

AGENDA

NOTICE OF REGULAR MEETING

TIME: 6 p.m.

DATE: Tuesday, February 20, 2024

PLACE: Regular Meeting Place
7051 Dublin Boulevard, Dublin, CA
www.dsrsd.com

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
4. SPECIAL ANNOUNCEMENTS/ACTIVITIES
 - 4.A. New Employee Introductions
5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)

At this time those in the audience 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 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 proceed to the lectern, introduce him/herself, and then proceed with his/her comment. Written comments received by 3 p.m. on the day of the meeting will be provided to the Board.
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 February 6, 2024
Recommended Action: Approve by Motion
 - 7.B. Approve Continuation of Emergency Action Procurement by General Manager for Repair of the LAVWMA Livermore Interceptor Pipeline and Find that the Need for the LAVWMA Livermore Interceptor Pipeline Emergency Still Exists
Recommended Action: Approve by Motion

- 7.C. Authorize the General Manager to Execute the First Amendment to the Interim Agreement Related to the Supply and Sale of Recycled Water with East Bay Municipal Utility District (EBMUD) and DSRSD-EBMUD Recycled Water Authority (DERWA)
Recommended Action: Authorize by Motion
- 7.D. Affirm No Changes to District Election Dates Policy
Recommended Action: Approve by Motion
- 7.E. Rescind Green Business Policy and Resolution No. 31-07
Recommended Action: Rescind Policy by Resolution

8. BOARD BUSINESS

- 8.A. Adopt New Energy Policy
Recommended Action: Adopt Policy by Resolution
- 8.B. Approve Amendment to the Capital Improvement Program Ten-Year Plan and Two-Year Budget for Fiscal Years 2024 and 2025 to Add the Off-Site Solar Facilities Project (CIP 24-A045) and On-Site Solar, Battery Storage and Electric Vehicle Charging Station Project (CIP 24-A046), and Retitle the WWTP Motor Control Center and Distribution Panel “A” Improvements Project (CIP T16-11) to the WWTP Electrical Improvements – Phase 1 Project (CIP 24-P044) and Advance CIP 24-P044 to Fiscal Year 2025
Recommended Action: Approve by Resolution
- 8.C. Public Hearing: Second Reading and Adoption of Ordinance Revising District Code Chapter 7.30, Facility Use Permits
Recommended Action: Waive Reading by Motion, Hold Public Hearing, and Adopt Ordinance

9. REPORTS

- 9.A. Boardmember Items
 - 9.A.1. Joint Powers Authority and Committee Reports
 - 9.A.2. Submittal of Written Reports for Day of Service Events Attended by Directors
 - 9.A.3. Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda
- 9.B. Staff Reports

10. CLOSED SESSION

- 10.A. Threat to Public Services or Facilities Pursuant to Government Code Section 54957
Consultation with: Jan Lee, 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.

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

February 6, 2024

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 Arun Goel, Director Richard M. Halket, Director Dinesh Govindarao, and Director Georgean M. Vonheeder-Leopold.

District staff present: Jan Lee, General Manager; Carol Atwood, Administrative Services Director/Treasurer; Dan Gill, Operations Director; Michelle Gallardo, Special Assistant to the General Manager; Douglas E. Coty, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES

4.A. New Employee Introductions

Geronimo Flores, Water-Wastewater Systems Operator II

Phillip Pristia, Water-Wastewater Systems Operator II

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:04 p.m.

Speaker: Ms. Kathy Narum (Zone 7 Water Agency Boardmember [Zone7]) – Ms. Narum addressed the Board and shared her history of service on the Pleasanton City Council and her current short-term appointment to the Zone 7 Board of Directors. She expressed her ongoing support for collaboration between Zone 7 and the Tri-Valley water retailers regarding water supply reliability, quality, and storage. Ms. Narum expressed her hope to continue this work if elected to the full-term seat this year.

7. CONSENT CALENDAR

Director Govindarao MOVED for approval of the items on the Consent Calendar. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES.

7.A. Approve Regular Meeting Minutes of January 16, 2024 – Approved

7.B. Approve Continuation of Emergency Action Procurement by General Manager for Repair of the LAVWMA Livermore Interceptor Pipeline and Find that the Need for the LAVWMA Livermore Interceptor Pipeline Emergency Still Exists – Approved

7.C. Accept Regular and Recurring Report: Treasurer's Report – Approved

8. BOARD BUSINESS**8.A. Approve Proclamation Honoring Retired General Manager Daniel B. McIntyre**

President Johnson introduced the item and read the proclamation aloud. She presented the proclamation to Mr. McIntyre and the Board thanked him for his service to the District. Mr. McIntyre shared some remarks regarding his journey as the General Manager and expressed his gratitude for the support of the Board and staff. He noted his intent to remain engaged in Tri-Valley water matters.

Director Vonheeder-Leopold MOVED to Approve Proclamation Honoring Retired General Manager Daniel B. McIntyre. Vice President Goel SECONDED the MOTION, which CARRIED with FIVE AYES.

8.B. First Reading of Ordinance Revising District Code Chapter 7.30 Regarding Facility Use Permits

President Johnson announced the item and read the title of the ordinance.

Director Halket MOVED to Waive Reading of Ordinance. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES.

There was no staff presentation. President Johnson inquired if there were any comments from the public regarding the proposed ordinance. There was no public comment received. The Board had no further discussion.

Director Govindarao MOVED to Schedule Adoption of the Ordinance Revising District Code Chapter 7.30 Regarding Facility Use Permits on February 20, 2024. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES.

8.C. Receive Draft Water Cost of Service Study, Set Public Hearing for April 16, 2024, and Authorize Proposition 218 Notice

General Manager Lee introduced the item, Senior Management Analyst Corinne Ferreyra, and HDR consultant Shawn Koorn. Ms. Ferreyra and Mr. Koorn reviewed the Draft Water Cost of Service Study presentation (handed out to the Board) which was posted to the website as supplemental materials. The presentation covered:

- Background
- Draft Study methodology and results
- Proposed retail rates
- Proposed wholesale pass through rates
 - Zone 7 Cost of Water
 - Dougherty Valley Incremental State Water Charge
- Recommended Board action
 - Set public hearing for April 16, 2024, and authorize Proposition 218 notice.
- Next Steps

The Board and staff discussed and clarified certain aspects of the presentation including the utilization of reserve funds to meet funding requirements in fiscal years 2024 and 2025, and the annual State Water Project charges collected by the District on behalf of Zone 7 that are passed through to Dougherty Valley on the property tax roll.

Director Vonheeder-Leopold MOVED to Set a Public Hearing for April 16, 2024, and Authorize the Proposition 218 Notice. Director Govindarao SECONDED the MOTION, which CARRIED with FIVE AYES.

9. REPORTS

9.A. Boardmember Items

9.A.1. Joint Powers Authority and Committee Reports DERWA Board Meeting of February 5, 2024

President Johnson invited comments on recent JPA activities. Directors felt the available staff reports adequately covered the many matters considered at the JPA meeting and made a few comments about some of the JPA activities. Director Vonheeder-Leopold also mentioned that the February 5 meeting was EBMUD Director Coleman's last DERWA meeting as he is resigning from the EBMUD Board at the end of February. Director Coleman was one of DERWA's founding members and served on its Board for nearly three decades.

9.A.2. Submittal of Written Reports for Day of Service Events Attended by Directors

Director Vonheeder-Leopold submitted written reports to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the 2024 Winter California Association of Sanitation Agencies Conference and Board of Directors meeting held January 24–26 in Palm Springs. She summarized the activities and discussions at the meetings.

President Johnson submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the Contra Costa Special Districts Association chapter meeting on January 22, 2024. She summarized the activities and discussions at the meeting and requested staff include the results of the chapter's officer elections in the next General Manager to Board Report.

9.A.3. Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda – None

9.B. Staff Reports

General Manager Lee reported that a leak was discovered in the District Office kitchen on Sunday, February 4, which caused some flooding in the kitchen, mailroom, hallway, and a portion of the Engineering Department. Remediation and recovery efforts began immediately. She reported there is minimal impact to District operations and that affected staff are able to telework while the first phase of remediation work is being

performed. She also advised that the remediation and repair costs currently fall within the General Manager's purchasing authority, however, she will request the Board authorize additional spending should costs increase. She will keep the Board apprised on progress of the restoration effort.

Ms. Lee also reported that staff is working to schedule a number of liaison meetings and special joint powers authority Board meetings in the next few months, and advised the Board to monitor upcoming staff communications for meeting information.

10. ADJOURNMENT

President Johnson adjourned the meeting at 7:11 p.m.

Submitted by,

Nicole Genzale, CMC
Executive Services Supervisor/District Secretary



TITLE: Approve Continuation of Emergency Action Procurement by General Manager for Repair of the LAVWMA Livermore Interceptor Pipeline and Find that the Need for the LAVWMA Livermore Interceptor Pipeline Emergency Still Exists

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Motion, a continuation of the Emergency Action as declared in Board Resolution Nos. 22-23 and 36-23 and find that there exists a need for continuing the LAVWMA Livermore Interceptor Pipeline Emergency which the Board last confirmed on February 6, 2024.

DISCUSSION:

From late 2022 through March of 2023, a series of severe winter storms characterized as “atmospheric rivers” struck California bringing damaging winds and historic precipitation. On February 9, 2023, District staff discovered that these storms had left a portion of LAVWMA’s Livermore Interceptor Pipeline and its associated manhole exposed in the Arroyo Mocho Creek, and caused significant erosion in the nearby creek bed and banks.

