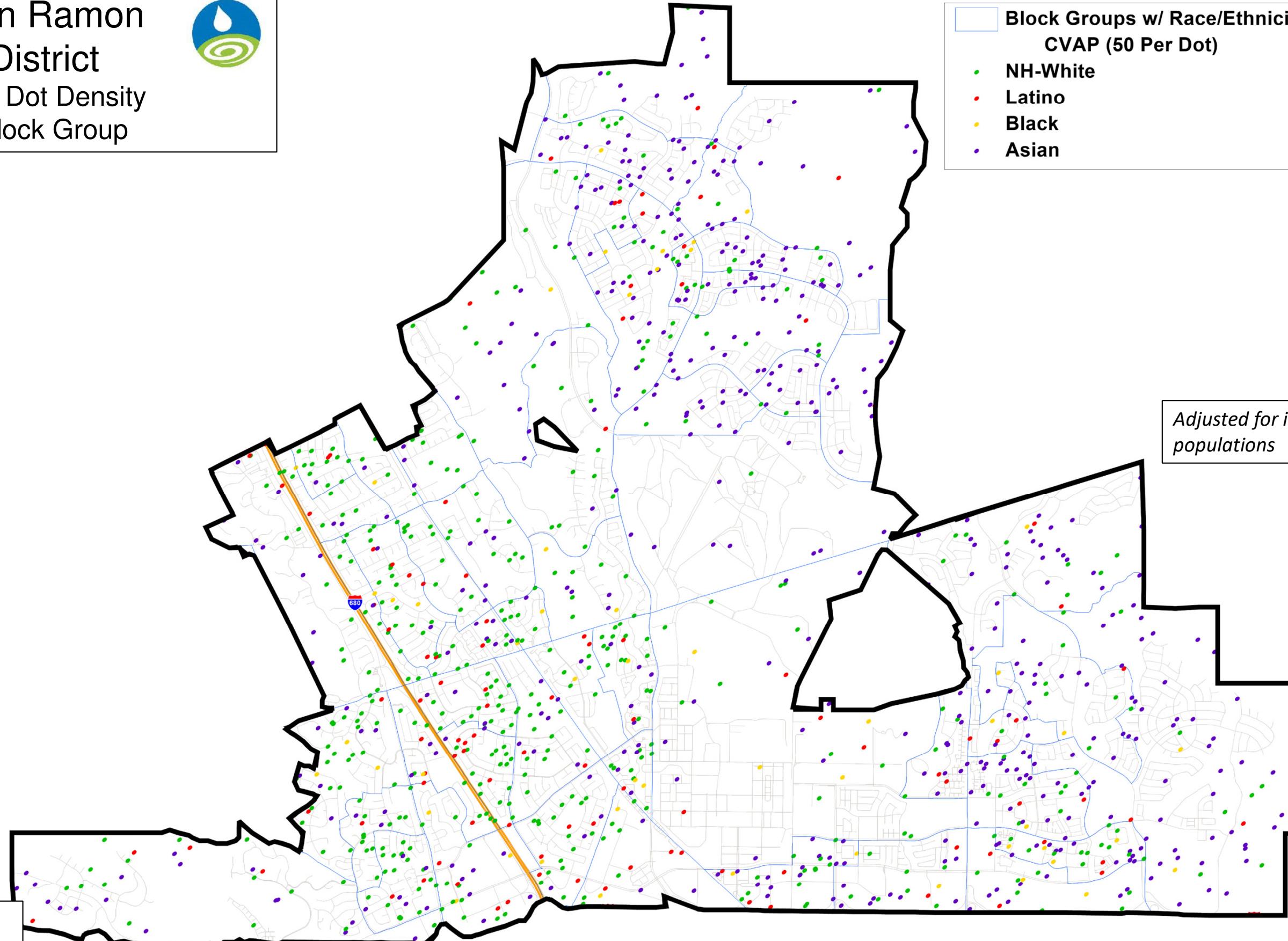


Dublin San Ramon
Services District
Racial/Ethnic Dot Density
By Census Block Group



Block Groups w/ Race/Ethnicity
CVAP (50 Per Dot)

