



BOARD OF DIRECTORS:
MARILYN M. TIERNAN
PRESIDENT

SCOTT R. PASTOR
VICE PRESIDENT

PAUL SEGER
JOE KOVALICK
JASON SHAW

GENERAL MANAGER:
DANIEL MUELRATH

GENERAL COUNSEL:
WESLEY A. MILIBAND

BOARD SECRETARY:
KAIT KNIGHT

AGENDA

The Regular Meeting of the Board of Directors of Diablo Water District will be held on October 23, 2024 at 6:30 pm at the District's office, 87 Carol Lane, Oakley, California. This meeting is being conducted in person and via webinar. Members of the public and District staff may attend the meeting via conference call / web using the credentials below. Members of the public will continue to have the opportunity to provide public input via the webinar or phone features.

Dial in Number: 1-949-346-1487

Conference ID: 815 404 905#

Or

Web Option: www.diablowater.org/webmeetings

Check your browsers' functionality or download the Microsoft Teams App prior to the meeting.

The District's agendas and supporting documents are available on the District's website: www.diablowater.org, or by calling Kait Knight at (925) 625-6587. A fee may be charged for copies.

If you have a special accommodation needs to attend the meeting, please provide at least two (2) working days' notice prior to the meeting by calling Kait Knight at (925) 625-6587.

1. Call to Order, Roll Call, and Pledge of Allegiance.

2. Public Input.

Anyone present may address the Board of Directors on any subject within the jurisdiction of Diablo Water District. If the subject item is on this Agenda, please hold public comment until the appropriate item. All virtual attendees will remain on mute until called upon to address the Board.

Action Items

3. Grand Prize Winner of "Splash into Savings" Conservation Contest

Staff Recommendation: Issue “Splash into Savings” Conservation Contest Winner Proclamation.

4. Consent Calendar.

It is recommended by the General Manager that these items, which are expected to be routine in nature and without controversy, be received and acted upon by the Board without discussion. If any Board member or interested party requests that an item be removed from the Consent Calendar for discussion, it will be considered separately. *The consent calendar may be approved by a single motion to approve, followed by a second and then a call for vote.*

A. Minutes of the Special Meeting of September 18, 2024.

Staff Recommendation: Approve.

B. Minutes of the Regular Meeting of September 25, 2024.

Staff Recommendation: Approve.

C. Annual Review of Investment Policy.

Staff Recommendation: Adopt Resolution No. 2024-13 amending District Regulation 111 to reflect the changes to California Government Code (Section 53646).

5. Financial Reports.

Staff Recommendation: Approve warrant register 2024-9, ACH wire transactions for September 2024, and receive the monthly financial statement for August 2024.

6. Update of District Regulations.

Staff Recommendation: Adopt Resolution No. 2024-14, amending Regulation Numbers 102, 105, 106, 112, 114, 123 and 129.

Discussion Items

7. Recycled Water Update.

8. General Manager’s Report.

- Water Supply Charts
- RBWTP

9. District Engineer’s Report.

10. District Counsel's Report.

11. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

12. Future Agenda Items.

- Preliminary list of items for the next two months.
- Other items being tracked and awaiting a scheduled date.

13. Next Meetings of the Board of Directors.

- November 13, 2024 Special Meeting – 6:30 pm
- ~~November 27, 2024 Regular Meeting – 6:30 pm – Cancelled~~
- December 11, 2024 Special Meeting – 6:30 pm
- ~~December 25, 2024 Regular Meeting – 6:30 pm – Cancelled~~
- January 22, 2025 Regular Meeting – 6:30 pm

Closed Session Items

**14. Closed Session – Conference with Real Property Negotiations
(Government Code § 54956.8)**

Property Description: Jersey Island located in Contra Costa County

Negotiation: Diablo Water District General Manager Dan Muelrath and Jean-Marc Petit Ironhouse/Reclamation District 830 Representative.

Under Negotiation: Terms and Price

**Conference with Legal Counsel – Anticipated Litigation (Paragraph (4) of
subdivision (d) of Gov. Code § 54956.9)**

(One Potential Case)

15. Adjournment.

Posted this 17th day of October 2024.



Dan Muelrath, General Manager

DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 3

TO: Each Director

FROM: Kait Knight, Public Information Officer

SUBJECT: Grand Prize Winner of “Splash into Savings” Conservation Contest.

Diablo Water District launched the “Splash into Savings” Conservation Contest that ran from June 21 through August 31, 2024. Partnering with the Sustainable Contra Costa Summer Water Savers Challenge, the goal was to save 100,000 gallons of water by the end of August. Throughout the summer, Staff promoted the contest to encourage residents to engage in water-saving activities. This marked the fourth year of the summer series, aimed at promoting conservation and water efficiency.

This initiative was a successful outreach and exposure to the efforts of Sustainable Contra Costa that the District has recently become a partner of, aligning with our mission to be environmentally responsible stewards of the water resources in our care. The District promoted the contest with the assistance of local businesses. Collectively, over 160,000 gallons of water were saved, with Oakley having the top number of participants.

In September 2024, the District selected a winner at random. Martha Castillo was chosen as the “Splash into Savings” Conservation Contest Grand Prize winner and chose an Energy and Water-Efficient Front-Loading Washer.

RECOMMENDATION:

Issue “Splash into Savings” Conservation Contest Winner Proclamation.

Kait Knight

Kait Knight
District & Community Relations Manager

Attached: “Splash into Savings” Conservation Contest Winner Proclamation



**PROCLAMATION OF THE BOARD OF DIRECTORS
OF DIABLO WATER DISTRICT ANNOUNCING WINNER OF THE
SPLASH INTO SAVINGS CONSERVATION CONTEST**

WHEREAS, California droughts are causing significant impacts on the State’s water resources and conservation and water efficiency must remain a California way of life; and

WHEREAS, increased water conservation and efficiency supports Diablo Water District’s (District) Guiding Principle of Resiliency; and

WHEREAS, the District launched a Splash into Savings Conservation Contest on June 21, 2024 that ran through August 31, 2024, to encourage customers to participate in the Sustainable Contra Costa Summer Water Savers Challenge engaging in water-efficient activities; and

WHEREAS, the Grand Prize winner of the Conservation Contest, Martha Castillo, has excitedly accepted the grand prize and chose an energy and water-efficient front-loading washer for increased water efficiency; and

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Directors of Diablo Water District:

Commends and congratulates Martha Castillo on her conservation and water-use efficiency efforts.

* * * * *

I hereby certify that the foregoing is a true and complete copy of the proclamation duly and regularly adopted by the Board of Directors of Diablo Water District at a meeting thereof held on October 23, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DATED: October 23, 2024

Kait Knight, Board Secretary

DIABLO WATER DISTRICT

October 23, 2024 Board Meeting

Item Number 4

TO: Each Director
FROM: Dan Muelrath, General Manager
SUBJECT: Consent Calendar.

It is recommended by the General Manager that these items, which are expected to be routine in nature and without controversy, be received and acted upon by the Board without discussion. If any Board member or interested party requests that an item be removed from the Consent Calendar for discussion, it will be considered separately.