The LAVWMA’s Livermore Interceptor Pipeline serves the sole benefit of the City of Livermore, and as such, all costs (100 percent) associated with the repair of the pipeline will be allocated to the City of Livermore. On September 5, 2023, the District’s Board of Directors approved Resolution No. 36-23, confirming the District State of Emergency declared by the General Manager on June 12, 2023, and authorizing emergency action procurement for the repair of the LAVWMA Livermore Interceptor Pipeline. Per Public Contract Code 22050, the Declaration of the District State of Emergency shall be reviewed by the Board of Directors at every regular meeting to determine, by a four-fifths vote, that there is a need to continue the emergency action.

To date, six task orders have been issued to Carollo Engineers and DPI, Inc. for engineering design services, construction services and construction management services totaling \$5,827,630.52 and a total of \$3,856,371.27 has been spent. Additional task orders, purchase orders, and/or other contracts may be required to be awarded in the near term for property acquisition.

Construction began October 3, 2023, and has reached approximately 80% construction completion. The project is anticipated to be completed by early March 2024. In parallel with the construction effort, staff also continues to work with property owners on negotiating property rights for the new pipeline easements and pursuing funding assistance through the Federal Emergency Management Agency (FEMA) and the California Office of Emergency Services (CalOES).

To ensure the project can meet the aggressive project schedule, staff recommends the Board of Directors find the need to continue the State of Emergency declared by the General Manager on June 12, 2023. Expedited action, including construction services and construction management services, is necessary to mitigate any additional damage to the pipeline and avoid the potential discharge of treated wastewater effluent to the Arroyo Mocho Creek. A four-fifths vote is necessary to extend the emergency.

Originating Department: Engineering and Technical Services	Contact: K. Castro/S. Delight	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: \$7,000,000 to be reimbursed by LAVWMA	
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: Authorize the General Manager to Execute the First Amendment to the Interim Agreement Related to the Supply and Sale of Recycled Water with East Bay Municipal Utility District (EBMUD) and DSRSD-EBMUD Recycled Water Authority (DERWA)

RECOMMENDATION:

Staff recommends the Board of Directors authorize, by Motion, the General Manager to Execute the First Amendment to the Interim Agreement Related to the Supply and Sale of Recycled Water with East Bay Municipal Utility District (EBMUD) and DSRSD-EBMUD Recycled Water Authority (DERWA).

DISCUSSION:

In early 2020, DSRSD, EBMUD, and DERWA initiated negotiations to amend agreements (“DERWA Agreements”) related to the supply and sale of recycled water for the DERWA Program that currently provides recycled water to the Cities of Dublin, San Ramon, and Pleasanton. The parties have discussed the need to update the DERWA Agreements to reflect current operational conditions and the shortfall in recycled water supply available to meet DERWA’s future buildout demands.

In September 2021, the DERWA Board of Directors agreed with a staff recommendation to defer negotiations on a comprehensive update of the DERWA Agreements until 2024. The additional time would be used to develop more detailed projections of future wastewater flows and recycled water demands and identify strategies for managing demands and securing long-term supplemental supplies for the DERWA Program. Based on this shift in approach, on March 29, 2022, the parties executed an Interim Agreement Related to the Supply and Sale of Recycled Water (“Interim Agreement”), a short-term agreement which addresses certain issues that may arise in the near term and captures concepts that the parties have identified for inclusion in future negotiations.

Since the Interim Agreement was executed, DERWA has been working with a consultant to prepare the Recycled Water Supply and Operations Plan Update. This study incorporates new and refined information on supply and demand to create a roadmap for implementing strategies to meet future recycled water demands. In addition, EBMUD is in the process of finalizing an evaluation of potential opportunities with the Central Contra Costa Sanitary District (Central San) to expand the beneficial use of recycled water within the region. One of the project concepts identified for exploration is expansion of the Central San – DERWA Temporary Wastewater Diversion Project to provide recycled water to EBMUD’s existing and future phases of the San Ramon Valley Recycled Water Program located within EBMUD and Central San’s overlapping service area.

Article II of the Interim Agreement specifies that the term of the Interim Agreement shall be from the date of execution until December 31, 2024, and that no later than January 1, 2024, DERWA, DSRSD, and EBMUD shall resume good faith negotiations to update and revise the DERWA Agreements. The First Amendment to the Interim Agreement would extend the term of the Interim Agreement and respective date for reinitiating negotiations on the DERWA Agreements by one year due to DERWA staffing transitions and the need to complete the studies that will inform DERWA’s discussions on long-term partnering opportunities with neighboring agencies. The proposed amendment would also provide an option to extend the deadlines in the Interim Agreement for an additional year in recognition that more time may be needed to work with other agencies.

Originating Department: Engineering and Technical Services	Contact: S. Delight	Legal Review: Yes
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 – First Amendment to the Interim Agreement Related to the Supply and Sale of Recycled Water between DERWA, DSRSD, and EBMUD	

FIRST AMENDMENT TO THE INTERIM AGREEMENT RELATED TO THE SUPPLY AND SALE OF RECYCLED WATER BETWEEN THE DUBLIN SAN RAMON SERVICES DISTRICT•EAST BAY MUNICIPAL UTILITY DISTRICT RECYCLED WATER AUTHORITY (“DERWA”), DUBLIN SAN RAMON SERVICES DISTRICT, AND EAST BAY MUNICIPAL UTILITY DISTRICT

This First Amendment (“Amendment”) to the Interim Agreement Related to the Supply and Sale of Recycled Water (“Agreement”), which Agreement was entered into on March 29, 2022, is made and entered into this _____ day of February, 2024, by and between the Dublin San Ramon Services District•East Bay Municipal Utility District Recycled Water Authority (“DERWA”), Dublin San Ramon Services District (“DSRSD”), and East Bay Municipal Utility District (“EBMUD”), which mutually agree as follows:

Article II, entitled “**TERM AND FUTURE NEGOTIATIONS TO REVISE DERWA AGREEMENTS,**” shall be amended to read in its entirety as follows:

- A. The term of this Agreement shall be from the date of execution until December 31, 2025. This Agreement may be extended by up to one (1) year, but no later than December 31, 2026, by mutual agreement in writing by the duly authorized representatives of the Parties.
- B. No later than January 1, 2025, the Parties agree to resume good faith negotiations to update and revise the DERWA Agreements, and other related agreements as necessary, to reflect the actual working conditions of the DERWA Program and the issue of declining recycled water supplies. The Parties agree to address the concepts listed in Exhibit A during future negotiations to amend the DERWA Agreements. If the term of this Agreement is extended beyond December 31, 2025, pursuant to paragraph A, then the deadline to resume good faith negotiations will be extended until the first day following the expiration of the Agreement’s extended term.

All other terms and conditions of the Agreement are unchanged and remain in full force and effect.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year of the last signature affixed below and first above written.

Dated: _____ **DUBLIN SAN RAMON SERVICES DISTRICT • EAST BAY MUNICIPAL UTILITY DISTRICT RECYCLED WATER AUTHORITY**

By: _____
Richard G. Sykes, Authority Manager

Approved as to Form:

DERWA Counsel

Dated: _____ **DUBLIN SAN RAMON SERVICES DISTRICT**

By: _____
Jan R. Lee, General Manager

Approved as to Form:

DSRSD Counsel

Dated: _____ **EAST BAY MUNICIPAL UTILITY DISTRICT**

By: _____
Clifford Chan, General Manager

Approved as to Form:

EBMUD Counsel



TITLE: Affirm No Changes to District Election Dates Policy

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Motion, affirmation of no changes to the District Election Dates policy.

DISCUSSION:

All District policies are reviewed on a rotating four-year cycle to ensure that they remain current and that the Board seated at that time continues to concur with that policy. Staff recently reviewed the District Election Dates policy (P100-20-2) and recommends no changes. The current policy, with updated review history, is attached. If affirmed, the policy will be calendared for review in 2028.

Originating Department: Administrative Services	Contact: N. Genzale/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 type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Marked-up District Election Dates Policy	
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Policy

Policy No.: P100-20-2	Type of Policy: Board Business
Policy Title: District Election Dates	
Policy Description: Elections to be held same day as Statewide General Election	
Approval Date: 1/20/1987	Last Review Date: 2020 <u>2024</u>
Approval Resolution No.: 2-87	Next Review Date: 2024 <u>2028</u>
Rescinded Resolution No.: N/A	Rescinded Resolution Date: N/A

It is the policy of the Board of Directors of Dublin San Ramon Services District:

This Board does hereby require, pursuant to the provisions of California Elections Code Section 10404 that its elections of governing body members shall be held on the same day as the Statewide General Election to wit: on the first Tuesday after the first Monday of November in each even-numbered year, commencing with the year 1988.

The dates with respect to requirements for nominations, notices, canvass of votes, certification of election, and all other procedural requirements of the Elections Code for the election of governing body members of this District shall be, and hereby are ordered, consistent with corresponding dates and requirements pertaining to the Statewide General Election.

Policy is current and no changes need to be adopted by the Board of Directors. <u>Status Quo Chronology:</u>	
Date Adopted:	
January 20, 1987	
Reviewed by Committee or Board:	Date:
External Affairs	March 10, 2004
External Affairs	March 12, 2008
External Affairs	March 13, 2012
Board	May 17, 2016
Board	March 3, 2020
<u>Board</u>	<u>February 20, 2024</u>



TITLE: Rescind Green Business Policy and Resolution No. 31-07

RECOMMENDATION:

Staff recommends the Board of Directors rescind, by Resolution, the Green Business policy (P200-07-1) and Resolution No. 31-07.