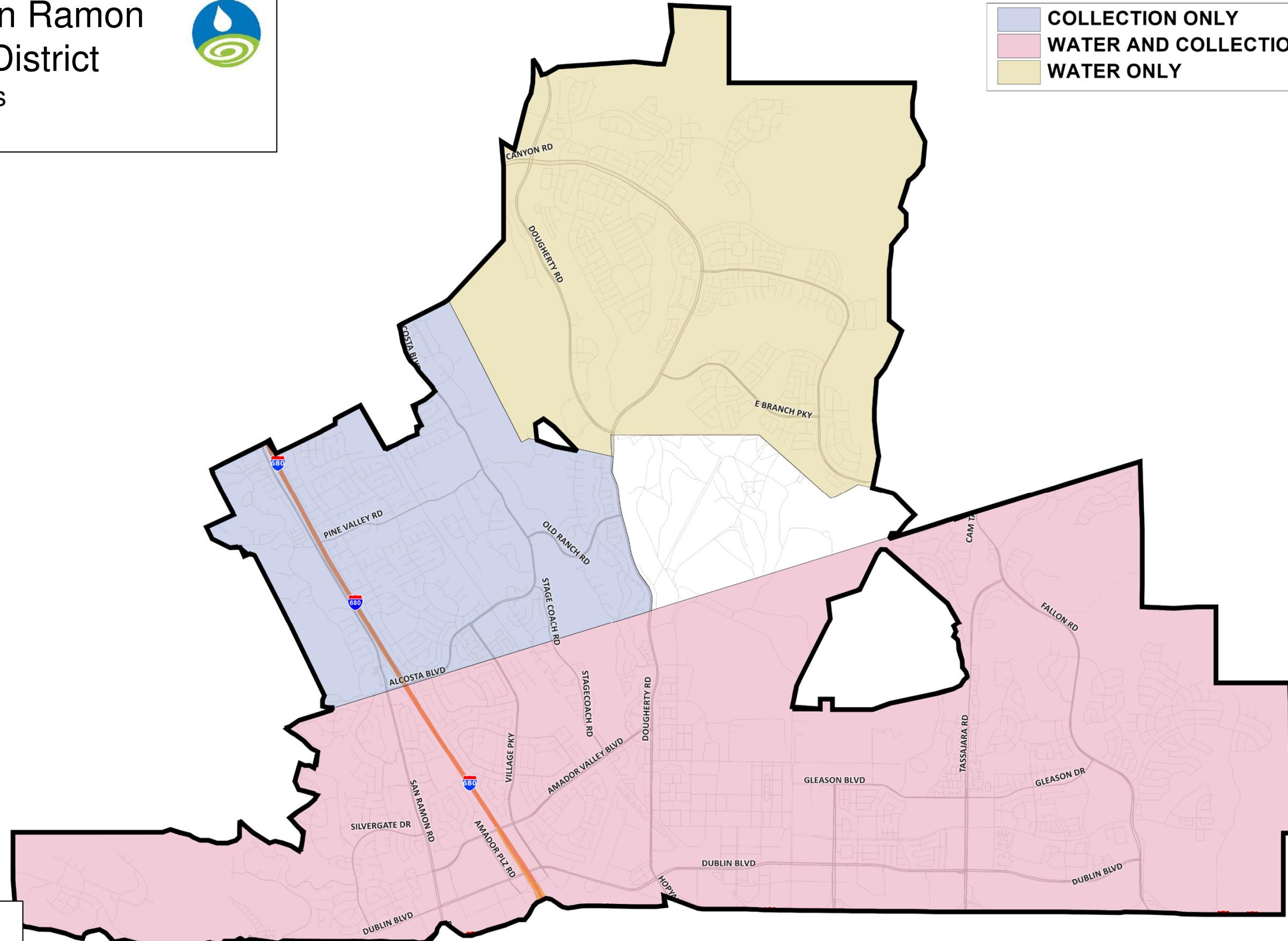
- NH-White
- Latino
- Black
- Asian



Dublin San Ramon Services District Service Areas



COLLECTION ONLY
WATER AND COLLECTION
WATER ONLY



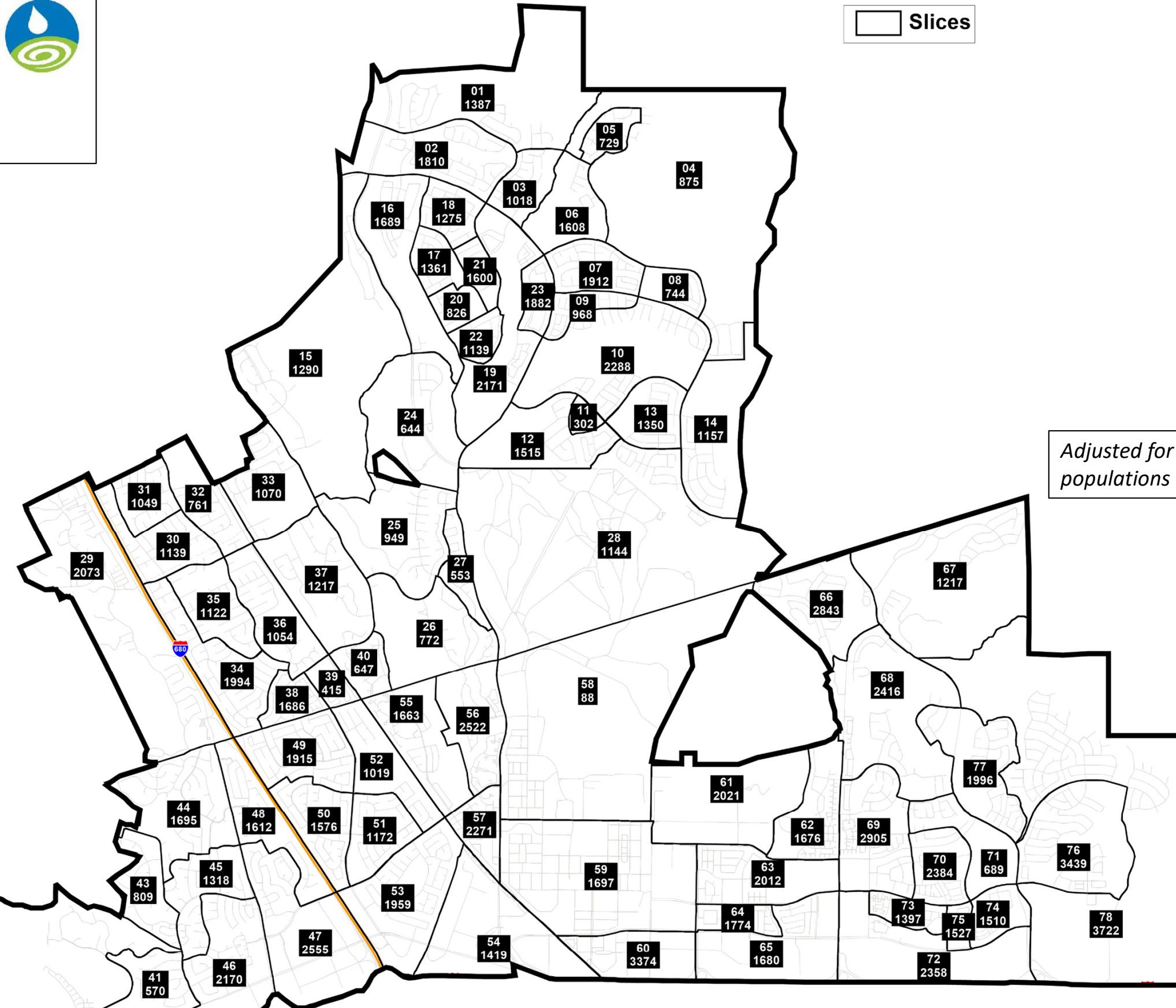
Prepared by
WAGAMAN
STRATEGIES

Dublin San Ramon Services District Slices*



 **Slices**

DSRSD has been divided into 78 geographic units called slices to facilitate public input and the submission of redistricting plans. The top number is the slice number and the bottom is the total population of the slice (adjusted for federal/state incarcerated populations).



Prepared by
**WAGAMAN
STRATEGIES**



Dublin San Ramon
Services District

Community of Interest Mapping Tool

Attachment 3 to Staff Report

WHAT is a Community of Interest?

 Those with common social or economic interests that should be included within a single district for effective, fair representation.


WHY do they matter?

 Communities of interest must be considered when deciding how to draw new district boundaries.

WHO needs to participate?

 Communities are best described by those with first-hand knowledge. We want to hear about your community; you know it best!

WHEN should I respond?

 Turn in by Tuesday, November 2nd, for consideration in the final maps.

HOW do I submit information about by community?

Email



contact@dsrsd.com

Drop off or mail



DSRSD 7051 Dublin Blvd.
Dublin, CA 94568

WHERE can I get more information?

 For more information visit our website at
<https://www.dsrsd.com/about-us/census-redistricting>
or call (925) 875-2294.

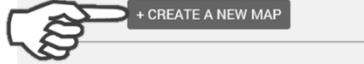
Follow the steps below to draw and describe your community. Hardcopy maps are available.

STEP 1



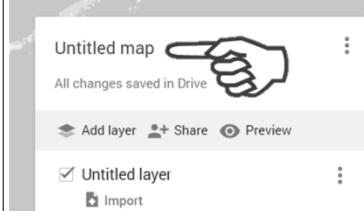
Go to www.google.com/maps/d/. Log in or create a free account if prompted.

STEP 2



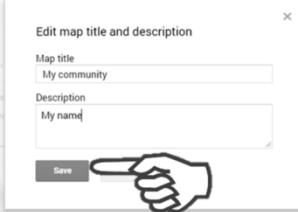
Click "+ CREATE A NEW MAP".

STEP 3



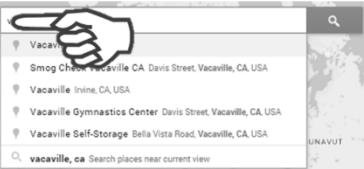
Click the "Draw a line" icon. Select "Add a line or shape".

STEP 4



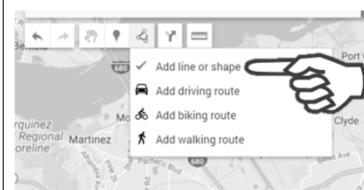
Name and describe your community. What makes it a community? Why should it be kept together? Then click "Save".

STEP 5



Click on the search box. Type an address or location in the community. Then hit enter.

STEP 6



Click the "Draw a line" icon. Select "Add a line or shape."

STEP 7



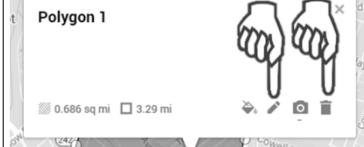
Click on the map and draw your community.

STEP 8



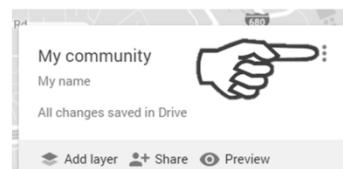
Click "Save". (Don't worry about giving it a name).

STEP 9



If you make a mistake, click the edit icon to modify. Or the garbage icon to start over.

STEP 10



Click on the three vertical dot in the upper right-hand corner.