The consent calendar may be approved by a single motion to approve, followed by a second, and then a call for vote.

4A. Minutes of the Special Meeting of September 18, 2024.

Staff Recommendation: Approve.

4B. Minutes of the Regular Meeting of September 25, 2024.

Staff Recommendation: Approve.

4C. Annual Review of Investment Policy.

Staff Recommendation: Adopt Resolution No. 2024-13 amending District Regulation 111 to reflect the changes to California Government Code (Section 53646).

RECOMMENDATION:

Approve.

Dan Muelrath

Dan Muelrath
General Manager





BOARD OF DIRECTORS:
MARILYN M. TIERNAN
PRESIDENT

SCOTT R. PASTOR
VICE PRESIDENT

PAUL SEGER
JOE KOVALICK
JASON SHAW

GENERAL MANAGER:
DANIEL MUEL RATH

GENERAL COUNSEL:
WESLEY A. MILIBAND

BOARD SECRETARY:
KAIT KNIGHT

MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON SEPTEMBER 18, 2024

The Special Meeting of the Board of Directors of Diablo Water District was held on September 18, 2024 at 3:00 pm at the District's office, 87 Carol Lane, Oakley, California and via conference call / web as noticed in the posted agenda.

1. Call to Order and Roll Call and Pledge of Allegiance.

The special meeting of the Board of Directors of Diablo Water District (District) was called to order by President Tiernan at 3:01 p.m. on September 18, 2024.

Directors Present: Tiernan, Pastor, Seger, Kovalick, Shaw

Staff Present: Dan Muelrath, Kait Knight, Christine Belleci, Sandra Leyba, Wayne Weaver, Sophia Gonzales, Nacho Mendoza

General Counsel: Wes Miliband (Miliband Water Law)

2. Public Input.

Anyone present may address the Board of Directors on any subject within the jurisdiction of Diablo Water District. If the subject item is on this Agenda, please hold public comment until the appropriate item.

Action Items

3. Adoption of the 2024 Contra Costa County Hazard Mitigation Plan – Volume II: Diablo Water District Annex.

Staff Recommendation: Adopt resolution number 2024-12 approving the adoption of the District's Annex of the 2024 Contra Costa County Local Hazard Mitigation Plan.

It was moved by Director Kovalick, seconded by Director Shaw and approved by the following vote to adopt resolution number 2024-12 approving the adoption of the District's Annex of the 2024 Contra Costa County Local Hazard Mitigation Plan.

AYES: Pastor, Seger, Kovalick, Shaw, Tiernan
NOES: None
ABSTAIN: None

4. Next Meetings of the Board of Directors.

- September 25, 2024 Regular Meeting – 6:30 pm
- October 23, 2024 Regular Meeting – 6:30 pm
- November 13, 2024 Special Meeting – 6:30 pm
- ~~November 27, 2024 Regular Meeting – 6:30 pm – Cancelled~~
- December 11, 2024 Special Meeting – 6:30 pm
- ~~December 25, 2024 Regular Meeting – 6:30 pm – Cancelled~~

5. Adjournment.

President Tiernan adjourned the meeting at 3:13 p.m.

Kait Knight, Board Secretary



BOARD OF DIRECTORS:
MARILYN M. TIERNAN
PRESIDENT

SCOTT R. PASTOR
VICE PRESIDENT

PAUL SEGER
JOE KOVALICK
JASON SHAW

GENERAL MANAGER:
DANIEL MUEL RATH

GENERAL COUNSEL:
WESLEY A. MILIBAND

BOARD SECRETARY:
KAIT KNIGHT

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON SEPTEMBER 25, 2024

The Regular Meeting of the Board of Directors of Diablo Water District was held on September 25, 2024 at 6:30 pm at the District's office, 87 Carol Lane, Oakley, California and via conference call / web as noticed in the posted agenda.

Due to technical difficulties, there is no video recording available for this meeting.

1. Call to Order and Roll Call and Pledge of Allegiance.

The regular meeting of the Board of Directors of Diablo Water District (District) was called to order by President Tiernan at 6:44 p.m. on September 25, 2024.

Directors Present: Tiernan, Pastor, Seger, Kovalick, Shaw

Staff Present: Dan Muelrath, Kait Knight, Jennifer McCoy, LaVonda Castor, Willow Ford, Wayne Weaver

General Counsel: Wes Miliband (Miliband Water Law)

Others Present: Bill Brick (CDM Smith), Angela Lowrey (Ironhouse), Members of the Public

2. Public Input.

Anyone present may address the Board of Directors on any subject within the jurisdiction of Diablo Water District. If the subject item is on this Agenda, please hold public comment until the appropriate item.

Lonnie Gordon, a District customer, expressed concern to the Board about the cost of water for customers. He also informed the Board of his plans to meet with legislators to advocate for more affordable water rates.

Resolution of Appreciation

3. LaVonda Castor Resolution.

LaVonda Castor was presented with a resolution of appreciation in honor of her 18 years of dedicated service to the District.

Action Items

4. Consent Calendar.

It is recommended by the General Manager that these items, which are expected to be routine in nature and without controversy, be received and acted upon by the Board without discussion. If any Board member or interested party requests that an item be removed from the Consent Calendar for discussion, it will be considered separately. *The consent calendar may be approved by a single motion to approve, followed by a second and then a call for vote.*

A. Minutes of the Regular Meeting of July 24, 2024.

Staff Recommendation: Approve.

B. Minutes of the Regular Meeting of August 28, 2024.

Staff Recommendation: Approve.

C. Purchase of Compact Excavator.

Staff Recommendation: Authorize the purchase of the budgeted John Deere 60 P-Tier Compact Excavator from Pape Machinery for an amount not to exceed \$127,574.21.

D. Authorization to Execute Facilities Installation Agreement with Meritage Homes of California, Inc. for Subdivision 9614 Sellers Improvements.

Staff Recommendation: Authorize the General Manager to Execute the Agreement.

E. Authorization to Execute Facilities Installation Agreement with Civic Summer Lake North for Subdivision 9619 Summer Lake North, Phase 1- Village 4 Improvements.

Staff Recommendation: Authorize the General Manager to Execute the Agreement.

F. Authorization to Execute Facilities Installation Agreement with Civic Summer Lake North for Subdivision 9622 Summer Lake North, Phase 1- Village 7 Improvements.

Staff Recommendation: Authorize the General Manager to Execute the Agreement.

President Tiernan pulled Item 4C for further discussion.

It was moved by Director Kovalick, seconded by Director Seger and approved by the following vote to approve Items 4A, B, D, E and F of the Consent Calendar.

AYES: Pastor, Seger, Kovalick, Shaw, Tiernan

NOES: None

ABSTAIN: None

President Tiernan inquired about the District's process for negotiating pricing. General Manager Muelrath explained that the District benefits from competitive pricing through participation in a joint purchasing agreement group. He also noted that all of the District's heavy equipment is compatible with renewable diesel.