DISCUSSION:

The Green Business policy (Exhibit A to the Resolution) was established in 2003 to define the District’s commitment toward environmental compliance, water conservation, the role of recycled water in the District’s water supply portfolio, energy efficiency, energy generation through renewable energy sources, and environmental stewardship. The Green Business policy was last reviewed in 2007. Since that time, the District has adopted or updated policies that encompass many of the areas covered by the Green Business policy, including:

- [Water Recycling policy](#) (P300-20-2) which defines the District’s commitment to using recycled water
- [Water Resiliency policy](#) (P300-21-1) which includes commitments to meeting the State’s long-term water use and water loss efficiency standards through conservation programs and reducing treated wastewater discharges to San Francisco Bay
- [Participation in Charitable Events and Community Service Activities policy](#) (P200-23-4) which establishes criteria for District participation in community events, such as educational presentations and programs in schools – under the framework of this policy and the Strategic Plan goal to “Maintain a high level of customer service and community relations through public outreach, education, and partnership efforts,” the District participates in a wide range of efforts to raise awareness of the District’s priorities, initiatives, systems, and services.

Staff recently completed the 2024 Energy Facilities Master Plan (Master Plan) and preparation of a draft Energy policy to meet the 2024–2028 Strategic Plan action item to “Develop a District energy policy and District energy master plan that evaluates sustainable energy sources and opportunities for cost-effective energy conservation and efficiency.” The Board will consider the adoption of the proposed Energy policy at the February 20, 2024 Board meeting as a separate agenda item. If adopted, the policy statements outlined in the Green Business policy on facilities and equipment and energy management would be encompassed in the new Energy policy.

The Green Business policy was also established to comply with the requirements for certifying the District Office as a Green Business according to the Alameda County Green Business Program. Over time, these requirements have substantially changed. Staff is currently reviewing the new requirements that would need to be met to be recertified as a Green Business and has noted that the majority of DSRSD’s peer water and wastewater agencies are not enrolled in this program. Instead, many public agencies have elected to be “partners” in Alameda County’s Green Business Program. In this role, DSRSD would continue to provide support to local businesses that desire to be certified as a Green Business, such as performing water audits and recommending strategies to improve water use efficiency. Staff will provide an update to the Board on options for supporting Green Business programs at a future Board meeting.

Staff recommends that the Green Business policy be rescinded because the policy statements included in this policy are addressed in the Strategic Plan and other District policy documents, business practices, and regulatory requirements that have been implemented since 2007.

Originating Department: Engineering and Technical Services	Contact: J. Ching/S. Delight	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
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)		

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT RESCINDING THE GREEN BUSINESS POLICY (P200-07-1) AND RESCINDING RESOLUTION NO. 31-07

WHEREAS, on December 16, 2003, the Board of Directors adopted the Green Business policy by Resolution No. 69-03; and

WHEREAS, the Board last reviewed and revised the Green Business policy on June 17, 2007, and adopted a revised Green Business policy (P200-07-1) (Exhibit "A") by Resolution No. 31-07 (Exhibit "B"); and

WHEREAS, the Green Business policy describes the District's commitment toward environmental compliance, water conservation and the use of recycled water, energy efficiency, energy generation through renewable energy sources, and environmental stewardship; and

WHEREAS, the policies on the use of recycled water, included in the Green Business policy, were integrated into the Water Recycling policy (P300-20-2); and

WHEREAS, the policies related to water conservation and water efficiency, included in the Green Business policy, were updated and integrated into the Water Resiliency policy (P300-21-1); and

WHEREAS, the policies on education and community involvement, included in the Green Business policy, are addressed in the District's Strategic Plan and Participation in Charitable Events and Community Service Activities policy (P200-23-4); and

WHEREAS, the District has prepared an Energy policy, which includes updated energy management and facilities and equipment policies included in the Green Business policy; and

WHEREAS, the Green Business policy is generally considered to be redundant with other District policy documents, business practices, and regulations and, therefore, the need for the Green Business policy is no longer required.

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 Green Business policy, attached as Exhibit "A," and Resolution No. 31-07, attached as Exhibit "B," are hereby rescinded.

Res. No. _____

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 20th day of February, 2024, and passed by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary



POLICY

Dublin San Ramon Services District

Policy No.:	P200-07-1	General	
Type of Policy:			
Policy Title:	Green Business		
Policy Description:	Green Business Policy includes environmental compliance, pollution prevention, energy conservation, and solid waste reduction		
Approval Date: July 17, 2007			
Approval Resolution No.: 31-07		Last Review Date: 2007	
Rescinded Resolution No.: 69-03		Next Review Date: 2011	
Rescinded Resolution No.: 69-03		Rescinded Resolution Date: Dec 16, 2003	

It is the policy of the Board of Directors of Dublin San Ramon Services District:

The mission of the Dublin San Ramon Services District is to provide customers with competitively priced, high quality water and wastewater services in a manner that is socially and environmentally responsible.

The District holds as a core value that a successful business is dependent on a healthy environment and we must actively work to be environmentally responsible to our community by complying with all applicable regulations; conserving energy, water, materials and other resources; developing and implementing practices that prevent pollution and waste, and demonstrating environmentally responsible business within our community.

In support of our mission, the District is committed to:

Operations

- Meeting all legal and regulatory compliance requirements, including those established by the Environmental Protection Agency, Regional Water Quality Control Board, Department of Health Services, Bay Area Air Quality Management District, and the Occupational Safety and Health Administration in regulations and permits.

Recycled Water

- Recycling water for landscape irrigation, conserving potable water, and keeping the service area green with recycled water even in times of drought.
- Reducing the amount of treated wastewater that has to be pumped over the Dublin Grade to San Francisco Bay, and reducing electrical pumping costs by redirecting all usable wastewater towards local and regional water needs.

Facilities and Equipment

- Planning, designing, constructing, and operating facilities in an efficient and effective manner as a neighbor in the community and a resident of the environment.
- Preparing the appropriate environmental review for new construction as well as improvements at its existing facilities.
- Demonstrating its compassion to protect wildlife where appropriate by delaying work on reservoirs and construction on various improvements to preserve the natural environment for golden eagles, grebes, red-legged tree frogs and other affected species.
- Incorporating energy efficient design practices into all its facilities.
- Purchasing tools and equipment that produce low emissions or are energy efficient.

Water Conservation

- Encouraging water conservation by its customers.
- Providing water conservation low-flow devices to customers.
- Maintaining a Water Conservation Demonstration Garden located on the east side of the District Office at 7051 Dublin Boulevard, which serves as a demonstration project to encourage customers to replace water thirsty lawns with drought tolerant plants.

Energy Management

- Capturing the methane gas generated by the digesters and using this renewable energy source to produce electricity and hot water for heating and air conditioning for the Regional Wastewater Treatment Facility, which not only conserves energy, but also saves the District hundreds of thousands of dollars annually on electric costs.
- Constructing and operating a fuel cell energy system at the Regional Wastewater Treatment Plant in order to produce electricity. This system will use digester gas to generate electricity for the operation of wastewater treatment process, with emissions so low that the Air Quality Management District does not require a permit.
- Utilizing a 9/80 alternate work schedule (eighty hours in nine days) during the summer months, thereby allowing the District to turn off the air conditioning, computer equipment, and lights every other Friday, saving energy and money.

Waste Reduction

- Implementing programs to reduce or eliminate pollution and waste.
- Participating in single-stream recycling of paper products, cardboard, plastics, and aluminum cans, thereby reducing solid waste.
- Conducting a collection and recycling program for mercury thermometers, thermostats, batteries, and fluorescent tubes to help prevent mercury from polluting our environment and contaminating San Francisco Bay.
- Advocating pollution prevention of waterways, and has strived to educate and inform customers of ways they can contribute to pollution prevention.
- Using recycled materials when available.
- Using alternatives to hazardous substances whenever possible.
- Reducing the use of paper in the District's business.

Education and Community Involvement

- Providing educational presentations and programs for students and civic groups, and one-on-one consulting for customers related to water conservation, pollution prevention, and water recycling, and providing readily available information on these topics in brochures and on the District website.
- Conducting educational programs in area schools promoting water conservation, recycling water and pollution prevention.
- Publishing news, information and tips on ways to conserve water, recycle water and prevent the pollution of water in various District publications.
- Participating in community events such as *Day on the Glen*, *St. Patrick's Day Parade*, and *Dublin Pride Week* promoting water conservation, water recycling, and pollution prevention.
- Participating in and endorse staff participation in community projects that contribute to cleaning up the environment, conserving natural resources and preventing pollution of waterways.

Support Green Business Programs

- Providing funding for the Alameda County Green Business Directory.
- Achieving certification for District facilities as a Green Business according to the Alameda Green Business Programs.
- Working with the County of Alameda Green Business Program and other local wastewater agencies to develop criteria for wastewater treatment plants to become certified as *Green* businesses.

Work with Staff and Customers

- Raising management and employee awareness by including *Green* business practices in performance appraisals, job descriptions, training programs, and employee orientations.
- Encouraging staff and customers to avoid the use of gas-powered vehicles and equipment.
- Encouraging staff and customers to use public transportation on *Spare the Air* days.
- Encouraging District business customers to use recycled materials.
- Encouraging vendors and contractors to adopt similar *Green* Business policies.

This Green Business Policy shall be implemented in a manner that is responsible, fiscally prudent, and in accordance with the approved budget.