STEP 11

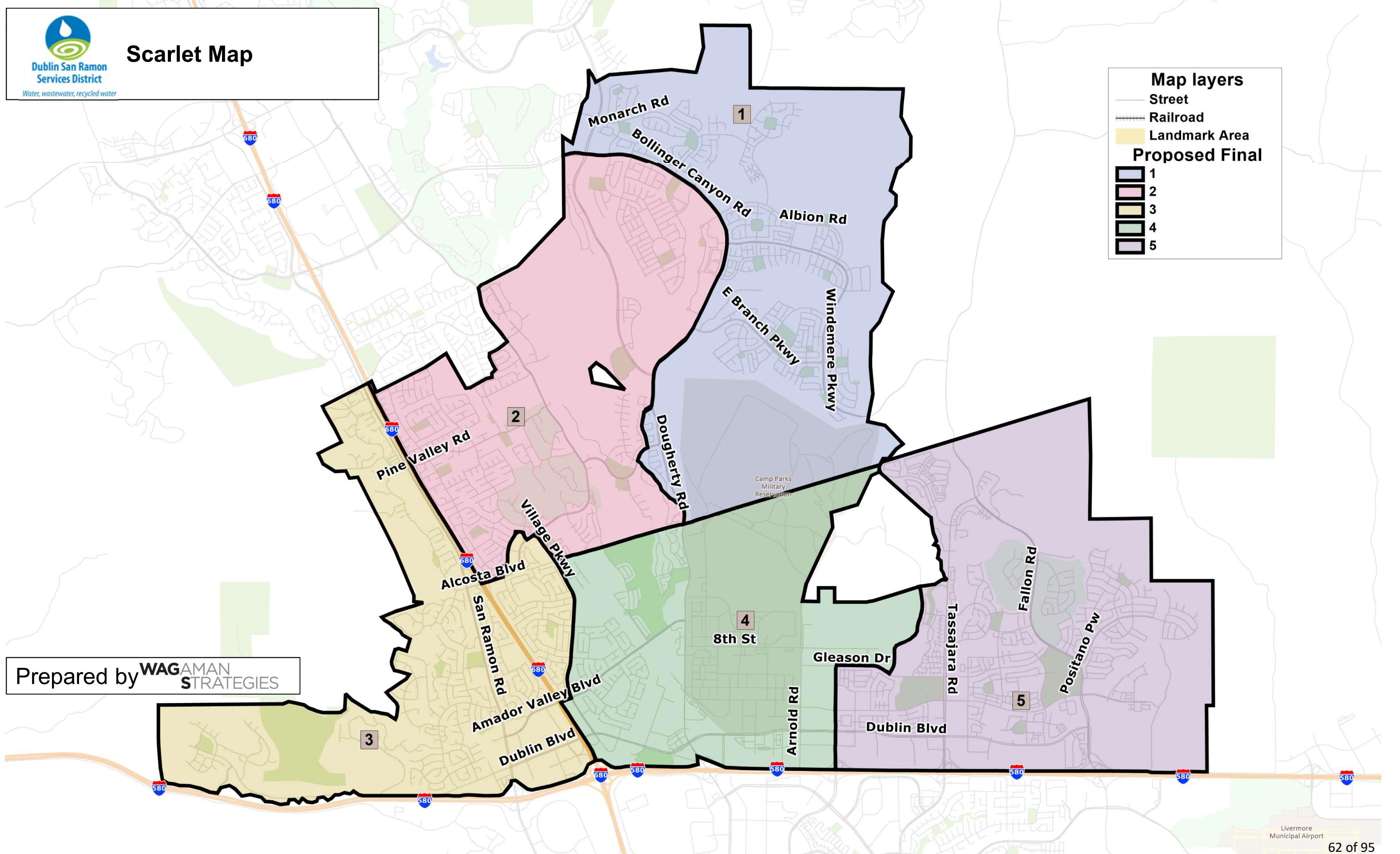


Select "Export to KML/KMZ" or "Print map".



**Dublin San Ramon
Services District**

Email to contact@dsrsd.com or drop off or mail to **DSRSD 7051 Dublin Blvd. Dublin, CA 94568** by Tuesday, November 2nd, for consideration in the final maps.





TITLE: Receive Presentation on Biosolids Processing, Regulations, and Trends

RECOMMENDATION:

Staff recommends the Board of Directors receive a presentation on biosolids processing, regulations, and trends.

SUMMARY:

At the July 20, 2021 Board meeting, the Board requested staff provide an update on biosolids including legislation pertaining to biosolids and potential impacts to the District. Staff will provide an overview on how the District's biosolids are processed and disposed of and the regulations regarding the processing and use of biosolids. Staff will also review recent biosolids related topics including the 2016 California Senate Bill (SB) 1383, Short-lived Climate Pollutants, the potential presence of Per- and polyfluoroalkyl substances (PFAS) in biosolids, and the role of land application of biosolids in carbon sequestration.

DISCUSSION:

Biosolids are a product of the wastewater treatment process. During wastewater treatment, the liquids are separated from the solids. Those solids are then treated to produce a semisolid, nutrient-rich product known as biosolids. The terms 'biosolids' and 'sewage sludge' are often used interchangeably.

Biosolids Processing

At the Regional Wastewater Treatment Facility (RWTF), the solids from the primary and secondary wastewater treatment processes are combined and thickened in a Dissolved Air Floatation Thickener. The thickened solids are then conveyed to four mesophilic anaerobic digesters with a total volume of 3.2 million gallons (see Figure 1). The temperature of the solids in the digesters is maintained at approximately 98° F, which promotes the growth of mesophilic organisms which digest and decompose organic matter. The biosolids reside in the anaerobic digesters approximately 20 to 34 days, and over that time the volatile solids content of the biosolids is reduced 55 to 65%.

The digestion of organic matter in the digesters produces methane. The District makes beneficial use of the methane by burning it in reciprocating combustion engines. The engines are called cogeneration engines because they also produce usable heat in the form of hot water that is then used to maintain the temperature of the biosolids in the digesters and heat the buildings at the RWTF. In winter, when the District is producing little recycled water, approximately 90% of the RWTF energy needs are provided by the cogeneration engines with one-third of the gas used by the engines provided from the digesters. The heat from the engines is captured to heat water which then is piped back to heat exchangers at the digesters which recirculate and heat the sludge keeping it at 98° F. Hot water is also used to heat the buildings at the Wastewater Treatment Plant.

Originating Department: Engineering Services	Contact: J. Zavadil	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Presentation Slides	



Figure 1 Digesters No. 1 and No. 2

The biosolids are next conveyed from the RWTF to the north side of Stoneridge Drive to the bottom of one of six Facultative Sludge Lagoons (FSLs) with a total volume of 6.1 million cubic feet (see Figure 2). The bottom layer of the lagoons supports anaerobic organisms which further decompose the organics. The layer of water near the surface of the lagoon contains dissolved oxygen due to atmospheric reaeration and algal respiration, a condition that supports aerobic and facultative organisms. The intermediate anoxic layer, termed the facultative zone, ranges from aerobic near the top to anaerobic at the bottom. The biosolids reside in the FSLs three to five years, and volatile solids content of the biosolids is further reduced by 32 to 35%.



Figure 2 Facultative Sludge Lagoons

The biosolids are then harvested annually from one to two FSLs. The biosolids are pumped from the bottom of the lagoons using a dredge and injected in the soil on the District's 55-acre Dedicated Land Disposal (DLD) site during the summer and fall months (see Figure 3).



Figure 3 Dedicated Land Disposal Site (left) and Facultative Sludge Lagoons (right)

Biosolids Regulations

The processing of the District's biosolids are regulated through the RWTF National Pollutant Discharge Elimination System (NPDES) Permit and Biosolids Permit issued by the Regional and State Water Resources Control Boards. The permits have requirements regarding the treatment, storage, processing, and disposal of the biosolids. The permits set metals loading limits, groundwater concentration limits, pathogen and vector attraction standards, and monitoring and reporting requirements.

In the past few years, the impact of SB 1383, Short-lived Climate Pollutants, on the disposal of biosolids has been of concern to the wastewater industry. The bill requires a 40% reduction in methane emissions in California by 2030, below the levels emitted in 2013. To achieve the methane emission reductions, the legislation further requires a 75% diversion of organics from landfills by 2025, using 2014 levels as the baseline.

CalRecycle is the regulatory agency charged with developing and implementing regulations to achieve the mandates of SB 1383. The jurisdictions that must meet the regulations are cities and counties. Because many agencies dispose of biosolids in landfills, there was significant concern within the wastewater industry that this method of disposal would be eliminated. The California Association of Sanitation Agencies (CASA) worked closely with CalRecycle in developing the regulations to implement SB 1383. The final regulations are focused on diverting food waste from landfills and do not preclude the disposal of biosolids to landfills, although landfills may choose to refuse more biosolids in the future as the moisture in biosolids may contribute to other landfill contents breaking down and creating methane. Also, given that biosolids are an organic material that can more easily be diverted from landfills than food waste, many wastewater agencies are anticipating future restrictions to landfill disposal and are developing alternatives to beneficially use the biosolids.