Director Shaw asked if Staff has any additional equipment needs. General Manager Muelrath responded that the District is in year five of in-house repairs, and this purchase completes the initial list of identified needs. He added that additional equipment is necessary, and these needs are reviewed annually during the budget process.

It was moved by President Tiernan, seconded by Director Shaw and approved by the following vote to approve Item 4C of the Consent Calendar.

AYES: Pastor, Seger, Kovalick, Shaw, Tiernan

NOES: None

ABSTAIN: None

5. Financial Reports.

Staff Recommendation: Approve warrant register 2024-8, ACH wire transactions for August 2024, and receive the monthly financial statement for July 2024.

Director Kovalick pointed out that the majority of District expenses were from Contra Costa Water District (CCWD), PG&E, CDM Smith engineering services, and ACWA JPIA insurance. He also asked if all the pumps had been repaired. General Manager Muelrath informed the Board that all well pumps have been repaired and are back in service.

President Tiernan noted that the CCWD bill for water purchases in June totaled \$680,000.

It was moved by Director Seger, seconded by Director Shaw and approved by the following vote to approve warrant register 2024-8, ACH wire transactions for August 2024, and receive the monthly financial statement for July 2024.

AYES: Pastor, Seger, Kovalick, Shaw, Tiernan
NOES: None
ABSTAIN: None

6. Award of Contract for Water Rate Consulting Services.

Staff Recommendation: Authorize the General Manager to execute a professional services agreement for water rate consulting services with the consultant selected by the Ad Hoc.

General Manager Muelrath informed the Board that the contract for water rate consulting services is being awarded to Raftelis for \$99,825, chosen for their communication and outreach components. He also mentioned that Lonnie would be participating in the citizen's committee for the rate study and development.

Director Seger noted that both firms interviewed were reputable, but Raftelis stood out for their long-term approach to rate setting.

Director Shaw added that Raftelis' multi-pronged strategy made them the best fit for the District's needs.

Director Kovalick inquired about the rate of the other firm. Finance & Accounting Manager McCoy explained that the other firm's proposal was for half the number of hours at \$34,000. She also emphasized that Raftelis would provide the District with a strong rate model. General Manager Muelrath added that the firms were asked to define rate equity, and Raftelis provided the best response.

Director Kovalick asked if the District would be able to use the provided rate model to adjust future rates. Finance & Accounting Manager McCoy confirmed that the model would serve as a tool for the District to use going forward.

General Manager Muelrath read the staff recommendation.

It was moved by Director Kovalick, seconded by President Tiernan and approved by the following vote to authorize the General Manager to execute a professional services agreement for water rate consulting services with Raftelis in an amount not to exceed \$99,825, plus a 10% contingency

AYES: Pastor, Seger, Kovalick, Shaw, Tiernan
NOES: None
ABSTAIN: None

7. Award of Contract for Grant Writing Consulting Services.

Staff Recommendation: Authorize the General Manager to execute a professional services agreement for grant writing consulting services with EKI Environment & Water Inc. in an amount not to exceed \$70,000, plus a 10% contingency.

Strategic Initiatives Project Manager Smith informed the Board that nine applications were received, with three firms selected for interviews. EKI was chosen as the best fit based on their experience and technical expertise.

President Tiernan asked about the range of bids. Strategic Initiatives Project Manager Smith explained that EKI's bid was \$70,000, which was right in the middle of all the bids.

General Manager Muelrath added that EKI uses an internal grant tracking system, which the District will also have access to.

Lonnie Gordon asked how the funds would be used. Staff and the Board explained that the money would support obtaining grant funding for CIP projects such as alternative water supply, seismic upgrades, and solar initiatives. Board Secretary Knight noted that the purchase of customer AMI meters, which provide hourly reads, was supported through grant funding.

It was moved by Director Kovalick, seconded by Director Shaw and approved by the following vote to authorize the General Manager to execute a professional services agreement for grant writing consulting services with EKI Environment & Water Inc. in an amount not to exceed \$70,000, plus a 10% contingency.

AYES: Pastor, Seger, Kovalick, Shaw, Tiernan
NOES: None
ABSTAIN: None

Discussion Items

8. FRC Update.

Bill Brick from CDM Smith provided the Board with an update on the status of the FRC development and review.

Director Kovalick reported out on the recent ad hoc meeting, explaining that the the fee development considers how many future connections are expected, the water usage of those connections, and what facilities will need to be constructed to support that usage. He emphasized that developers need to cover the full cost of connecting to the District's water system. He added that while he is not opposed to growth, it must be financially supported.

Lonnie Gordon asked whether the District currently has the capacity to supply water for the existing population, both now and in five years. Director Kovalick responded that the District could meet demands for the next five years, but not for the next 20. Lonnie also expressed that while customers expect higher water rates during droughts, it is hard to understand why rates remain high during periods of ample rainfall.

President Tiernan reiterated that the goal is for developers to pay their fair share, ensuring that these costs are not passed on to ratepayers.

General Manager Muelrath explained that the FRC study impacts the ongoing rate study, which is why both studies are being conducted simultaneously. He also offered to meet with Lonnie Gordon's neighbors to provide further education if desired.

Director Seger inquired about current water usage compared to what was projected in the 2020 Urban Water Management Plan (UWMP). He also noted that lower water use equals lower revenue and asked if the cost to deliver has increased. General Manager Muelrath stated that the plan helps project the future water demands/supply, and things can change quickly. He noted that there is typically an assumption of a bounce back in water usage after a drought, but this has not occurred. Over the past 20 years, long-term water demand has decreased by 40%, with an additional 30% decline anticipated over the next 20 years. He confirmed that the cost of delivering water has significantly increased due to inflationary costs.

Director Kovalick then asked what factors have led to the decrease in customer water demand over the years. General Manager Muelrath explained that water use trends are declining, with small impacts from plumbing codes that require reduced-flow showerheads and aerators. However, the most significant factor is the pressure from state conservation regulations, which are putting significant pressure on water suppliers to reduce usage.

9. General Manager's Report.

- Water Supply Charts

Director Kovalick shared that he expected reservoirs levels to be higher. Director Seger explained that there has been little rain since the last atmospheric river and noted that the water is also used for increased flow for wildlife.

10. District Engineer's Report.

Bill Brick, CDM Smith, reported on the status of construction projects.

11. District Counsel's Report.

General Counsel Miliband informed the Board that AB 460 was signed into law by the Governor yesterday. This bill will significantly increase fines for unlawful water diversions.

12. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

President Tiernan reported on the City of Oakley meeting held last night, noting that the discussion included the widening of East Cypress Road, which will be completed in three phases. She also mentioned that the Laurel Road widening project is currently on hold due to delays from PG&E in relocating a power pole.

Vice President Pastor reported on the LAFCO meeting, sharing that the Alamo Cemetery District would not be dissolving. He also shared that the Rodeo/Hercules Fire District is seeking to merge with the Contra Costa Fire District. There is a strong group of people who do not support the merger. He will report more as it develops.