RESOLUTION NO. 31-07

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT REVISING THE GREEN BUSINESS POLICY AND RESCINDING RESOLUTION NO. 69-03

WHEREAS, on December 16, 2003 the Board adopted a Green Business Policy to provide customers with competitively priced, high quality water and wastewater services in a manner that is socially and environmentally responsible; and

WHEREAS, it is the Board's practice to review its policies every four years; and

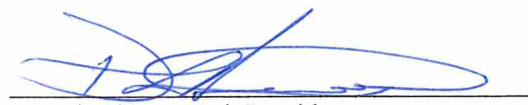
WHEREAS, the Green Business certification has been achieved in a cost effective manner for the District Office under the Alameda County Green Business Program and is now being pursued for the District's other facilities; and

WHEREAS, the Policy calls for the District to continue it's operating in a manner that is responsible, fiscally prudent, and in accordance with the approved budget.

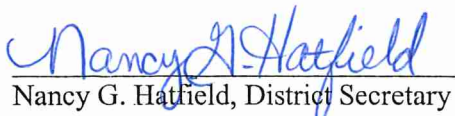
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, that the revised Green Business Policy, attached as Exhibit "A" be adopted; and Resolution No. 69-03 is hereby rescinded and attached as Exhibit "B."

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 17th day of July 2007, and passed by the following vote:

AYES: 5 - Directors Daniel J. Scannell, Jeffrey G. Hansen, Thomas W. Ford,
Richard M. Halket, D.L. (Pat) Howard
NOES: 0
ABSENT: 0


D.L. (Pat) Howard, President

Attest:


Nancy G. Hatfield, District Secretary



TITLE: Adopt New Energy Policy

RECOMMENDATION:

Staff recommends the Board of Directors adopt, by Resolution, the new Energy policy.

DISCUSSION:

The District’s Strategic Plan serves as a framework to guide decision-making and prioritization of work over a five-year period. The 2024–2028 Strategic Plan includes action items to: (1) “Develop a District energy policy and District energy master plan that evaluates sustainable energy sources and opportunities for cost-effective energy conservation and efficiency”; and (2) “Initiate cost-effective energy projects consistent with the District’s energy policy, business needs, and future regulations.”

In accordance with the 2024–2028 Strategic Plan, staff has recently completed an Energy Facilities Master Plan (Master Plan) and prepared a draft Energy policy. The Master Plan encompassed a comprehensive, top-to-bottom assessment of the District’s energy and greenhouse gas impacts for all its facilities, including the wastewater treatment plant, potable and recycled water distribution systems, administration buildings, and fleet. The recommended portfolio of projects from the Master Plan includes 14 capital improvement program (CIP) projects and 3 non-CIP projects. When fully implemented, the suite of 17 projects is expected to substantially reduce the District’s energy consumption and greenhouse gas emissions, while providing other major benefits, including stabilizing and reducing energy costs, diversifying energy supplies with renewable energy sources, ensuring regulatory compliance for the District’s fleet vehicles, and improving energy reliability throughout the District.

The Energy policy has been developed based on the analyses and recommendations presented in the Master Plan. The Energy policy is comprised of eight policy statements that provide an adaptable framework for enhancing energy system resilience and reliability, optimizing energy efficiency, increasing renewable energy production, complying with present and future energy and greenhouse gas mandates, and promoting environmental sustainability.

On January 16, 2024, staff reviewed the initial findings and recommendations of the Master Plan and proposed Energy policy with the Board. Based on Board input, the proposed Energy policy has been revised to replace specific references to initiatives such as the food waste recycling program, with broader long-term objectives for reducing the District’s total energy purchases and greenhouse gas emissions

The District’s current practice is to review each of its policies at least once every four years. If adopted, the Energy policy would be scheduled for review in 2028.

Originating Department: Engineering and Technical Services	Contact: J. Ching/S. Delight	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
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 43	

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT ADOPTING THE ENERGY POLICY

WHEREAS, the Dublin San Ramon Services District has established a Strategic Plan that serves as a framework for decision-making over a five-year period; and

WHEREAS, the 2024–2028 Strategic Plan specifies an action item to develop a District-wide energy master plan to evaluate sustainable energy sources and opportunities for cost-effective energy conservation and efficiency; and

WHEREAS, the 2024–2028 Strategic Plan specifies an additional action item to develop an energy policy to guide future District decisions with respect to energy resiliency, energy conservation, renewable energy generation, and environmental sustainability; and

WHEREAS, the District completed an Energy Facilities Master Plan, which included a comprehensive, top-to-bottom assessment of the District’s energy and greenhouse gas impacts for all its facilities, including the wastewater treatment plant, potable and recycled water distribution systems, buildings, and fleet; and

WHEREAS, the Energy Facilities Master Plan recommends a portfolio of 17 projects that will substantially reduce the District’s energy consumption and greenhouse gas emissions, while also providing other major benefits including stabilizing and reducing energy costs, diversifying energy supplies with renewable energy sources, ensuring regulatory compliance for the District’s fleet vehicles, and improving energy reliability throughout the District; and

WHEREAS, the analyses and recommendations presented in the Energy Facilities Master Plan have informed the development of an Energy policy; and

WHEREAS, by adopting this Energy policy, the District will establish an adaptable framework to enhance energy system resilience and reliability, optimize energy efficiency, increase renewable energy production, comply with present and future energy and greenhouse gas mandates, and promote environmental sustainability.

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 new Energy Policy, attached as Exhibit “A,” is hereby adopted.

Res. No. _____

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 20th day of February, 2024, and passed by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary



Policy

Policy No.: Click here to enter text.	Type of Policy: General
Policy Title: Energy	
Policy Description: Provides guidance for improving long-term energy efficiency and reliability for the District	
Approval Date: 2/20/2024	Last Review Date: 2024
Approval Resolution No.: XX-XX	Next Review Date: 2028
Rescinded Resolution No.: N/A	Rescinded Resolution Date: N/A

The purpose of this policy of the Board of Directors of Dublin San Ramon Services District is to provide an adaptable framework to enhance energy system resilience and reliability, optimize energy efficiency, increase renewable energy production, comply with current and future energy and greenhouse gas mandates, and promote environmental sustainability.

It is the Board’s policy to:

1. Establish and manage a diverse, reliable, and resilient energy supply portfolio that protects the District’s operations from unplanned electrical outages and stabilizes long-term energy costs.
2. Pursue initiatives that endeavor to reduce energy consumption, enhance energy efficiency, increase energy generation, and mitigate greenhouse gas emissions, while considering factors such as anticipated payback period, life cycle costs, resource requirements, and other District policies and strategic goals.
3. Comply with all regulatory energy and greenhouse gas related mandates and strive to exceed them when related investments are cost-effective.
4. Seek opportunities to increase the use and generation of renewable energy to offset additional future energy demands and reduce greenhouse gas emissions.
 - a. By 2030, utilize 100% of the biogas generated at the District’s Regional Wastewater Treatment Facility.
 - b. By 2045, decrease total electricity purchases by 25%, when compared to total electricity purchases in 2021.

Policy No.:	Policy Title: Energy
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- c. By 2045, reduce greenhouse gas emissions by 50%, when compared to greenhouse gas emission levels in 2021.
- 5. In the operation of its facilities, promote and adopt cost-effective operational practices, programs, and initiatives to manage energy costs and minimize impacts on the environment.
- 6. Assess opportunities to include cost-effective features that enhance energy reliability and resiliency, reduce energy demand, increase energy efficiency, and reduce greenhouse gas impacts during the planning and implementation of the District’s capital improvement projects.
- 7. Implement a fiscally responsible fleet management program that meets the District’s core operational needs and supports industry efforts to reduce petroleum-based fuels and tailpipe emissions.
- 8. Evaluate and pursue, when favorable, funding opportunities such as grants, low-interest loans, utility incentive programs and rebates, and strategic partnerships, to subsidize energy-related capital and operating expenditures.



TITLE: Approve Amendment to the Capital Improvement Program Ten-Year Plan and Two-Year Budget for Fiscal Years 2024 and 2025 to Add the Off-Site Solar Facilities Project (CIP 24-A045) and On-Site Solar, Battery Storage and Electric Vehicle Charging Station Project (CIP 24-A046), and Retitle the WWTP Motor Control Center and Distribution Panel “A” Improvements Project (CIP T16-11) to the WWTP Electrical Improvements – Phase 1 Project (CIP 24-P044) and Advance CIP 24-P044 to Fiscal Year 2025

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Resolution, an amendment to the Capital Improvement Program (CIP) Ten-Year Plan and Two-Year Budget for Fiscal Years 2024 and 2025 to:

1. Add the Off-Site Solar Facilities Project (CIP 24-A045); and
2. Add the On-Site Solar, Battery Storage and Electric Vehicle Charging Station Project (CIP 24-A046); and
3. Retitle the WWTP Motor Control Center and Distribution Panel “A” Improvements Project (CIP T16-11) to the WWTP Electrical Improvements – Phase 1 Project (CIP 24-P044) and advance the project (CIP 24-P044) to Fiscal Year (FY) 2025.

SUMMARY:

In accordance with the District’s 2024–2028 Strategic Plan, staff has completed preparation of an Energy Facilities Master Plan (Master Plan) and Energy policy to guide efforts to improve energy efficiency and reliability for the District. On January 16, 2024, staff presented the findings and recommendations of the Master Plan to the Board of Directors, including the key projects recommended from the study and a high-level overview of the potential impacts of these projects on the District’s future energy usage and greenhouse gas emissions. The recommended portfolio of projects from the Master Plan includes 14 capital improvement program (CIP) projects and 3 non-CIP projects. Staff is proposing to commence three of the recommended CIP projects in Fiscal Year (FY) 2025. These projects include the Off-Site Solar Facilities, On-Site Solar, Battery Storage and Electric Vehicle Charging Station, and WWTP Electrical Improvements – Phase 1.