Wastewater treatment agencies may be able to help cities and counties meet their requirements under SB 1383 by accepting and digesting diverted food waste within anaerobic digesters. The District's 2017 WWTP Master Plan reviewed the potential to accept food waste. Although food waste can increase the generation of gas in the District's digesters, it will also generate more biosolids requiring disposal. The biosolids would need to be beneficially used, not disposed of in a Dedicated Land Disposal to meet the SB 1383 requirements.

Another current topic in biosolids is a concern over the potential presence of per- and polyfluoroalkyl substances (PFAS), a group of man-made chemicals that includes PFOA, PFOS, GenX, and many other chemicals. Most of the exposure to DSRSD Staff Report

these chemicals comes from the direct interaction with many consumer products and food containing PFAS from packaging material. Indirect exposures can also play a role in daily exposure from consumer products such as carpeting treated with PFAS that can be released in homes. Currently available data suggests that biosolids represent a relatively minor exposure pathway to humans. Preliminary monitoring of PFAS in California Publicly Owned Treatment Works (POTWs) indicate the concentrations of PFAS in biosolids is below the California Human Health Screening Levels (CHHSLs) for soil. The CHHSLs are concentrations of chemicals in soil or soil-gas below thresholds of concern for risks to human health—specifically, an excess lifetime cancer risk of one in a million.

Beneficial Use of Biosolids

Lastly, there has been more interest in the multiple benefits of land application of biosolids, such as:

- Improving soil's ability to absorb and store moisture, reducing the need to irrigate, and providing natural drought-resistance
- Improving soil quality and crop health and increasing crop yields by providing vital micro and macro nutrients, microbes, organic matter, and other benefits. Most of the nitrogen in biosolids is organic, acting as a slow-release fertilizer, providing nitrogen when the crop needs it rather than all at once.
- Storing carbon in the soil and reducing greenhouse gas emissions and energy consumption (unlike fossil-fuel-based, inorganic fertilizer)

There have been several products developed to further process biosolids into beneficial fertilizers.

BIOSOLIDS PROCESSING, REGULATIONS, AND TRENDS

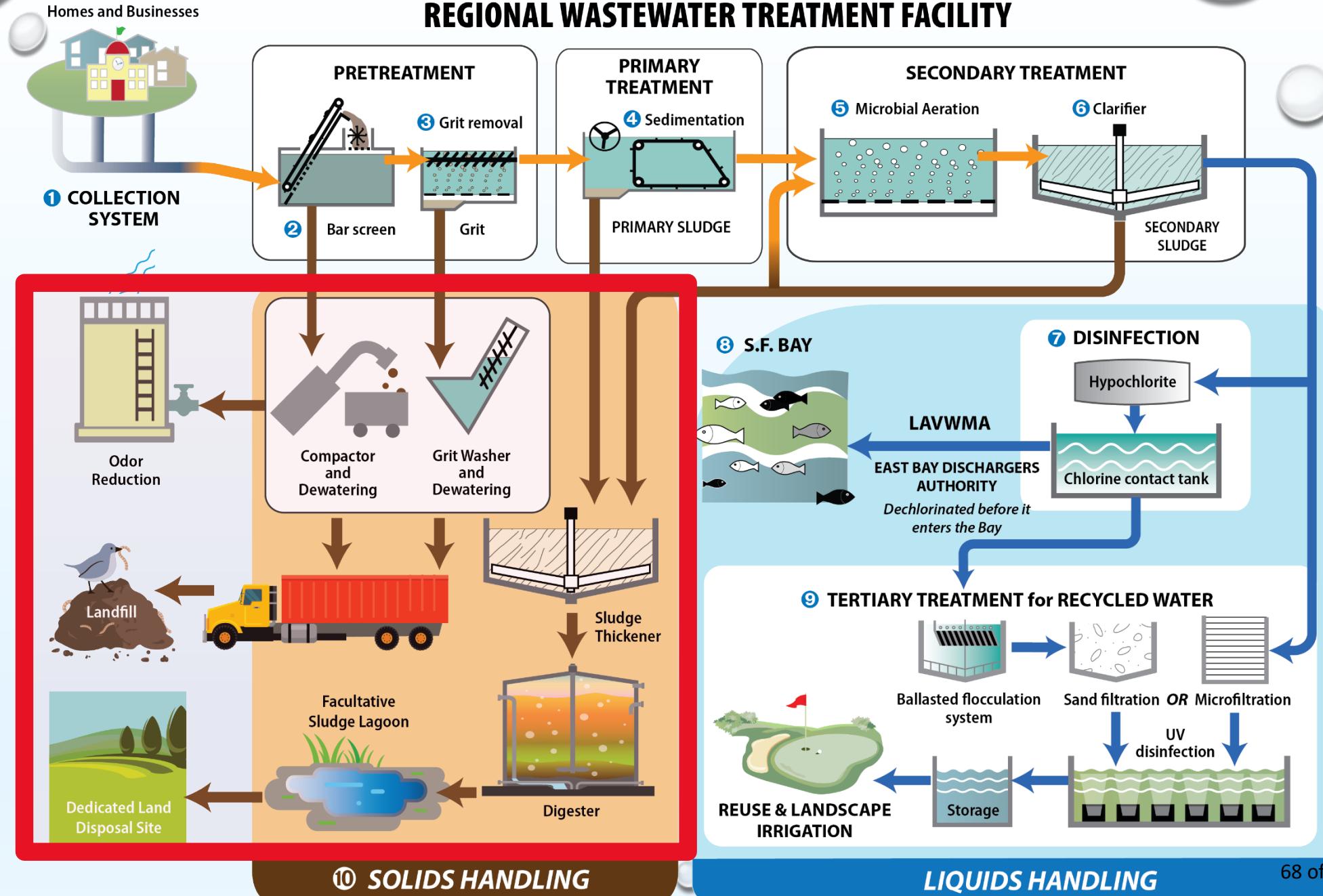
October 5, 2021 DSRSD Board Meeting

Judy Zavadil, Engineering Services Director



Dublin San Ramon
Services District
Water, wastewater, recycled water

REGIONAL WASTEWATER TREATMENT FACILITY



BIOSOLIDS TREATMENT



Facultative Lagoons

Dedicated Land Disposal Area

STONERIDGE DRIVE

DISSOLVED AIR FLOTATION THICKENER (DAFT)



ANAEROBIC DIGESTERS



COGENERATION

BioGa
s

Heat



BioGa
s





DEDICATED LAND
DISPOSAL UNIT (DLD)