Director Seger reported on the CCWD meeting, noting that the Los Vaqueros project is no longer happening. Contributing factors to this decision included concerns about rising costs and a lack of alignment among partners.

Director Kovalick provided updates on the Recycled Water ad hoc committee that met yesterday. Director Seger inquired whether the plan included landscaping a demonstration garden and Director Kovalick confirmed it was intended, although the committee is still finalizing the scope of the landscaping. The committee is scheduled to meet again in November.

Additionally, Director Kovalick reported on the WaterReuse conference he recently attended, noting that there was a lot of discussion on improving technologies for the membranes used in the reverse osmosis (RO) process.

13. Future Agenda Items.

- Preliminary list of items for the next two months.
- Other items being tracked and awaiting a scheduled date.

General Manager Muelrath informed the Board that Staff will review the data utilized by the state for conservation regulations and will provide an update at the Special Board Meeting in November.

14. Next Meetings of the Board of Directors.

- October 23, 2024 Regular Meeting – 6:30 pm
- November 13, 2024 Special Meeting – 6:30 pm
- ~~November 27, 2024 Regular Meeting – 6:30 pm – Cancelled~~
- December 11, 2024 Special Meeting – 6:30 pm
- ~~December 25, 2024 Regular Meeting – 6:30 pm – Cancelled~~

Closed Session

**15. Closed Session – Conference with Real Property Negotiations
(Government Code § 54956.8)**

Property Description: Jersey Island located in Contra Costa County
Negotiation: Diablo Water District General Manager Dan Muelrath and
Ironhouse/Reclamation District 830 Representative TBD
Under Negotiation: Terms and Price

**Closed Session – Conference with Real Property Negotiations
(Government Code § 54956.8)**

Property Description: Delta Coves Reservoir and Pump Station located in Contra
Costa County
Negotiation: Diablo Water District General Manager Dan Muelrath and DMB
Development LLC EVP - Partner Nick Taratsas
Under Negotiation: Terms and Price

**Conference with Legal Counsel – Anticipated Litigation (Paragraph (4) of
subdivision (d) of Gov. Code § 54956.9)**

(One Potential Case)

No reportable action.

Open Session

16. Adjournment.

President Tiernan adjourned the meeting at 9:00 p.m.

Kait Knight, Board Secretary

DRAFT

DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 4C

TO: Each Director

FROM: Jennifer McCoy, Finance and Accounting Manager

SUBJECT: Annual Review of Investment Policy.

The California Government Code (Section 53646) requires the Chief Fiscal Officer (Staff Auditor) to annually submit a statement of investment policy to the Board of Directors.

The purpose and objective of the Investment Policy is to provide guidance and direction for the prudent investment of District Funds.

When investing, reinvesting, and managing the funds of the District, the primary objective is to safeguard the principal of the funds under the District's control. The secondary objective is to meet the liquidity needs of the District. The third objective is to invest the funds in ways that align with the District's ESG philosophy. And the fourth objective is to achieve a return on the funds under its control.

During the annual review of the District's Investment Policy, Staff reviewed and found there to be minor changes to Government Code, Section 53646. These changes are already being administered within the financial reports that are provided to the Board monthly. The changes being made are a formality to be documented within the regulation. The changes are redlined in the attached copy of Regulation No. 111 for your review.

RECOMMENDATION:

Adopt Resolution No. 2024-13 amending District Regulation 111 to reflect the changes to California Government Code (Section 53646).

Jennifer McCoy
Jennifer McCoy
Finance and Accounting Manager

Attachments: Resolution No. 2024-13
District Regulation 111 Redline



RESOLUTION NUMBER 2024-13

**A RESOLUTION OF THE BOARD OF DIRECTORS OF DIABLO
WATER DISTRICT AMENDING DISTRICT REGULATION 111**

WHEREAS, the District has Administrative Regulations for the effective and efficient operation of the District;

WHEREAS, periodically these regulations need to be updated to reflect current statues and industry trends; and

WHEREAS, Staff reviewed and provided suggested updates as shown in the Attachment, herein referenced and incorporated;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Diablo Water District:

1. Update District Regulation 111 as shown in Attachment.

* * * * *

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of Diablo Water District at a meeting thereof held on October 23, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DATED: October 23, 2024

Kait Knight, Secretary

DIABLO WATER DISTRICT

REGULATION NO. 111

INVESTMENT POLICY

Section I. Investments and Deposits

- A. Surplus money in the treasury of the District not required for the immediate necessities of the District may be invested only in accordance with the provisions of Government Code, section 53601.
- B. As far as possible, all money belonging to or in the custody of the District not otherwise invested will be deposited for safekeeping in state or national banks in accounts insured by the Federal Deposit Insurance Corporation or in savings or other financial institutions as authorized by Government code, section 53635.
- C. District funds may be invested in public agency bonds where the issuing agency has a rating of:

<u>Moody's</u>	<u>S&P</u>	<u>Fitch</u>
<u>Aaa</u>	<u>AAA</u>	<u>AAA</u>
<u>Aa1</u>	<u>AA+</u>	<u>AA+</u>
<u>Aa2</u>	<u>AA</u>	<u>AA</u>
<u>Aa3</u>	<u>AA-</u>	<u>AA-</u>

Section II. Investment Objectives

- A. When investing, reinvesting, and managing the funds of the District, the

primary objective will be to safeguard the principal of the funds under the District's control. The secondary objective will be to meet the liquidity needs of the District. The third objective will be to invest in funds that align with the District's Environments, Social, and Governance philosophy. The fourth objective will be to achieve a return on the funds under its control.

Section III. Control

- A. All funds of the District, and the deposit and investment thereof, will be under the continuous control of the Board of Directors. The General Manager has the authority to make investment decisions on behalf of the District. As trustee of said funds the Board and the General Manager are subject to the prudent investor standard as defined by Government Code, section 53600.3.

Section IV. Financial Reporting

- A. The District's staff Auditor will render annually to the Board for its consideration [at a public meeting](#) a statement of investment policy as required by Government Code, Section 53646(a)(2).

- B. The District's staff Auditor will submit not less than quarterly to the Board and the General Manager a financial report as required by Government Code, section 53646 (b)

1. [The report will be submitted within 45 days following the end of the quarter covered by the report. The report will also include a current market value for all securities held as of the date of the report, and the source of this same valuation.](#)

2. The report will state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance.

3. The report will include a statement denoting the ability to meet it's pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money will, or may, not be available.

4. The report will also include any additional information or data that may be required by the Board or General Manager.

Section V. Interfund Loans

- A. The District will require an Interfund Loan Agreement between the lending fund and the borrowing fund for organizational, capital, operational, and maintenance purposes. The Loan Agreement will be approved by the District's Board of Directors.
- B. The District's General Fund or Facilities Reserve Fund may loan monies to other funds within the District as circumstances may arise to meet current obligations. The Finance and Accounting Manager will affect such transfers by journal entry upon the request of the General Manager.
- C. The borrowing fund will pay the lending fund interest on the monies loaned at the current average monthly effective yield rate per LAIF (Local Agency Investment Fund).