DISCUSSION:

The District’s Strategic Plan serves as a framework to guide decision-making and prioritization of work over a five-year period. The 2024–2028 Strategic Plan includes action items to: (1) “Develop a District energy policy and District energy master plan that evaluates sustainable energy sources and opportunities for cost-effective energy conservation and efficiency”; and (2) “Initiate cost-effective energy projects consistent with the District’s energy policy, business needs, and future regulations.”

District staff has completed preparation of the Master Plan and Energy policy. The Master Plan encompassed a comprehensive, top-to-bottom assessment of the District’s energy and greenhouse gas impacts for all its facilities,

Originating Department: Engineering and Technical Services	Contact: J. Ching/S. Delight	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: Off-Site Solar Facilities (CIP 24-A045) Budget: \$100,000, Fund Split: Fund 210 – 1%; Fund 310 – 38%; Fund 610 – 61% On-Site Solar, Battery Storage and Electric Vehicle Charging Station (CIP 24-A046) Budget: \$100,000, Fund Split: Fund 210 – 8%; Fund 310 – 36%; Fund 320 – 24%; Fund 610 – 32% WWTP Electrical Improvements – Phase 1 (CIP 24-P044) Budget: \$2,069,000, Fund 310 – 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)	25 of 43	

including the wastewater treatment plant, potable and recycled water distribution systems, administrative buildings, and fleet. The recommended portfolio of projects from the Master Plan includes 14 CIP projects and 3 non-CIP projects. When fully implemented, the suite of 17 projects is expected to substantially reduce the District's energy consumption and greenhouse gas emissions, while providing other major benefits including stabilizing and reducing energy costs, diversifying energy supplies with renewable energy sources, ensuring regulatory compliance for the District's fleet vehicles, and improving energy reliability throughout the District. The Master Plan informed preparation of the Energy policy, which is anticipated to be adopted at this evening's Board meeting.

Consistent with the recommendations in the Master Plan and proposed Energy policy, staff is asking the Board to approve an amendment to the CIP Ten-Year Plan and Two-Year Budget for Fiscal Years 2024 and 2025 to add two solar projects – Off-Site Solar Facilities (CIP 24-A045) and On-Site Solar, Battery Storage and Electric Vehicle Charging Station (CIP 24-A046) – and to advance WWTP Electrical Improvements – Phase 1 (CIP 24-P044).

Solar Projects:

The Master Plan recommends adding two new solar projects to the current Two-Year CIP Budget to take advantage of available, but limited, funding opportunities through federal, state, and local grants and support the District's transition to a zero-emissions fleet as required by State regulations. These projects will diversify the District's energy portfolio with additional renewable energy sources and help stabilize long-term energy costs. Staff recommends that both solar projects be funded through a solar purchase power agreement (PPA). A solar PPA is a financial agreement where a third-party developer assumes responsibility for the planning, permitting, design, installation, operation, and maintenance of a solar energy system installed on an owner's property at little to no cost to the owner. In return, the owner agrees to purchase power generated from these solar facilities at unit rates built into the terms of the agreement. Solar PPAs typically range from 15 to 25 years and are commonly used by public agencies to minimize upfront capital costs and staffing that would be required to maintain the new solar projects. The two recommended solar projects are:

1. The **Off-Site Solar Facilities Project (CIP 24-A045)** will install pole-mounted solar arrays around the perimeter of the Livermore-Amador Valley Water Management Agency (LAVWMA) effluent storage basins, located in Pleasanton. The proposed project budget for the Off-Site Solar Facilities Project (CIP 24-A045) is \$100,000 and will be funded 1% by the Local Wastewater Replacement (Fund 210), 38% by the Regional Wastewater Replacement (Fund 310), and 61% by the Water Replacement (Fund 610). The requested budget of \$100,000 will fund project management and other required professional services.
2. The **On-Site Solar, Battery Storage and Electric Vehicle Charging Station Project (CIP 24-A046)** will install solar facilities, which may include a combination of roof-mounted solar arrays and solar carport canopies, battery storage, and electric vehicle charging stations, at the District's Administrative Office, the Field Operations Facility, and the Wastewater Treatment Plant. The proposed project budget for the On-Site Solar, Battery Storage and Electric Vehicle Charging Station Project (CIP 24-A046) is \$100,000 and will be funded 8% by the Local Wastewater Replacement (Fund 210), 36% by the Regional Wastewater Replacement (Fund 310), 24% by the Regional Wastewater Expansion (Fund 320), and 32% by the Water Replacement (Fund 610). The requested budget of \$100,000 is required for project management and other professional services needed to facilitate the implementation of the project.

Staff plans to use a competitive Request for Proposal (RFP) process to select the best partner for these projects. This approach allows staff to thoroughly evaluate proposals from qualified vendors and select the partnership that best meets the project requirements, desired outcomes, qualifications, and other criteria established in the RFP. The negotiated PPAs will be brought to the Board of Directors for review and approval.

Electrical Project:

To enhance energy resiliency and reliability for the District's wastewater treatment plant, the Master Plan recommends improvements to the facility's electrical distribution system. The improvements are expected to be implemented in two phases. The first phase, the **WWTP Electrical Improvements – Phase 1 Project (CIP 24-P044)**, will address the most critical components of the wastewater treatment plant's electrical infrastructure. As such, the Master Plan recommends advancing the first phase of this project to the current Two-Year CIP Budget. Based on the current electrical demands for the wastewater treatment plant, the infrastructure identified for potential upgrades in Phase 2 is currently adequate.

The second phase of this project, therefore, will be implemented when electrical load demands increase sufficiently, whereby improvements are deemed necessary.

The Ten-Year CIP Plan includes the WWTP Motor Control Center and Distribution Panel “A” Improvements Project (CIP T16-11) in FY 2026 and FY 2027, with a total estimated budget of \$2,069,000. The scope of this project encompasses the work proposed in Phase 1 of the WWTP Electrical Improvements project. Therefore, staff recommends (1) retitling the project to “WWTP Electrical Improvements – Phase 1 (CIP 24-P044),” and (2) advancing the project from the Ten-Year CIP Plan to the current Two-Year CIP Budget.

The total project budget for Phase 1 is \$2,069,000 and is funded by the Regional Wastewater Replacement (Fund 310). The \$300,000 budget proposed in FY 2025 will support planning and design. The remaining budget of \$1,769,000 will be spent in FY 2026 for construction and construction management services.

Fiscal Impacts:

The two solar projects will appropriate an additional \$9,000 from the Local Wastewater Replacement Fund 210); \$74,000 from the Regional Wastewater Replacement Fund 310); \$24,000 from the Regional Wastewater Expansion (Fund 320); and \$93,000 from the Water Replacement (Fund 610), for a total increase in appropriations of \$200,000 over the approved CIP Ten-Year Plan for Fiscal Years 2024 through 2033. No increase in appropriations is needed for the WWTP Electrical Improvements – Phase 1 Project.

No adjustments to the fund budgets are recommended, as the total estimated capital expenditures, including the three subject projects, will not exceed the current fund budgets authorized by the Board for the Two-Year CIP Budget for Fiscal Years 2024 and 2025, which was adopted by the Board on June 20, 2023.

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPROVING AN AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM TEN-YEAR PLAN AND TWO-YEAR BUDGET FOR FISCAL YEARS 2024 AND 2025 TO ADD THE OFF-SITE SOLAR FACILITIES PROJECT (CIP 24-A045) AND ON-SITE SOLAR, BATTERY STORAGE AND ELECTRIC VEHICLE CHARGING STATION PROJECT (CIP 24-A046), RETITLE THE WWTP MOTOR CONTROL CENTER AND DISTRIBUTION PANEL “A” IMPROVEMENTS PROJECT (CIP T16-11) TO THE WWTP ELECTRICAL IMPROVEMENTS – PHASE 1 PROJECT (CIP 24-P044), AND ADVANCE THE WWTP ELECTRICAL IMPROVEMENTS – PHASE 1 PROJECT (CIP 24-P044)

WHEREAS, the Board of Directors approved the District’s Capital Improvement Program (“CIP”) Ten-Year Plan for Fiscal Years 2024 through 2033 (“CIP Plan”) on June 20, 2023, to serve as a budgetary planning document providing direction and guidance, in accordance with District policies, for the replacement and improvement of existing District facilities and the construction of new facilities; and

WHEREAS, the Board of Directors adopted the current CIP Two-Year Budget for Fiscal Years 2024 and 2025 (“CIP Budget”) on June 20, 2023, authorizing fund budgets for fiscal years 2024 and 2025 to meet the District’s capital infrastructure needs; and

WHEREAS, staff recommends adding the Off-Site Solar Facilities Project (CIP 24-A045) to the CIP; and

WHEREAS, staff recommends adding the On-Site Solar, Battery Storage and Electric Vehicle Charging Station Project (CIP 24-A046) to the CIP; and

WHEREAS, the CIP Plan includes the WWTP Motor Control Center and Distribution Panel “A” Improvements Project (CIP T16-11) with a budget of \$2,069,000; and

WHEREAS, staff recommends retitling the WWTP Motor Control Center and Distribution Panel “A” Improvements Project (CIP T16-11) to the WWTP Electrical Improvements – Phase 1 Project (CIP 24-P044); and

WHEREAS, staff recommends revising the CIP Budget by advancing the WWTP Electrical Improvements – Phase 1 Project (CIP 24-P044) from the CIP Plan to the CIP Budget.