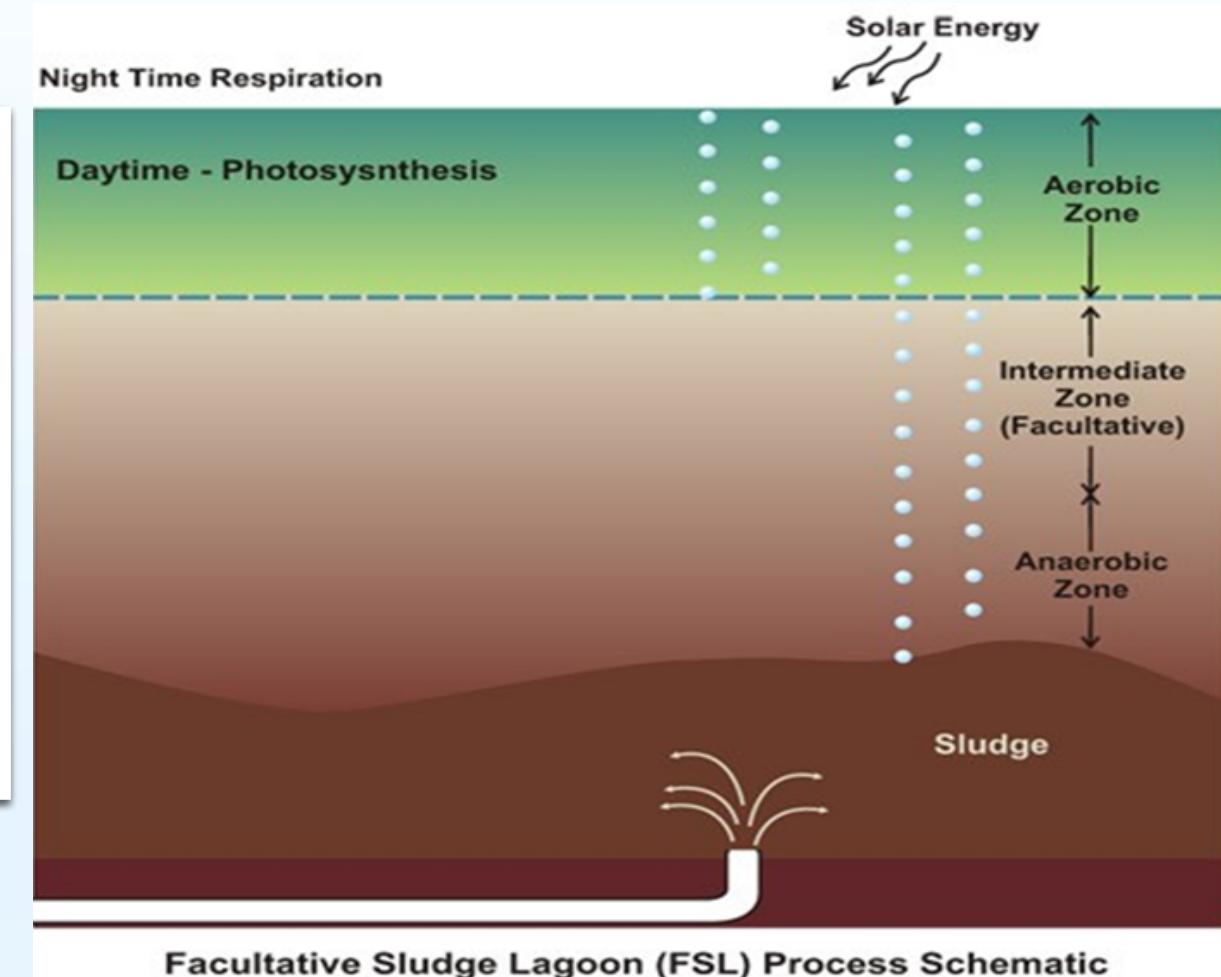
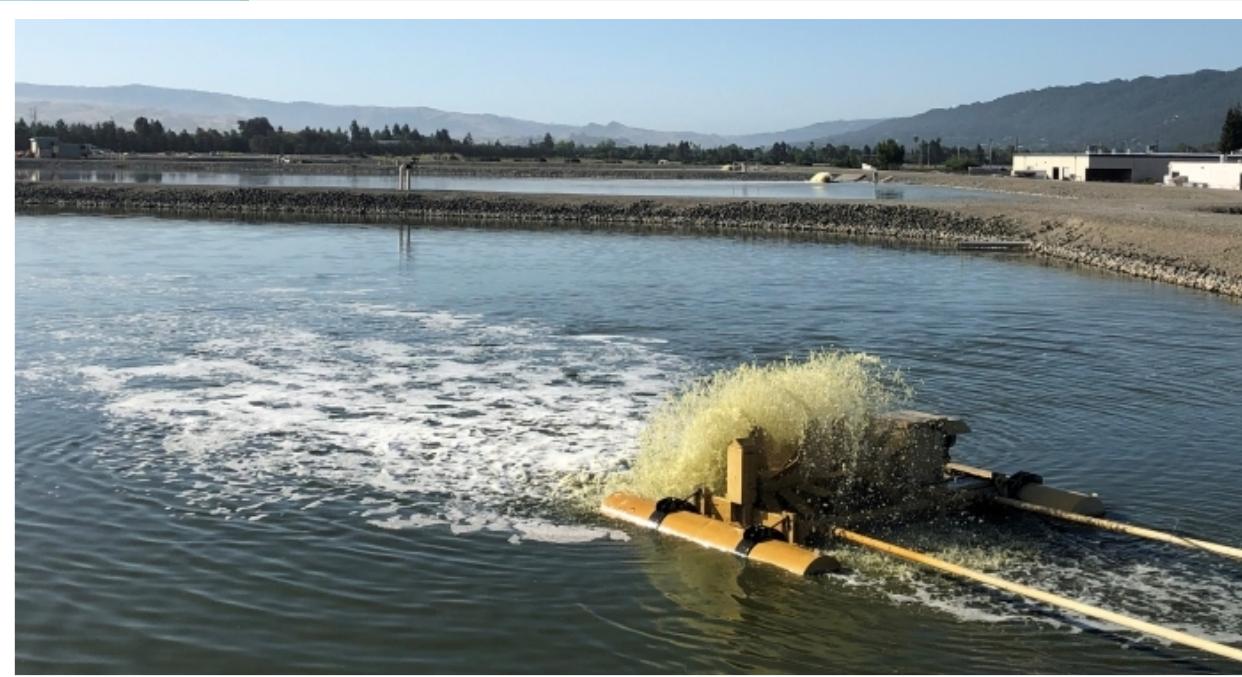
55 acres

SIX FACULTATIVE
SLUDGE LAGOONS (FSL),
EACH ~ 4 ACRES SURFACE
Each ~15 ft deep

FACULTATIVE SLUDGE LAGOONS



FACULTATIVE SLUDGE LAGOONS



DREDGING



BIOSOLIDS INJECTION





COVER CROP





BIOSOLIDS REGULATIONS

- Pathogen and Vector Attraction Reduction
- Metals Loading Limits
- Management Practices
- Groundwater Monitoring and Reporting