Section VI. Environmental, Social and Governance Investment

- A. Philosophy: to invest in funds that contribute to a sustainable future for the environment, enrich the human experience, while minimizing risks and

maximizing transparency of the company.

B. Investment Criteria (if available):

1. Sustainalytics ESG Score: Require a low to negligible risk score.
2. Statista: Bank will not be listed in top 25 carbon dioxide emitting banks.
3. Banking on Climate Chaos: Bank will not be listed in top 30 banks investing in fossil fuels.
4. Agency bonds that support community investment, infrastructure improvements and/or environmental projects.
5. Additional data sources may be considered.

DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 5

TO: Each Director

FROM: Jennifer McCoy, Finance & Accounting Manager

SUBJECT: Financial Reports.

Items included for discussion:

- Warrant Register Number:
 - 2024-9
 - ACH and Wire Transactions – September 2024

- Monthly Financial Statements
 - August 2024

RECOMMENDATION:

Approve warrant register 2024-9, ACH wire transactions for September 2024, and receive the monthly financial statement for August 2024.

Jennifer McCoy
Jennifer McCoy
Finance & Accounting Manager

Attached: 1.) Warrant Registers 2024-9
3.) ACH and Wire Transactions for September 2024
4.) August 2024 Financial Statement



DIABLO WATER DISTRICT
WARRANT REGISTER 2024 - 9
October 23, 2024

<u>Check Numbers</u>	<u>Detail</u>	<u>Amount</u>
September Utility Billing Refund Checks 57610 - 57642	See Detail Check Register	5,805.52
September AP Checks 57643 - 57670	See Detail Check Register	366,380.60
September AP Checks 57671 - 57718	See Detail Check Register	815,077.83
Payroll Direct Deposit Employees	September Payroll Direct Deposit	197,946.33
Payroll Checks 57719 -57722	See Detail Check Register	34,044.80
Payroll Checks 57723	See Detail Check Register	9,207.19
September AP Checks 57724 - 57741	See Detail Check Register	384,248.19
 TOTAL WARRANTS		 1,812,710.46

The foregoing Accounts Payable Warrants 57610 through 57741, payroll for September 2024, Federal, State Income Taxes withheld and retirement are hereby approved for payment.

General Manager

Director

Director

Director

Director

Director

Signatures Required: General Manager and minimum of three (3) Directors



UBPKT06041 - September 2024 Refunds

Account	Name	Date	Check #	Amount	Code	Receipt	Amount	Type
099-08075-10	DELTA GRINDING COMPANY	9/9/2024	57610	1,225.70			1225.70	Generated From Billing
099-09884-17	DUHAIME, GARY	9/9/2024	57611	1,262.20			1262.20	Generated From Billing
102-02306-06	ALVARADO, JUAN CARLOS	9/9/2024	57612	106.21			106.21	Generated From Billing
103-04894-03	MARPLES PROPERTY MANAGEMENT	9/9/2024	57613	83.28			83.28	Generated From Billing
108-00133-03	RAJ, SAROJNI	9/9/2024	57614	143.44			143.44	Generated From Billing
109-00929-05	KHAN, JORDYN	9/9/2024	57615	164.72			164.72	Generated From Billing
109-12933-01	CANSON, PAUL	9/9/2024	57616	114.54			114.54	Generated From Billing
110-00258-02	JAMES, TIFFANY AND KENNETH	9/9/2024	57617	175.32			175.32	Generated From Billing
113-06857-03	KEGLE, ANDREW	9/9/2024	57618	171.74			171.74	Deposit
114-07003-05	BEST PROPERTY MANAGEMENT	9/9/2024	57619	32.96			32.96	Generated From Billing
117-12876-01	LIN, YANN	9/9/2024	57620	61.65			61.65	Generated From Billing
117-12922-01	SYED, MUBEENUDDIN	9/9/2024	57621	48.12			48.12	Generated From Billing
118-07250-04	PACAT, JESSICA	9/9/2024	57622	24.02			24.02	Generated From Billing
119-02074-03	ROSE MARIE SCIORTINO	9/9/2024	57623	99.24			99.24	Generated From Billing
119-02797-03	KALEIALII, DANIELLE	9/9/2024	57624	196.96			196.96	Generated From Billing
120-00442-06	ROMARCO PROPERTIES	9/9/2024	57625	87.66			87.66	Generated From Billing
120-01708-02	FRANKS, DARRELL	9/9/2024	57626	168.52			168.52	Generated From Billing
121-00244-08	PROPERTIES, ROMARCO	9/9/2024	57627	99.24			99.24	Generated From Billing
122-05616-01	BOOKTER-BUNTON, KATHY	9/9/2024	57628	199.24			199.24	Generated From Billing
123-07558-01	Breckenridge Property Fund 2016, LLC	9/9/2024	57629	63.96			63.96	Generated From Billing
123-07593-04	OLAEZ, JAVIER	9/9/2024	57630	178.54			178.54	Generated From Billing
124-09472-05	ANAIR, ALYSSA AND LAWRENCE	9/9/2024	57631	64.30			64.30	Generated From Billing
125-02745-05	JACKSON, ELIZABETH	9/9/2024	57632	76.48			76.48	Generated From Billing
125-03177-09	PROPERTIES, ROMARCO	9/9/2024	57633	43.97			43.97	Generated From Billing
127-07904-04	LEAR, CHAD	9/9/2024	57634	203.62			203.62	Generated From Billing
128-12653-02	FIGUERO, TIFFANY	9/9/2024	57635	156.23			156.23	Generated From Billing
129-10946-04	HARLEY, E ROSE	9/9/2024	57636	84.24			84.24	Generated From Billing
130-06235-01	GORLA, HEMACHANDRA REDDY	9/9/2024	57637	79.47			79.47	Generated From Billing
134-11652-02	SABEROLA, HARREL M	9/9/2024	57638	31.20			31.20	Generated From Billing
139-13378-03	RUSSELL, RENEE	9/9/2024	57639	169.60			169.60	Generated From Billing
139-13394-02	NELSON-BARNEY, MARIA FAYE	9/9/2024	57640	56.20			56.20	Generated From Billing
139-13508-00	BLUE MOUNTAIN CONSTRUCTION SERV	9/9/2024	57641	123.34			123.34	Generated From Billing
139-13518-00	PULTE GROUP - 1055	9/9/2024	57642	9.61			9.61	Generated From Billing
Total Refunds: 33			Total Refunded Amount:	5,805.52				

Revenue Code Summary

Revenue Code	Amount
996 - Unapplied Credits	5805.52
Revenue Total:	5805.52

General Ledger Distribution

Posting Date: 09/09/2024

	Account Number	Account Name	Posting Amount	IFT
Fund:	01 - General Operating			
	01-00-109-000	Claim on Pooled Cash	-5,805.52	Yes
	01-00-110-000	Accounts Receivable - Water Bills	5,805.52	
		01 Total:	0.00	
Fund:	99 - Pooled Cash			
	99-00-100-000	Pooled Cash	-5,805.52	
	99-00-209-000	Due To Other Funds	5,805.52	Yes
		99 Total:	0.00	
		Distribution Total:	0.00	