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. The Off-Site Solar Facilities Project (CIP 24-A045) is hereby added into the CIP Ten-Year Plan for Fiscal Years 2024 through 2033 and the CIP Two-Year Budget for Fiscal Years 2024 and 2025 in accordance with the project description sheet attached as Exhibit “A.”

Res. No. _____

2. The On-Site Solar, Battery Storage and Electric Vehicle Charging Station Project (CIP 24-A046) is hereby added into the CIP Ten-Year Plan for Fiscal Years 2024 through 2033 and the CIP Two-Year Budget for Fiscal Years 2024 and 2025 in accordance with the project description sheet attached as Exhibit "B."

3. The WWTP Motor Control Center and Distribution Panel "A" Improvements Project (CIP T16-11) is hereby retitled to the WWTP Electrical Improvements – Phase 1 Project (CIP 24-P044) in the CIP Ten-Year Plan for Fiscal Years 2024 through 2033, in accordance with the project description sheet attached as Exhibit "C."

4. The WWTP Electrical Improvements – Phase 1 Project (CIP 24-P044) is hereby advanced from the CIP Ten-Year Plan for Fiscal Years 2024 through 2033 and incorporated into the CIP Two-Year Budget for Fiscal Years 2024 and 2025.

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 20th day of February, 2024, and passed by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary

DSRSD CIP 10-Year Plan for FYEs 2024 through 2033

CATEGORY: GENERAL

Water Replacement (Fund 610)

CIP No. 24-A045 Off-Site Solar Facilities

Funding Allocation: 61% 610 38% 310 1% 210

Project Manager:

Status: New Project

Project Summary:

The project includes installation of canopy-mounted solar facilities around the perimeter of the LAVWMA effluent storage basins. Total power production output is projected to be 3.2 million kWh/year, based on the layout presented in the figure below. The project would be financed through a purchase power agreement.

Anticipated CEQA: Initial Study/Mitigated Negative Declaration

Reference: 2024 Energy Facilities Master Plan

Fund Allocation Basis: Implementation of this project will offset existing electrical demands

10-Year Cash Flow and Estimated Project Cost:

Prior	FYE 24	FYE 25	FYE 26	FYE 27	FYE 28	FYE 29	FYE 30	FYE 31	FYE 32	FYE 33	Future
0	0	100,000	0	0	0	0	0	0	0	0	0

Total Estimated Project Cost \$100,000

Current Adopted Budget \$0

Increase/(Decrease) \$100,000



DSRSD CIP 10-Year Plan for FYEs 2024 through 2033

CATEGORY: GENERAL

Regional Wastewater Replacement (Fund 310)

CIP No. 24-A046 On-Site Solar Power, Battery Storage and Electric Vehicle Charging Station

Funding Allocation: 36% 310 32% 610 24% 320 8% 210

Project Manager:

Status: New Project

Project Summary:

This project involves installation of new solar power facilities at the WWTP, Field Operations Facility (FOF) Building, and at the District Administration Building. The project also includes installation of electric vehicle charging stations and battery storage for storing excess power generated during the day for use with EV charging overnight. The project would be financed through a purchase power agreement.

Anticipated CEQA: Initial Study/Mitigated Negative Declaration

Reference: 2024 Energy Facilities Master Plan

Fund Allocation Basis: Implementation of this project will offset both existing and future electrical demands.

10-Year Cash Flow and Estimated Project Cost:

Prior	FYE 24	FYE 25	FYE 26	FYE 27	FYE 28	FYE 29	FYE 30	FYE 31	FYE 32	FYE 33	Future
0	0	100,000	0	0	0	0	0	0	0	0	0

Total Estimated Project Cost \$100,000
 Current Adopted Budget \$0
 Increase/(Decrease) \$100,000



Figure 12.11 Onsite Solar and EV Charging Facility Locations at the WWTP, Administration Building, and FOF Building

DSRSD CIP 10-Year Plan for FYEs 2024 through 2033

CATEGORY: REGIONAL WASTEWATER TREATMENT

Regional Wastewater Replacement (Fund 310)

CIP No. 24-P044 WWTP Electrical Improvements - Phase 1

Funding Allocation: 100% 310

Project Manager: TBD

Status: New Project

Project Summary:

This project will upgrade the wastewater treatment plant's motor control centers (MCCs) MCC-E and electrical distribution panel A (DPA) to a standard 65,000 Ampere Interrupting Capacity (AIC) rating. Based on the most recent short circuit analysis, ten MCCs and DPA either do not have adequate short circuit equipment AIC ratings to either handle possible fault scenarios or to handle future expansions. The upgrade will also require modifications to existing MCC buckets as the MCCs are over 20 years old and exact replacement parts (i.e. starters, circuit breakers, etc.) are no longer readily available.

Anticipated CEQA: Categorical Exemption [CEQA Guideline 15301, 15302]

Reference: None

Fund Allocation Basis: Project is required to replace or rehabilitate existing regional wastewater fund assets.

10-Year Cash Flow and Estimated Project Cost:

Prior	FYE 24	FYE 25	FYE 26	FYE 27	FYE 28	FYE 29	FYE 30	FYE 31	FYE 32	FYE 33	Future
0	0	300,000	1,769,000	0	0	0	0	0	0	0	0

Total Estimated Project Cost **\$2,069,000**

Current Adopted Budget \$0

Increase/(Decrease) \$2,069,000



TITLE: Public Hearing: Second Reading and Adoption of Ordinance Revising District Code Chapter 7.30, Facility Use Permits

RECOMMENDATION:

Staff recommends the Board of Directors (1) waive, by Motion, the second reading of an Ordinance that will revise provisions of the District Code Chapter District Code Chapter 7.30, Facility Use Permits, (2) hold a public hearing, and (3) adopt the Ordinance.

DISCUSSION:

This is the second of two readings for proposed revisions to District Code Chapter 7.30, Facility Use Permits. The Board reviewed the details of the recommended revisions to the code at the first reading on February 6, 2024. If adopted, the ordinance will become effective in 30 days.

At the regular meeting of the Board of Directors on December 5, 2023, the Board directed staff to prepare a revision to the District Code Chapter 7.30, Facility Use Permits, in order to limit use of District building facilities to only governmental entities and organizations with whom the District conducts business (with exception of outdoor District Office spaces) and require applicants to provide necessary insurance coverage to use a District facility, and to make non-substantive updates and clarifications to bring this chapter up to date and address any potential legal concerns.

Proposed revisions to the District Code Chapter 7.30 include:

- Adding of references to “employees associations” as a group who may request facility use permits;
- Removing references to “local advocacy organizations”;
- Clarifying the definition of “facility” or “facilities” in District Code Section 7.30.020, Definitions, specifically to define use of certain District facilities by governmental agencies or affiliates, exclusive employee groups, employees associations, and exclusive bargaining agents, and use of the outdoor lawn, patio, and parking lot of the District Main Office by not-for-profit community interest organizations;
- Removing Subsection C, Modify or Waiver, of District Code Section 7.30.070, Insurance, to conform with a consistent application of District insurance requirements for all contracts (such as facility use permits);
- Adding to District Code Section 7.30.120 the prohibition of smoking and/or vaping of tobacco or cannabis products, and use of open flames, dry ice, paint, etc., to the list of prohibited activities while on District property, in conjunction with a permit;
- Clarifying District Code Section 7.30.130, Use of appurtenant facilities, that use of rest rooms is prohibited when the permitted use is limited to the outdoor lawn, patio, and/or parking lot;
- Adding of language to District Code Section 7.30.150, Regulations, which would allow the Board to establish regulations or other limitations governing the use of facilities, in addition to those specified in this chapter, by way of an ordinance or resolution.

Attachment 1 shows a marked-up version of the recommended revisions.

Public notification requirements include the publishing of an ordinance summary after both the first and second readings. The summaries are to be published on the District website and in a newspaper of general circulation. The first summary was published on February 13, 2024, and the second summary will be published on February 27, 2024.

Originating Department: Office of the General Manager	Contact: M. Gallardo/J. Lee	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Marked-up District Code Chapter 7.30, Facility Use Permits	

Chapter 7.30**FACILITY USE PERMITS**

Sections:

7.30.010	Purpose.
7.30.020	Definitions.
7.30.030	Use authorized.
7.30.040	Permit required.
7.30.050	Scheduling.
7.30.060	Supervision required.
7.30.070	Insurance.
7.30.080	Defense – Indemnification.
7.30.090	Insurance and indemnification waiver.
7.30.100	Nonassignability.
7.30.110	Temporary, revocable use.
7.30.120	Prohibited activities.
7.30.130	Use of appurtenant facilities.
7.30.140	Fees.
7.30.150	Regulations.

7.30.010 Purpose.

The purpose of this chapter is to authorize and provide a procedure for use of certain District-owned facilities by governmental agencies or affiliates, not-for-profit community interest organizations, ~~employees associations~~ ~~local advocacy organizations~~, exclusive employee groups, and exclusive bargaining agents in furtherance of the interests of the District with respect to its water, wastewater, and recycled water enterprise responsibilities to protect public health and the environment. public health and general welfare of the residents of the District. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.020 Definitions.