**LINER
ANCIENT LAKEBED WITH CLAY
SOILS**

GROUNDWATER MONITORING



BIOSOLIDS REUSE/DISPOSAL – BAY AREA AGENCIES

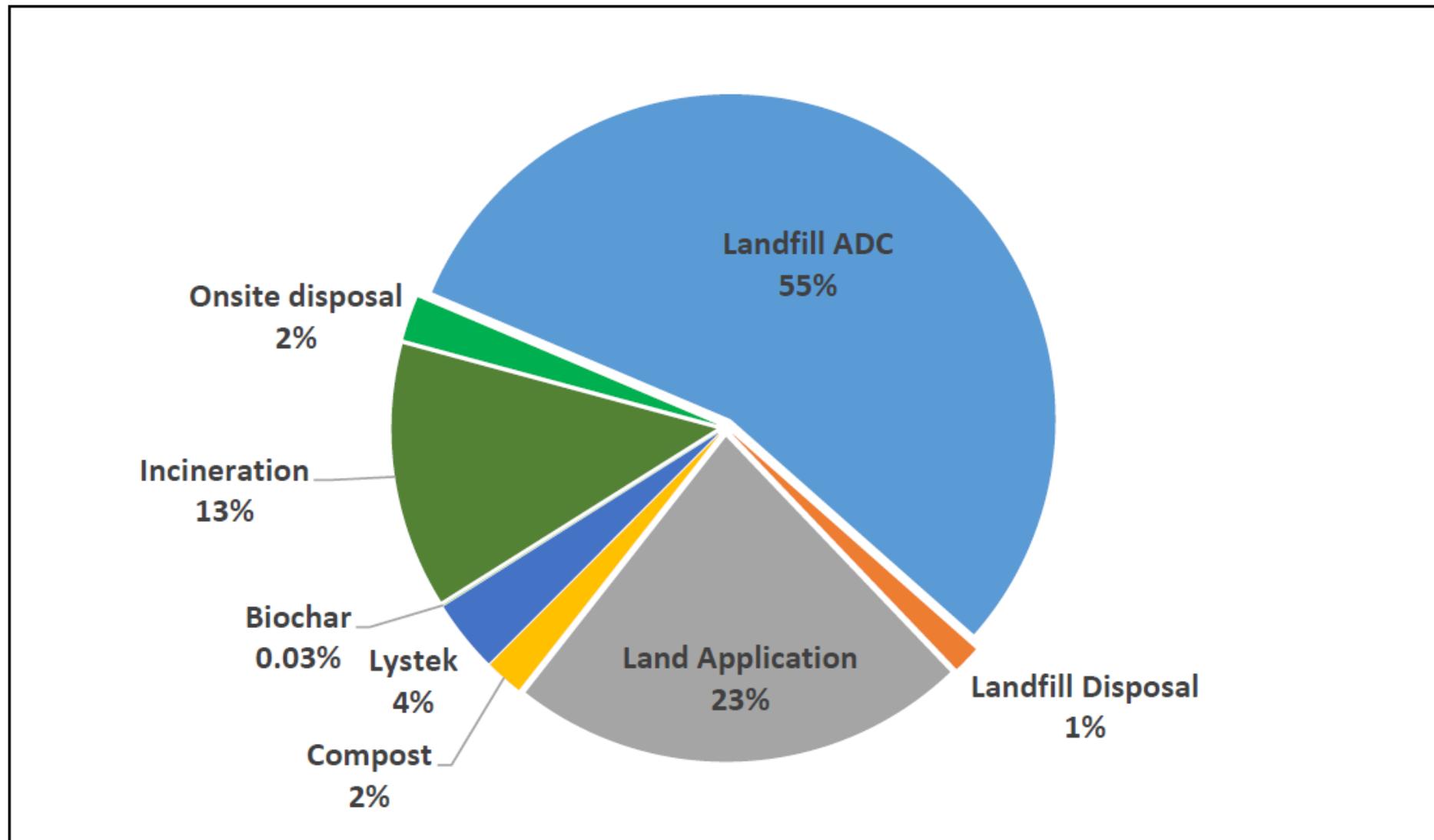
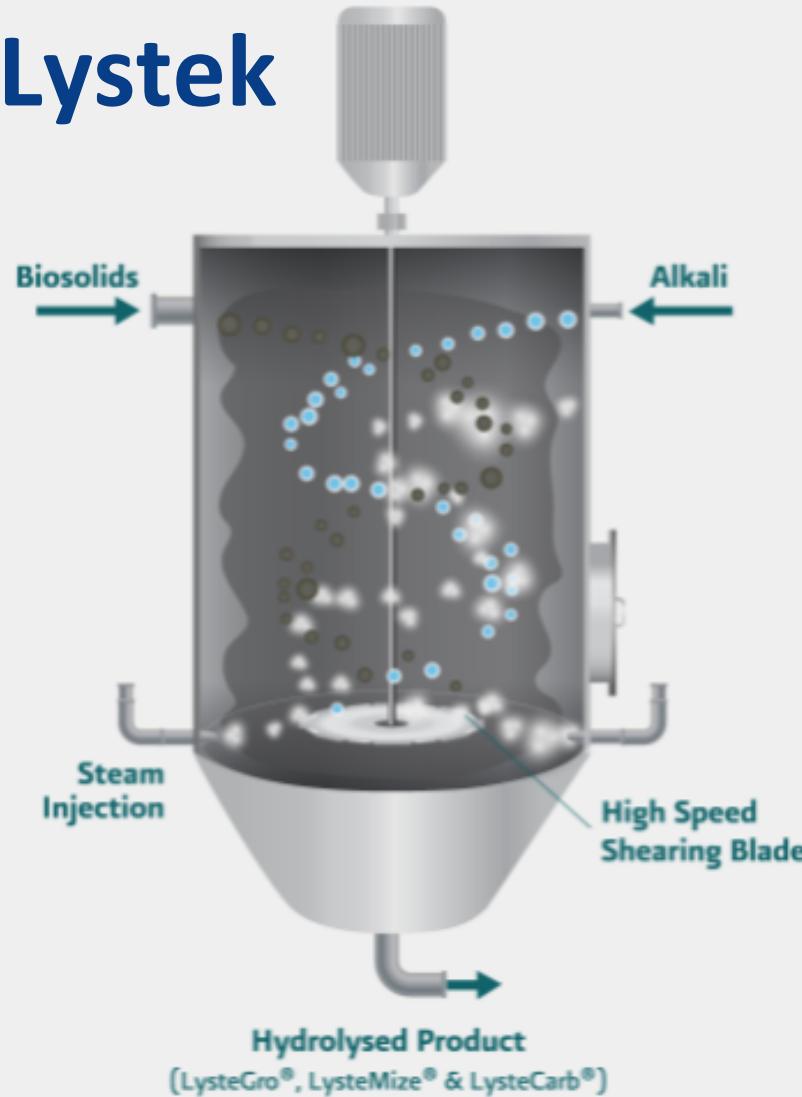


Figure 5. Relative dry tonnage of biosolids per reuse and disposal method in 2017.

BIOSOLIDS PROCESSING

Lystek



Biochar

BIOSOLIDS REUSE/DISPOSAL COSTS

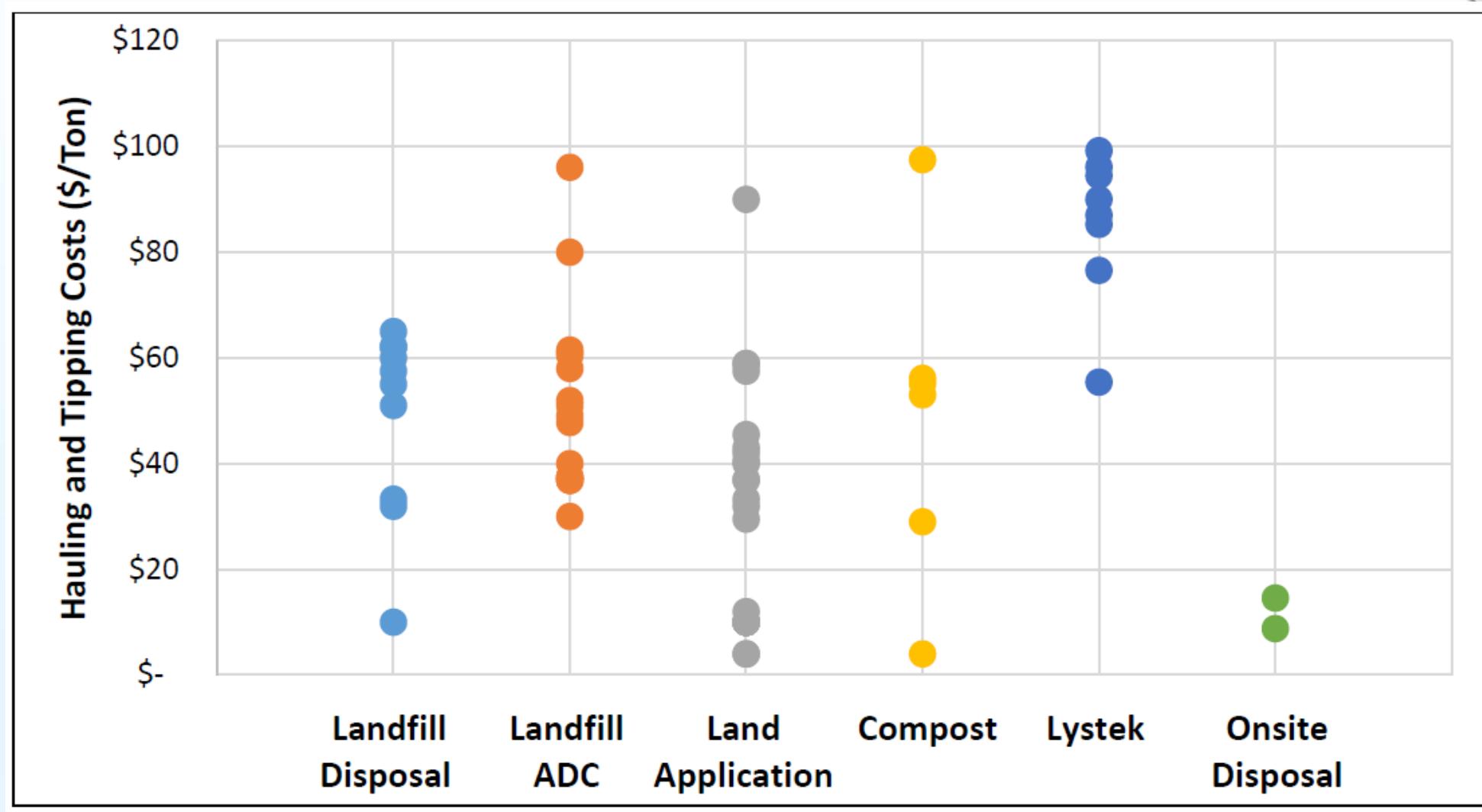


Figure 7. Tipping and Hauling Costs for each reuse/disposal alternative.