By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank -AP Bank						
ACCBUSINESS	ACC BUSINESS	09/10/2024	Regular	0.00	598.66	57643
ALTAMONT	ALTAMONT LANDSCAPE INC	09/10/2024	Regular	0.00	175.00	57644
AT&TUVRS	AT&T	09/10/2024	Regular	0.00	96.30	57645
AT&T	AT&T	09/10/2024	Regular	0.00	213.91	57646
AALR&R	ATKINSON, ANDELSON, LOYA, RUUD	09/10/2024	Regular	0.00	400.31	57647
CDM01	CDM SMITH	09/10/2024	Regular	0.00	70,611.49	57648
	Void	09/10/2024	Regular	0.00	0.00	57649
LINNCHCK	CHUCK LINN	09/10/2024	Regular	0.00	219.95	57650
CITYOFBW	CITY OF BRENTWOOD	09/10/2024	Regular	0.00	106.93	57651
COMCAST2	COMCAST	09/10/2024	Regular	0.00	210.83	57652
CCWD-RB	CONTRA COSTA WATER DIST	09/10/2024	Regular	0.00	226,197.35	57653
BOWERS01	DANNY BOWERS	09/10/2024	Regular	0.00	219.95	57654
EDUCATION	EDUCATION & TRAINING SERVICES	09/10/2024	Regular	0.00	1,647.00	57655
HILLCHEM	HILL BROTHERS CHEMICAL CO	09/10/2024	Regular	0.00	1,572.55	57656
INSIGHT	INSIGHT PUBLIC SECTOR, INC	09/10/2024	Regular	0.00	104.38	57657
KONICA	KONICA MINOLTA BUSINESS	09/10/2024	Regular	0.00	158.30	57658
LUHDORFF	LUHDORFF & SCALMANINI,	09/10/2024	Regular	0.00	8,852.50	57659
GROOVER, M	MATT GROOVER	09/10/2024	Regular	0.00	474.00	57660
MILIBAND	MILIBAND WATER LAW	09/10/2024	Regular	0.00	5,551.00	57661
PACG&E04	PACIFIC GAS & ELECTRIC	09/10/2024	Regular	0.00	403.40	57662
PACG&E01	PACIFIC GAS & ELECTRIC CO	09/10/2024	Regular	0.00	22,886.04	57663
US BANK	US BANK	09/10/2024	Regular	0.00	18,195.04	57664
	Void	09/10/2024	Regular	0.00	0.00	57665
	Void	09/10/2024	Regular	0.00	0.00	57666
	Void	09/10/2024	Regular	0.00	0.00	57667
	Void	09/10/2024	Regular	0.00	0.00	57668
VIP CLEANING	VIP CLEANING SERVICE	09/10/2024	Regular	0.00	720.00	57669
WEX BANK - CHEVRON	WEX BANK	09/10/2024	Regular	0.00	6,765.71	57670

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	30	23	0.00	366,380.60
Manual Checks	0	0	0.00	0.00
Voided Checks	0	5	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	30	28	0.00	366,380.60

Fund Summary

Fund	Name	Period	Amount
99	Pooled Cash	9/2024	366,380.60
			<hr/>
			366,380.60



Check Register

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank -AP Bank						
AANTEX01	AANTEX PEST CONTROL	09/20/2024	Regular	0.00	40.00	57671
ALLSTAR1	ALL STAR RENTS	09/20/2024	Regular	0.00	128.26	57672
ALTAMONT	ALTAMONT LANDSCAPE INC	09/20/2024	Regular	0.00	634.00	57673
AQUA	AQUA METRIC	09/20/2024	Regular	0.00	60.04	57674
AT&T	AT&T	09/20/2024	Regular	0.00	471.92	57675
AT&TUVRS	AT&T	09/20/2024	Regular	0.00	187.64	57676
BAYAREA	BAY AREA AIR QUALITY ATT: ACCOU	09/20/2024	Regular	0.00	618.00	57677
BIGBLUMB	BIG "B" LUMBERTERIA INC	09/20/2024	Regular	0.00	447.24	57678
BRENNTAG	BRENNTAG PACIFIC, INC	09/20/2024	Regular	0.00	3,763.96	57679
BRENTACE	BRENTWOOD ACE HARDWARE	09/20/2024	Regular	0.00	6.08	57680
CDM01	CDM SMITH	09/20/2024	Regular	0.00	40,403.10	57681
CITYOFBW	CITY OF BRENTWOOD	09/20/2024	Regular	0.00	82.20	57682
CITYOAKL	CITY OF OAKLEY	09/20/2024	Regular	0.00	1,780.00	57683
CCWD01	CONTRA COSTA WATER DIST	09/20/2024	Regular	0.00	638,198.02	57684
CORE&MAIN	CORE & MAIN	09/20/2024	Regular	0.00	2,475.76	57685
EDUCATION	EDUCATION & TRAINING SERVICES	09/20/2024	Regular	0.00	549.00	57686
FERGUSON ENT	FERGUSON ENTERPRISES LLC #3325	09/20/2024	Regular	0.00	1,595.84	57687
FOSTER	FOSTER & FOSTER INC.	09/20/2024	Regular	0.00	9,700.00	57688
GE DIG	GE DIGITAL LLC	09/20/2024	Regular	0.00	22,971.60	57689
	Void	09/20/2024	Regular	0.00	0.00	57690
GUYREED1	GUY REED TRUCKING	09/20/2024	Regular	0.00	4,063.18	57691
HARRING	HARRINGTON IND PLASTICS	09/20/2024	Regular	0.00	500.20	57692
HARRIS01	HARRIS COLOR GRAPHICS, INC	09/20/2024	Regular	0.00	87.00	57693
HERC	HERC RENTALS INC	09/20/2024	Regular	0.00	5,709.38	57694
HILLCHEM	HILL BROTHERS CHEMICAL CO	09/20/2024	Regular	0.00	1,223.39	57695
INFOSEND	INFOSEND	09/20/2024	Regular	0.00	8,466.20	57696
KOVALICK, J	JOE KOVALICK	09/20/2024	Regular	0.00	445.96	57697
LESSCHW1	LES SCHWAB TIRE CENTER	09/20/2024	Regular	0.00	2,727.90	57698
LUHDORFF	LUHDORFF & SCALMANINI,	09/20/2024	Regular	0.00	625.00	57699
MILIBAND	MILIBAND WATER LAW	09/20/2024	Regular	0.00	7,381.00	57700
OAKDISPO	MT DIABLO	09/20/2024	Regular	0.00	579.20	57701
NCBPA	NORTHERN CALIFORNIA BACKFLOW	09/20/2024	Regular	0.00	1,740.00	57702
OKLYACE	OAKLEY ACE HARDWARE	09/20/2024	Regular	0.00	1,052.57	57703
	Void	09/20/2024	Regular	0.00	0.00	57704
PACE	PACE SUPPLY CORP	09/20/2024	Regular	0.00	1,822.48	57705
PACG&E01	PACIFIC GAS & ELECTRIC CO	09/20/2024	Regular	0.00	282.46	57706
PAULSAUT	PAUL'S AUTOMOTIVE CENTER	09/20/2024	Regular	0.00	206.00	57707
PUMP REPAIR	PUMP REPAIR SERVICE CO.	09/20/2024	Regular	0.00	25,913.63	57708
PURPOSE BUILT	PURPOSE BUILT TRADE CO	09/20/2024	Regular	0.00	208.79	57709
QUADIENT FINANCE	QUADIENT FINANCE USA, INC	09/20/2024	Regular	0.00	600.00	57710
QUADIENT LEASING	QUADIENT LEASING USA, INC	09/20/2024	Regular	0.00	105.92	57711
RAUCHCOM	RAUCH COMM CONSULTANT INC	09/20/2024	Regular	0.00	260.00	57712
SCHEER	SCHEER SECURITY	09/20/2024	Regular	0.00	406.50	57713
STALLS	STALLS & STRIPES	09/20/2024	Regular	0.00	15,000.00	57714
TAPMASTER	TAP MASTER	09/20/2024	Regular	0.00	1,875.00	57715
UNDERGROUND	UNDERGROUND REPUBLIC WATER V	09/20/2024	Regular	0.00	3,551.78	57716
PVS01	UNIVAR USA INC	09/20/2024	Regular	0.00	4,815.00	57717