In the construction of this chapter, the general definitions set forth in DSRSDC 1.20.080, Definitions, shall apply except where such definitions would be inconsistent with the manifest intent of the Board, or the context clearly requires otherwise, or where contrary definitions are set forth in this chapter, or as otherwise stated in DSRSDC 1.20.080, Definitions. The following definitions shall apply to this chapter, unless such definitions would be inconsistent with the manifest intent of the Board of Directors or the context clearly requires otherwise.

“**Community interest purpose**” means an activity or program for public recreation, education, welfare, cultural, health, safety, ~~advocacy~~ or similar purpose which is consistent with DSRSDC 7.30.010, Purpose, and applicable DSRSD policies.

“**Employees association**” means any association of District employees approved or recognized by the General Manager other than an exclusive bargaining agent or an exclusive employee group.

“**Exclusive bargaining agent**” means a union or similar organization which has been certified in accordance with appropriate legal requirements to be the exclusive representative of all the employees in a particular bargaining unit or group and afforded recognition by the District as the exclusive bargaining agent for a group of its employees.

“**Exclusive employee group**” means a bargaining unit or group consisting exclusively of District employees who are not represented by a union or similar organization, and their invited guests, as approved by the General Manager.

“**Facility**” or “**facilities**” means the facility or facilities specifically identified in the facilities use permit approved by the General Manager under this chapter, which may include ~~one or more of the following: 1) For governmental agencies or affiliates, exclusive employee groups, employees associations, and exclusive bargaining~~

~~agents only, use of~~ the Board of Directors meeting room, ~~general office space~~, conference rooms, or any other appropriate indoor space at any of the District facilities or buildings, or any outdoor portion of any property of the District appropriate for an outside program or event; ~~and 2) for not-for-profit community interest organizations, use of the outdoor lawn, patio, and parking lot of the District Main Office for an outside program or event.~~ The General Manager may be authorized to develop a list of specific facilities that may, or may not, be made available for use and may update that list from time to time.

“**Governmental agency**” or “**affiliate**” means a federal, state or county agency; a special district, including this District; or any department, office or organization identified with any such governmental agency, which carries out or is engaged in a governmental or community interest purpose.

“**Governmental purposes**” means an activity or program carried out by a governmental agency or affiliate in its official capacity.

~~—“**Local advocacy organization**” means a locally organized group or committee existing for the purpose of advocating a position on a local non-District specific ballot measure, but specifically excludes organizations existing for the purpose of advocacy of candidates for any office whatsoever. There shall be no preference given towards any advocacy organization on a particular ballot measure.~~

“**Not-for-profit community interest organization**” means a not-for-profit unincorporated association, corporation, partnership or other organization which is organized for and carries out a community interest purpose. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.030 Use authorized.

The General Manager may issue a permit to use a facility to a governmental agency or affiliate, ~~a local advocacy organization~~, a not-for-profit community interest organization, ~~employees association~~, an exclusive employee group, ~~and/or an exclusive bargaining agent~~, ~~or an employees organization~~. When a permit is issued the use shall be subject to the terms of this chapter, any regulations adopted under this chapter, and the specific terms and conditions of the permit. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.040 Permit required.

Use of the facilities is only authorized pursuant to a permit issued by the General Manager. The General Manager shall provide application forms specifying the information appropriate and necessary for the issuance of a permit. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.050 Scheduling.

The General Manager is authorized to schedule and regulate the time, place and manner of the use of the facilities. The General Manager may issue a permit for a specific date or activity, or for recurring meetings or activities upon the dates or days, and at such times or with the frequency, as the General Manager specifies in the permit. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.060 Supervision required.

Each activity permitted shall be supervised by a responsible person twenty-one (21) years or older, who shall remain on the premises at all times during the use by the permittee. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.070 Insurance.

A. Requirement. No facility may be used under a permit unless the permittee obtains and maintains during the term or period of use general liability and property damage insurance covering the use and occupancy in minimum amounts established by separate ordinance, resolution, or policy of the Board from time to time.

B. Endorsements. The permittee shall provide the District a copy of each insurance policy, or the declaration page, evidencing the insurance coverage. In addition to the evidence of insurance, the permittee shall file with the General Manager endorsements to each policy:

1. Precluding cancellation or reduction in coverage of insurance before the expiration of 30 days after the District receives written notice by first class mail from the insurance carrier;
2. Naming the Dublin San Ramon Services District, its Board of Directors, committees, officers, employees and agents as additional insureds;
3. Providing that the permittee's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability;
4. Providing that the permittee's insurance coverage shall be primary insurance with respect to the District, its Board of Directors, committees, officers, employees and agents, and that any insurance or self-insurance maintained by the District shall be excess of the permittee's insurance, and not contributory with it.

~~C. — Modify or Waiver. The Board of Directors may, by resolution, modify or waive these insurance requirements as they relate to a specific use permit.~~ [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.080 Defense – Indemnification.

Each permittee issued a permit under this chapter shall, by acceptance of the facilities use permit, be obligated to defend, indemnify and hold harmless the District, its Board of Directors, committees, officers, employees, agents and volunteers from and against any and all claims, damages, losses and expenses (including without limitation costs of suit and attorneys' fees), arising out of the use or occupancy of the facility or facilities under the permit, and caused, or alleged to have been caused, in whole or in part, by any negligent, willful, or intentional tortious act, or omission to act, of the permittee. Each permit shall include these provisions. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.090 Insurance and indemnification waiver and conformity.

A. DSRSDC 7.30.070, Insurance, and DSRSDC 7.30.080, Defense – Indemnification, may be waived by the General Manager for exclusive employee groups and employees associations.

B. If and to the extent the provisions of DSRSDC 7.30.070, Insurance, and DSRSDC 7.30.080, Defense – Indemnification, are inconsistent with existing agreements entered into by the District, the insurance and indemnification requirements for use of the facilities shall be governed by those existing agreements. [Ord. 327, 2010.]

7.30.100 Nonassignability.

The permittee shall not assign a permit, or any interest in it, without the prior written consent of the General Manager. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.110 Temporary, revocable use.

The issuance of a permit does not constitute a deed, grant of easement, lease, or conveyance or transfer of any proprietary interest, and each permit is revocable without cause at any time at the will of the District, effective upon written notice by the General Manager of the revocation. The revocation is effective on the date or time specified in the notice, which shall be within 30 days of the notice. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.120 Prohibited activities.

The following activities and conduct within a facility or on District property, in conjunction with a permit, are prohibited:

- A. The possession, sale, serving or consumption of alcoholic beverages;
- B. Smoking and/or vaping of tobacco or cannabis products;
- C. Gambling or betting;

D. The possession, sale, serving or consumption of food, or food items, other than soft drinks, coffee, tea, milk or other nonalcoholic beverages, except as may otherwise be expressly permitted by the General Manager in the permit;

E. The use of a public address system, radio, broadcasting system, amplifier, television or other audio or visual equipment or device, except as is expressly permitted by the General Manager in the permit;

F. The use of District-owned equipment, including, without limitation, telephone, copier/[printer](#), computer, [typewriter](#) or other business machines [and supplies](#), except as is expressly permitted by the General Manager in the permit; provided, that there is no cost to the District for the use of these facilities; or provided, that the permittee reimburses the District for the cost of the use of this equipment;

G. Permitting an animal, other than a service animal, within or on a facility, or within or on District premises, in conjunction with an activity under a permit; or permitting or allowing, expressly or impliedly, a person associated with an activity conducted under a permit to bring upon, possess or allow an animal within a facility, except as is expressly permitted by the General Manager in the permit or as required by law;

H. An activity which causes, or tends to cause, undue wear or tear on a facility or a furnishing or furniture in or on the facility, [including use of open flames, dry ice, paint, etc.;](#)

I. An activity which interferes with District business;

J. An unlawful activity; or

K. Any other prohibited act or activity which the General Manager specifies in the permit, or as otherwise provided by Board regulation. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.130 Use of appurtenant facilities.

The use of a facility under a permit is deemed to include reasonable use of property appurtenant to the facility, including, without limitation, the use of District's parking ~~facilities-lot~~ and rest rooms. [Use of rest rooms is prohibited when the permitted use is limited to the outdoor lawn, patio, and/or parking lot.](#) The General Manager shall specify any limitation on the use of parking facilities in the permit. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.140 Fees.

The Board may establish fees, by resolution, to defray costs incurred by the District for the administration of this chapter and the use of District facilities. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.150 Regulations.

The Board may, [by ordinance or resolution](#), establish regulations or other limitations governing the use of facilities, in addition to those specified in this chapter. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

ORDINANCE NO. _____

AN ORDINANCE OF DUBLIN SAN RAMON SERVICES DISTRICT AMENDING DISTRICT CODE TITLE 7, CHAPTER 7.30, FACILITY USE PERMITS

WHEREAS, on November 2, 2010, the Board of Directors adopted Ordinance No. 327 revising District Code Chapter 7.30, Facility Use Permits; and

WHEREAS, at the regular meeting of the Board of Directors on December 5, 2023, the Board of Directors directed staff to prepare revisions to the District Code Chapter 7.30, Facility Use Permits, in order to make updates and clarifications.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Dublin San Ramon Services District as follows:

1. The purpose of this Ordinance is to revise District Code Chapter 7.30, Facility Use Permits, to modify the procedures and requirements applicable to the use of certain District-owned facilities.
2. Chapter 7.30, Facility Use Permits, of the District Code is hereby amended as shown in Exhibit "1."
3. This Ordinance shall take effect thirty (30) days after its adoption.
4. The General Manager, or designee, is authorized and directed to establish appropriate administrative procedures consistent with the provisions of this ordinance and to take reasonable and appropriate action to fully implement the provisions of this ordinance.
5. The General Manager, or designee, is further authorized and directed to make further non-substantive administrative changes for publishing the District Code, as approved by District General Counsel, to Chapter 7.30 (including revisions in formatting as may be suggested by the publisher) for consistency and ease of reference within sixty (60) days from date of adoption.