SOIL ENRICHMENT /CARBON SEQUESTRATION



SB 1383 Requirements

2020

50 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE
(11.5 Million Tons Allowed Organic Waste Disposal)

2022

REGULATIONS TAKE EFFECT

2025

75 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE
(5.7 Million Tons Allowed Organic Waste Disposal)

2025

**20 PERCENT INCREASE IN RECOVERY OF CURRENTLY
DISPOSED EDIBLE FOOD**

SB 1383 Jurisdiction Responsibilities

Provide Organics Collection Services to All Residents and Businesses



Conduct Education and Outreach to Community



Secure Access to Recycling and Edible Food Recovery Capacity

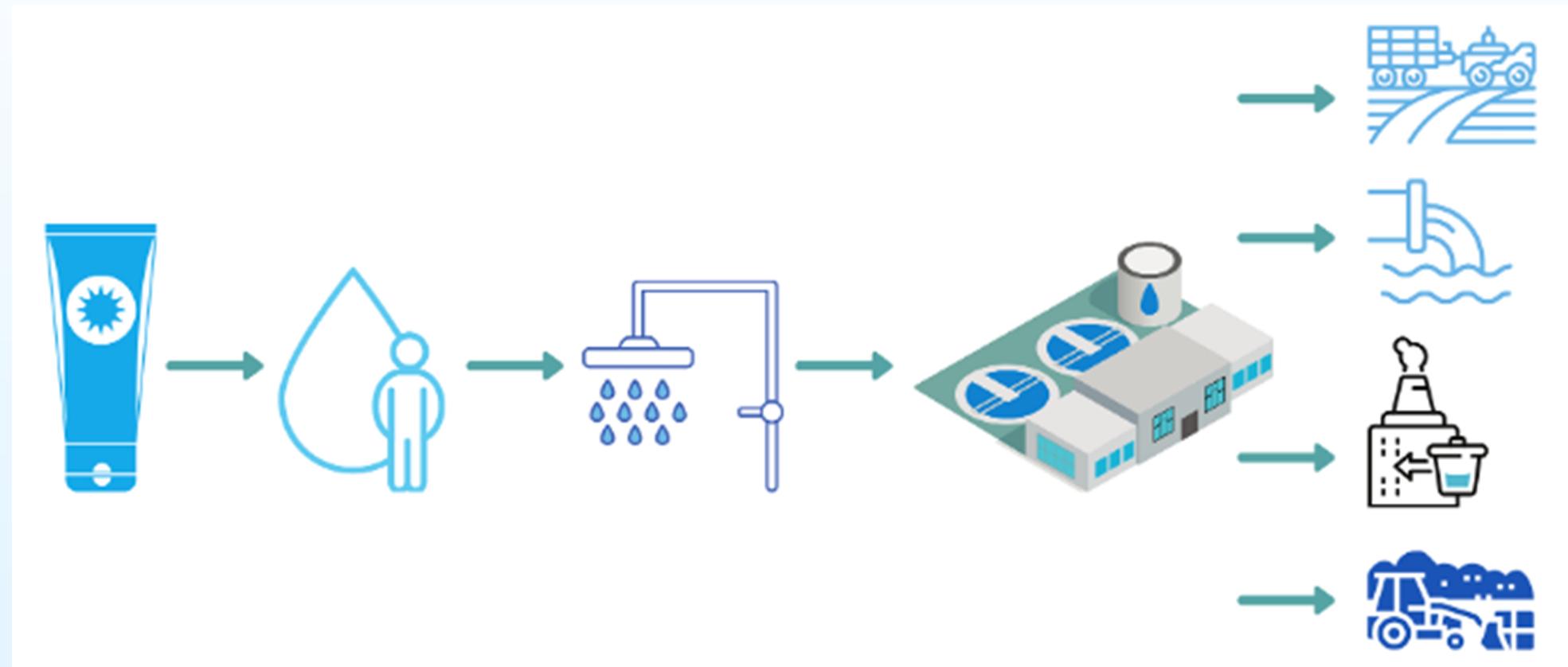


Establish Edible Food Recovery Program

Procure Recyclable and Recovered Organic Products

Monitor Compliance and Conduct Enforcement

PFAS





PFAS IN BIOSOLIDS

- California Water Boards, sampling of 121 POTWs as of 8/26/2021
- Biosolids results less than EPA soil screening levels



QUESTIONS?



Dublin San Ramon
Services District

Water, wastewater, recycled water

90 of 95

From: [V.P](#)
To: [sfiguera@zone7water.com](#); [dgambs@zone7water.com](#); [spalmer@zone7water.com](#); [osanwong@zone7water.com](#); [BoardofDirectors@zone7water.com](#); [aramirezholmes@zone7water.com](#); [msmithmcdonald@zone7water.com](#); [vpryor@zone7water.com](#)
Cc: [Linda Kelly](#); [Dan McIntyre](#); [\[REDACTED\]](#); [Tish Niehaus](#); [kbrown@cityofpleasantonca.gov](#); [knarum@cityofpleasantonca.gov](#); [kyurchak@cityofpleasantonca.gov](#); [nfialho@cityofpleasantonca.gov](#); [BoardMailbox](#); [LivermoreCityCouncil@cityoflivermore.net](#); [citymanager@cityoflivermore.net](#); [citycouncil@cityofpleasantonca.gov](#); [\[REDACTED\]](#)
Subject: Zone 7: Charge the true price, do not continue subsidizing "Big business" untreated water at average homeowners expense.
Date: Sunday, September 26, 2021 12:44:15 AM
Attachments: [Untreated subsidy \\$1M.JPG](#)
[Zone 7 Untreated vs Treated rates Capture.JPG](#)

[EXTERNAL – check for red flags]

Dear Zone 7 Board,

I am concerned about the current direction being provided by the Board in the recent water rate review for untreated water users. As per the Independent article, "The consensus was not to charge agriculture for administering local water rights or having to pay for groundwater management and monitoring"

The above at almost \$1M per year, constitutes 66% of the \$1.5M in Zone 7's labor costs, currently paid for by the wineries / untreated water users.

- The above labor cost constitutes a significant portion of the untreated water rates, which at \$167/AF in 2019 were lower than they were in 2009 (\$171 / AF).
- These inexplicably have been virtually unchanged over a decade plus and were significantly lower in between.

The average citizen's rate (which is almost 10 times more) has steadily ramped up and has changed from \$878/ AF to \$1451 /AF in the same period (a 65% increase).

Proposed higher rates requiring untreated water users to pay their fair share, have been disregarded for multiple years. In the latest review, you appear to be favoring million dollar winery businesses (yet again), to continue tending their hundreds of acres on our backs. We ordinary ratepayers should not continue to be victimized to favor a privileged few,

Almost all of Zone 7's O&M (i.e. personnel costs) are currently paid for by the average water user through their water rates. As can be inferred, our rate increases have not been due to increased base "water" costs, but due to unchecked increases in O&M (incl. personnel costs), being passed on to ratepayers. We have not experienced the luxury of having our "water" rates held steady for a decade plus.

Attempting to further this and keep untreated water rates unchanged, by shifting almost \$1M in big business / wineries related Zone 7 personnel costs, to us average citizen rate payers, will continue to add unfairly add to our burden and further increase rates for us.

No matter how it is engineered, by absolving them from paying for their fair share, it amounts to a **subsidy for big business** on our backs, as the average citizen will be burdened with this \$1M in Zone 7 costs, which was earlier being paid by Big Business.