Check Register

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
HDSUPPLY - WHITE CAF	WHITE CAP, L.P.	09/20/2024	Regular	0.00	1,316.63	57718

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	87	46	0.00	815,077.83
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	87	48	0.00	815,077.83

Fund Summary

Fund	Name	Period	Amount
99	Pooled Cash	9/2024	815,077.83
			<hr/>
			815,077.83



Diablo Water District, CA

Payroll Check Register Checks

Pay Period: 8/27/2024-9/26/2024

Packet: PYPKT00433 - SEPTEMBER 2024 PAYROLL 9-27-24 - LP
Payroll Set: Payroll Set 01 - 01

Employee	Employee #	Check Type	Date	Amount	Number
GONZALEZ, JORGE R	G17	Regular	09/30/2024	13,437.11	57719
PADILLA, GINO L	P02	Regular	09/30/2024	5,889.86	57720
TIERNAN, MARILYN M	T57	Regular	09/30/2024	262.05	57721
WEAVER, WAYNE A	W27	Regular	09/30/2024	14,455.78	57722



Diablo Water District, CA

Payroll Check Register

Direct Deposits

Pay Period: 8/27/2024-9/26/2024

Packet: PYPKT00433 - SEPTEMBER 2024 PAYROLL 9-27-24 - LP
Payroll Set: Payroll Set 01 - 01

Employee	Employee #	Date	Amount	Number
ALVARADO, HECTOR A	A85	09/30/2024	5,581.66	979
ALVARADO, HECTOR A	A85	09/30/2024	620.19	979
BELLECI, CHRISTINE	B32	09/30/2024	11,172.68	980
CASTOR, LaVONDA	C03	09/30/2024	9,156.95	981
CRAWFORD, CHAD D	C09	09/30/2024	7,427.11	982
CARRANZA GUTIERREZ, EDUARDO	C93	09/30/2024	5,792.09	983
DEJESUS, HUNTER J	D10	09/30/2024	8,066.65	984
FORD, WILLOW	F01	09/30/2024	200.00	985
FORD, WILLOW	F01	09/30/2024	5,556.89	985
GROOVER, MATTHEW J	G21	09/30/2024	6,057.00	986
GONZALES, SOPHIA M	G91	09/30/2024	9,495.06	987
HERRERA, JOHN P	H02	09/30/2024	6,788.07	988
KOVALICK, JOSEPH A	K01	09/30/2024	738.48	989
KNIGHT, KATHLEEN MARIE	K24	09/30/2024	9,969.46	990
McCOY, JENNIFER	L21	09/30/2024	16,266.40	991
LIRA, MICHAEL	L28	09/30/2024	8,491.14	992
LEYBA, SANDRA	L85	09/30/2024	8,215.67	993
MENDOZA, ATANACIO	M20	09/30/2024	11,584.00	994
MILINA, CHERI	M21	09/30/2024	8,743.52	995
MUELRATH, DANIEL B	M22	09/30/2024	16,885.99	996
PASTOR, SCOTT R	P03	09/30/2024	184.70	997
POSADA, LAUREN A	P89	09/30/2024	8,683.99	998
BALESTERI, REBECCA	R20	09/30/2024	6,744.39	999
ROMERO, LUIS J	R22	09/30/2024	9,559.45	1000
SMITH, JAMES F	S55	09/30/2024	7,783.96	1001
SEGER, PAUL S	S65	09/30/2024	184.70	1002
SHAW, JASON R	S74	09/30/2024	184.70	1003
VELAZQUEZ, CAMILO R	V01	09/30/2024	7,811.43	1004



Diablo Water District, CA

Payroll Check Register Report Summary

Pay Period: 8/27/2024-9/26/2024

Packet: PYPKT00433 - SEPTEMBER 2024 PAYROLL 9-27-24 - LP
Payroll Set: Payroll Set 01 - 01

Type	Count	Amount
Regular Checks	4	34,044.80
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	28	197,946.33
Total	32	231,991.13



Diablo Water District, CA

Payroll Check Register

Checks

Pay Period: 9/27/2024-9/30/2024

Packet: PYPKT00438 - LC FINAL CHECK 09-30-24
Payroll Set: Payroll Set 01 - 01

Employee	Employee #	Check Type	Date	Amount	Number
CASTOR, LaVONDA	C03	Regular	09/30/2024	9,207.19	57723



Diablo Water District, CA

Payroll Check Register

Direct Deposits

Pay Period: 9/27/2024-9/30/2024

Packet: PYPKT00438 - LC FINAL CHECK 09-30-24

Payroll Set: Payroll Set 01 - 01

<u>Employee</u>	<u>Employee #</u>	<u>Date</u>	<u>Amount</u>	<u>Number</u>
-----------------	-------------------	-------------	---------------	---------------

*** No Direct Deposits Created In This Packet ***



Diablo Water District, CA

Payroll Check Register Report Summary

Pay Period: 9/27/2024-9/30/2024

Type	Count	Amount
Regular Checks	1	9,207.19
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	0	0.00
Total	1	9,207.19