Ord. No. _____

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 20th day of February, 2024, by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary

DATE OF ATTESTATION: _____

Chapter 7.30**FACILITY USE PERMITS**

Sections:

7.30.010	Purpose.
7.30.020	Definitions.
7.30.030	Use authorized.
7.30.040	Permit required.
7.30.050	Scheduling.
7.30.060	Supervision required.
7.30.070	Insurance.
7.30.080	Defense – Indemnification.
7.30.090	Insurance and indemnification waiver.
7.30.100	Nonassignability.
7.30.110	Temporary, revocable use.
7.30.120	Prohibited activities.
7.30.130	Use of appurtenant facilities.
7.30.140	Fees.
7.30.150	Regulations.

7.30.010 Purpose.

The purpose of this chapter is to authorize and provide a procedure for use of certain District-owned facilities by governmental agencies or affiliates, not-for-profit community interest organizations, employees associations exclusive employee groups, and exclusive bargaining agents in furtherance of the interests of the District with respect to its water, wastewater, and recycled water enterprise responsibilities to protect public health and the environment. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.020 Definitions.

In the construction of this chapter, the general definitions set forth in DSRSDC 1.20.080, Definitions, shall apply except where such definitions would be inconsistent with the manifest intent of the Board, or the context clearly requires otherwise, or where contrary definitions are set forth in this chapter, or as otherwise stated in DSRSDC 1.20.080, Definitions. The following definitions shall apply to this chapter, unless such definitions would be inconsistent with the manifest intent of the Board of Directors or the context clearly requires otherwise.

“**Community interest purpose**” means an activity or program for public recreation, education, welfare, cultural, health, safety, or similar purpose which is consistent with DSRSDC 7.30.010, Purpose, and applicable DSRSD policies.

“**Employees association**” means any association of District employees approved or recognized by the General Manager other than an exclusive bargaining agent or an exclusive employee group.

“**Exclusive bargaining agent**” means a union or similar organization which has been certified in accordance with appropriate legal requirements to be the exclusive representative of all the employees in a particular bargaining unit or group and afforded recognition by the District as the exclusive bargaining agent for a group of its employees.

“**Exclusive employee group**” means a bargaining unit or group consisting exclusively of District employees who are not represented by a union or similar organization, and their invited guests, as approved by the General Manager.

“**Facility**” or “**facilities**” means the facility or facilities specifically identified in the facilities use permit approved by the General Manager under this chapter, which may include: 1) For governmental agencies or affiliates, exclusive employee groups, employees associations, and exclusive bargaining agents only, use of the Board of Directors meeting room, conference rooms, or any other appropriate indoor space at any of the District facilities or

buildings, or any outdoor portion of any property of the District appropriate for an outside program or event; and 2) for not-for-profit community interest organizations, use of the outdoor lawn, patio, and parking lot of the District Main Office for an outside program or event. The General Manager is authorized to develop a list of specific facilities that may, or may not, be made available for use and may update that list from time to time.

“**Governmental agency**” or “**affiliate**” means a federal, state or county agency; a special district, including this District; or any department, office or organization identified with any such governmental agency, which carries out or is engaged in a governmental or community interest purpose.

“**Governmental purposes**” means an activity or program carried out by a governmental agency or affiliate in its official capacity.

“**Not-for-profit community interest organization**” means a not-for-profit unincorporated association, corporation, partnership or other organization which is organized for and carries out a community interest purpose. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.030 Use authorized.

The General Manager may issue a permit to use a facility to a governmental agency or affiliate, not-for-profit community interest organization, employees association, exclusive employee group, and/or exclusive bargaining agent.. When a permit is issued the use shall be subject to the terms of this chapter, any regulations adopted under this chapter, and the specific terms and conditions of the permit. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.040 Permit required.

Use of the facilities is only authorized pursuant to a permit issued by the General Manager. The General Manager shall provide application forms specifying the information appropriate and necessary for the issuance of a permit. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.050 Scheduling.

The General Manager is authorized to schedule and regulate the time, place and manner of the use of the facilities. The General Manager may issue a permit for a specific date or activity, or for recurring meetings or activities upon the dates or days, and at such times or with the frequency, as the General Manager specifies in the permit. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.060 Supervision required.

Each activity permitted shall be supervised by a responsible person twenty-one (21) years or older, who shall remain on the premises at all times during the use by the permittee. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.070 Insurance.

A. Requirement. No facility may be used under a permit unless the permittee obtains and maintains during the term or period of use general liability and property damage insurance covering the use and occupancy in minimum amounts established by separate ordinance, resolution, or policy of the Board from time to time.

B. Endorsements. The permittee shall provide the District a copy of each insurance policy, or the declaration page, evidencing the insurance coverage. In addition to the evidence of insurance, the permittee shall file with the General Manager endorsements to each policy:

1. Precluding cancellation or reduction in coverage of insurance before the expiration of 30 days after the District receives written notice by first class mail from the insurance carrier;
2. Naming the Dublin San Ramon Services District, its Board of Directors, committees, officers, employees and agents as additional insureds;
3. Providing that the permittee’s insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer’s liability;

4. Providing that the permittee's insurance coverage shall be primary insurance with respect to the District, its Board of Directors, committees, officers, employees and agents, and that any insurance or self-insurance maintained by the District shall be excess of the permittee's insurance, and not contributory with it. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.080 Defense – Indemnification.

Each permittee issued a permit under this chapter shall, by acceptance of the facilities use permit, be obligated to defend, indemnify and hold harmless the District, its Board of Directors, committees, officers, employees, agents and volunteers from and against any and all claims, damages, losses and expenses (including without limitation costs of suit and attorneys' fees), arising out of the use or occupancy of the facility or facilities under the permit, and caused, or alleged to have been caused, in whole or in part, by any negligent, willful, or intentional tortious act, or omission to act, of the permittee. Each permit shall include these provisions. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.090 Insurance and indemnification waiver and conformity.

A. DSRSDC 7.30.070, Insurance, and DSRSDC 7.30.080, Defense – Indemnification, may be waived by the General Manager for exclusive employee groups and employees associations.

B. If and to the extent the provisions of DSRSDC 7.30.070, Insurance, and DSRSDC 7.30.080, Defense – Indemnification, are inconsistent with existing agreements entered into by the District, the insurance and indemnification requirements for use of the facilities shall be governed by those existing agreements. [Ord. 327, 2010.]

7.30.100 Nonassignability.

The permittee shall not assign a permit, or any interest in it, without the prior written consent of the General Manager. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.110 Temporary, revocable use.

The issuance of a permit does not constitute a deed, grant of easement, lease, or conveyance or transfer of any proprietary interest, and each permit is revocable without cause at any time at the will of the District, effective upon written notice by the General Manager of the revocation. The revocation is effective on the date or time specified in the notice, which shall be within 30 days of the notice. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.120 Prohibited activities.

The following activities and conduct within a facility or on District property, in conjunction with a permit, are prohibited:

- A. The possession, sale, serving or consumption of alcoholic beverages;
- B. Smoking and/or vaping of tobacco or cannabis products
- C. Gambling or betting;
- D. The possession, sale, serving or consumption of food, or food items, other than soft drinks, coffee, tea, milk or other nonalcoholic beverages, except as may otherwise be expressly permitted by the General Manager in the permit;
- E. The use of a public address system, radio, broadcasting system, amplifier, television or other audio or visual equipment or device, except as is expressly permitted by the General Manager in the permit;
- F. The use of District-owned equipment, including, without limitation, telephone, copier/printer, computer, or other business machines and supplies, except as is expressly permitted by the General Manager in the permit; provided, that there is no cost to the District for the use of these facilities; or provided, that the permittee reimburses the District for the cost of the use of this equipment;
- G. Permitting an animal, other than a service animal, within or on a facility, or within or on District premises, in conjunction with an activity under a permit; or permitting or allowing, expressly or impliedly, a person associated

with an activity conducted under a permit to bring upon, possess or allow an animal within a facility, except as is expressly permitted by the General Manager in the permit or as required by law;

H. An activity which causes, or tends to cause, undue wear or tear on a facility or a furnishing or furniture in or on the facility, including use of open flames, dry ice, paint, etc.;

I. An activity which interferes with District business;

J. An unlawful activity; or

K. Any other prohibited act or activity which the General Manager specifies in the permit, or as otherwise provided by Board regulation. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.130 Use of appurtenant facilities.

The use of a facility under a permit is deemed to include reasonable use of property appurtenant to the facility, including, without limitation, the use of District's parking lot and rest rooms. Use of rest rooms is prohibited when the permitted use is limited to the outdoor lawn, patio, and/or parking lot. The General Manager shall specify any limitation on the use of parking facilities in the permit. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.140 Fees.

The Board may establish fees, by resolution, to defray costs incurred by the District for the administration of this chapter and the use of District facilities. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]

7.30.150 Regulations.

The Board may, by ordinance or resolution, establish regulations or other limitations governing the use of facilities, in addition to those specified in this chapter. [Ord. 265, 1995; Ord. 273, 1997; Ord. 302, 2004; Ord. 327, 2010.]