- Vin P0h'Ray

Sources:

2019 CAFR (attachments below)

The Independent Article dated Sep 23, 2021

https://www.independentnews.com/news/zone-7-water-agency-board-reviews-rate-change-impact-on-agriculture-in-south-livermore-valley/article_d0101b22-1c78-11ec-9c1b-479c67603edf.html

Ps: Bill Gates, John Malone and Ted Turner are America's biggest "farmers". Wente lobbying for a lower water rate for their business, has estimated revenues in the hundreds of millions every year.

On Tuesday, October 15, 2019, 02:24:09 AM PDT, v p [REDACTED] wrote:

Dear Zone 7 Board,

As of last year, with minimal personnel costs rolled in, the water rate charged to untreated water users was just \$167/AF (with just base water costs being ~\$142)

- Untreated water users were likely paying below supply costs, as late as 2017 (paying \$113/ AF) and only \$97/ AF going as long back as 2011, while treated water users shouldered a large proportion of the burden in undisclosed costs.

This base cost is proposed to be increased to \$182 next year (a 9% increase), as programs attributed to it do need to be fairly paid for.

Us treated water users, you, me and everyone else is already paying much more than \$182. We in-fact pay huge multiples of that rate i.e. \$1500+/ AF, which rolls in an undisclosed untreated water component.

Our 50% + rate increases were already pre-determined and as of last year upped and fixed for the next 4 years.

I read in last weeks Livermore independent article that "The staff report recommended a 30% increase in the current \$167 per acre foot, bringing the price to \$217 in 2020. Subsequent raises would lift rates further, to \$243 in 2021 and \$257 in 2022".

This is not evident in the current staff packet released, with rate increase recommendations which reflects only a 9% increase, after lobbying at the finance committee meeting by winegrowers.

- If the fair rate to be paid has been curtailed from \$217 to \$182 for 2020 for untreated water users, are we treated water users also getting a similar dollar decrease in our treated water rates?
- If the rate has been reduced from \$257 to \$207 for 2022 for untreated water users, are we treated water users also getting a similar huge dollar decrease in our charged rate?

From whose pockets is the above decrease coming from? (surely it is not attributable to a Zone's 7 reduction in expenses.)

If the proposed higher rates requiring them to pay their fair share are not being adopted, you would be favoring million dollar winery owners, to continue tending their hundreds of acres on our dime.

The reduction has to come from somewhere. It is unfair that we ordinary homeowners continue to subsidize them (which we have done for a decade) through an undisclosed all rolled in treated water rate.

Why should they skate free while we are shouldered with this burden?. Please make sure that we ordinary ratepayers are not being victimized to favor a privileged few, when you adopt untreated water rates at your Oct 15th meeting.

Regards

Vin P0h'Ray

Link: https://www.independentnews.com/news/livermore-wine-growers-concerned-over-zone-rate-hike-proposal/article_6f57249e-eb18-11e9-8081-9fcabb6a48bc.html

Attachment A

Proposed Untreated Water Rate Calculation

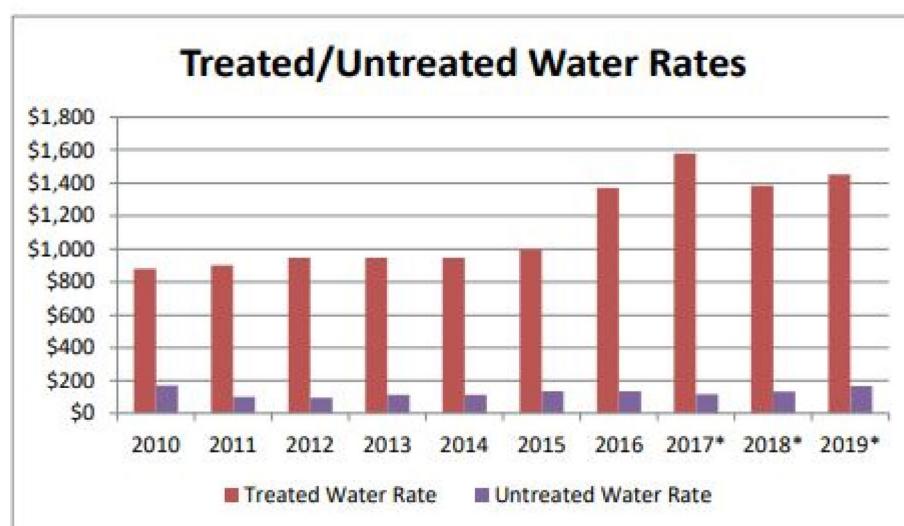
		2020 Proposed Rate		
	Calendar Year	2019 Adopted Rate	2020 Proposed Rate	Unit Cost per Acre-Foot ¹
	Planned Treated and Untreated Water Deliveries (Acre-Feet)	38,290	39,270	
Water Supply	Water Transfers			
	Byron Bethany Irrigation District	\$90,000	\$90,000	39,270 \$2
	Other Water Transfers (\$570 x 2000AF) ²	\$1,000,000	\$1,140,000	39,270 \$29
	Groundwater Banking Programs			
	Cawelo Recovery	-	-	
	Semitropic Recovery (\$170 X 4500AF) ²	-	\$765,000	39,270 \$19
	Cawelo Storage	\$370,000	\$0	39,270 \$0
	Semitropic Storage	\$200,000	\$0	39,270 \$0
	Semitropic O&M (\$7.13 x 65,000 AF) ²	\$480,000	\$463,294	39,270 \$12
	Local Water Supplies			
	Del Valle Water Rights	\$3,000	\$3,000	39,270 \$0
	State Water Project			
	Yuba Costs/Dry Year Program (\$470 x 2000 AF) ²	\$80,000	\$940,000	39,270 \$24
	Multi-Year Pool Program	-	-	39,270 \$0
Water Supply Management	Bay-Delta Related Costs/Water Supply Reliability Projects	\$500,000	\$500,000	39,270 \$13
	State Water Project Transportation Variable Cost ³	\$2,170,000	\$1,673,000	39,270 \$43
	Total Water Supply Costs	\$4,893,000	\$5,574,294	\$142
	Zone 7 Staff Costs by Program ⁴			
	Byron Bethany Irrigation District	\$4,500	\$1,123	39,270 \$0
	Cawelo	\$1,600	\$1,684	39,270 \$0
	Groundwater Monitoring and Management	\$944,000	\$902,628	39,270 \$23
	Local Water Rights	\$23,000	\$24,069	39,270 \$1
	Other Water Supplies	\$26,000	\$29,103	39,270 \$1
	Semitropic	\$3,100	\$1,123	39,270 \$0
	State Water Project	\$127,000	\$96,614	39,270 \$2
	Supply Source & Conveyance Administration	\$20,800	\$842	39,270 \$0
	Untreated Water Program	\$8,000	\$16,131	5,500 \$3
	Water Storage Administration	\$7,200	\$10,638	39,270 \$0
	Water Utility Planning	\$290,000	\$397,392	39,270 \$10
	Total Zone 7 Staff Costs	\$1,455,200	\$1,481,347	\$40
	Total Water Supply and Zone 7 Staff Costs	\$6,348,200	\$7,055,641	
	Untreated Water Rate (rounded) per Acre-Foot	\$167	\$182	\$182

¹ Unit cost per acre-foot that are shown as \$0 equate to less than one dollar when allocated amongst total acre-feet.

Zone 7 Water Agency
Treated/Untreated Water Rates
Ten-Year History
(In Acre Feet)
(Table 7)

Calendar Year	Treated Water Rate		Untreated Water Rate	
	Rate/AF	% Change Year over Year	Rate/AF	% Change Year over Year
2010	\$878	9.2%	\$171	-5.5%
2011	\$900	2.5%	\$97	-43.3%
2012	\$945	5.0%	\$92	-5.2%
2013	\$945	0.0%	\$110	19.6%
2014	\$945	0.0%	\$110	0.0%
2015	\$999	5.7%	\$130	18.2%
2016	\$1,372	37.3%	\$130	0.0%
2017*	\$1,577	14.9%	\$113	-13.1%
2018*	\$1,385	-12.2%	\$129	14.2%
2019*	\$1,451	4.8%	\$167	29.5%

*In 2017, the agency changed its rates structure to include volume-based and fixed-based components.



Source: Finance