Check Register

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank -AP Bank						
CCCEFCU0	1st NORTHERN CA	09/30/2024	Regular	0.00	3,500.00	57724
ACWAHPIT	ACWA/JPIA	09/30/2024	Regular	0.00	61,935.36	57725
COMCAST2	COMCAST	09/30/2024	Regular	0.00	210.83	57726
DWPYRLTX	DIABLO WATER DISTRICT	09/30/2024	Regular	0.00	94,075.29	57727
EBERT	EBERT ENTERPRISES, INC	09/30/2024	Regular	0.00	1,675.00	57728
FREDPRYR	FRED PRYOR SEMINARS	09/30/2024	Regular	0.00	498.00	57729
GUYREED1	GUY REED TRUCKING	09/30/2024	Regular	0.00	1,162.18	57730
LININS01	LINCOLN NAT'L LIFE INS	09/30/2024	Regular	0.00	3,788.08	57731
NCBPA	NORTHERN CALIFORNIA BACKFLOW	09/30/2024	Regular	0.00	1,740.00	57732
PACG&E04	PACIFIC GAS & ELECTRIC	09/30/2024	Regular	0.00	405.11	57733
PACG&E01	PACIFIC GAS & ELECTRIC CO	09/30/2024	Regular	0.00	29,332.18	57734
ROEBBELEN	ROEBBELEN CONTRACTING, INC	09/30/2024	Regular	0.00	155,952.96	57735
STANDINS	STANDARD INSURANCE CO	09/30/2024	Regular	0.00	3,915.15	57736
UNDERGROUND	UNDERGROUND REPUBLIC WATER V	09/30/2024	Regular	0.00	14,591.52	57737
UNDERGR1	UNDERGROUND SERVICE ALERT of N	09/30/2024	Regular	0.00	2,621.96	57738
VERIZON	VERIZON WIRELESS	09/30/2024	Regular	0.00	2,475.11	57739
VISIONSR	VISION SERVICE PLAN	09/30/2024	Regular	0.00	677.15	57740
WEX BANK - CHEVRON	WEX BANK	09/30/2024	Regular	0.00	5,692.31	57741

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	31	18	0.00	384,248.19
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	31	18	0.00	384,248.19

Fund Summary

Fund	Name	Period	Amount
99	Pooled Cash	9/2024	384,248.19
			<hr/> 384,248.19

DIABLO WATER DISTRICT
 BANKING ACTIVITY for September 2024
 October 23, 2024

TRANSACTION TYPE	DATE	PAYABLE TO	FOR	AMOUNT
Electronic Debit	09/03/24	CalPERS	SIP 457 Deferred Comp - August 2024 Payroll Deductions	9,396.33
Electronic Debit	09/03/24	CalPERS	CalPERS Retirement Contributions - August 2024 Payroll	62,940.46
Electronic Debit	09/03/24	Global Payments	Credit Card Processing Fees - Open Edge (August)	19,490.15
Electronic Debit	09/05/24	Merchant Bankcard	Credit Card Processing Fees - Vantiv (August)	69.77
Electronic Debit	09/30/24	DWD Direct Deposit	Payroll September 2024 - Direct Deposit (See Warrant Reg)	197,946.33
TOTAL ACTIVITY				289,843.04

The above Banking Transactions for September 2024 were given to the Board of Directors for their review
 as part of the October 23, 2024 Board Meeting.

Jennifer McCoy

 Jennifer McCoy
 Finance & Accounting Manager

October 9, 2024

 Date

**DIABLO WATER DISTRICT
MONTHLY FINANCIAL REPORT
FOR PERIOD AUGUST 1, 2024 TO AUGUST 31, 2024**

Balance as of July 31, 2024		<u><u>\$18,154,874.42</u></u>
Receipts, August 2024		
Operating	2,142,741.25	
Non-Operating (MERA, Admin, Inspection & Eng Fees & Contract Services)	40,297.64	
Facilities Reserve	40,198.60	
Interest		
General	16,458.63	
MERA	1,136.48	
Facilities Reserve	15,619.17	
Investment activity (+ or -)	38,750.25	
Disbursements, August 2024		
Operating	(2,154,820.06)	
Facilities Reserve	(313,463.67)	
Quarterly Bank Analysis Charges	0.00	

Balance as of August 31, 2024 **\$17,981,792.71**

FUNDS	AMOUNT
(as of close of business on August 31, 2024)	
District General Fund	4,792,725.78
Restricted funds	
2019 Series Held in Trust by US Bank	0.00
2022 Loan Project Funds - LAIF Account	3,836,000.00
Facilities Reserve (AB-1600 Requirements)	5,942,321.62
Designated Funds	
Rate Stabilization Fund (Target \$1M)	1,000,000.00
Reserve Fund - Capital Reserve (Target \$2M by 2025)	1,000,000.00
Reserve Fund - Emergency Reserve (Target \$5M by 2030)	0.00
Main Extension Reimbursement (MERA)	503,898.06
Knightsen Well System (M25)	45,981.98
Willow Park Marnia Well System (M27)	743.99
Customer Deposits	360,120.00
Developer Admin, Inspection & Eng Deposit Totals	(97,456.47)
Current Active Projects	\$ (81,101.03)
Archived Projects	\$ 3,075.20
Projects on Hold	\$ (1,379.55)
Project for Tracking Purposes Only	\$ (16,764.55)
Accidents Pending Collection	\$ (1,286.54)
Subdivision #4990 Phase 3 Bond Deposit	300,000.00
51 Carol Lane Performance Bond	105,000.00
Cypress Self Storage Maintenance Bond	0.00
Substandard Street Deposit	
Future Relocation of Bethel Island Road Offsite Waterline	192,000.00
District's Portion of Investment	457.75

TOTAL **\$17,981,792.71**

DIABLO WATER DISTRICT
MONTHLY FINANCIAL REPORT
FOR PERIOD AUGUST 1, 2024 TO AUGUST 31, 2024
PAGE 2

INVESTMENTS/BANK ACCOUNTS
(as of close of business on August 31, 2024)

<u>INSTITUTION</u>	PAR VALUE	RATE OF INTEREST	MARKET VALUE
California Local Agency Investment Fund	*	4.579	8,606,148.11
BMO, General Checking Account	*		2,840,947.90
US Bank - 6712258600 <i>Held US Bank</i> - Value with Interest Earnings/Res Fund 2019			0.00
US Bank 6712258602 Reserve Fund - Series 2019	-	Varies	
US Bank 6712258603 Corpyard Project Fund - Series 2019	-	Varies	
MBS RMB-028036 <i>Held Bank of New York</i> - Value with Interest Earnings			6,534,696.70
MD 09/10/24 649447-VN-6 New York Cmnty Bk Westbury New York/CD	240,000.00	0.70	
MD 09/23/24 34520L-AF-0 Forbriht BK Potomac/CD	245,000.00	3.45	
MD 09/30/24 550551-FY-6 Luther Burbank CVGS Santa Rosa Calif/CD	245,000.00	3.80	
MD 10/31/24 TSRY5672776 United States Treasury Bills	2,633,000.00	5.133	
MD 04/07/25 02589AC34 American Express Natl Bk Brokered Intl/CD	240,000.00	2.55	
MD 04/21/25 3133EMWH1 Federal Farm CR BKS Bond Rated AA+ Callable 4/21/22**	400,000.00	0.71	
MD 04/30/25 20415QHS1 Community West BK N A Goleta Calif/CD	249,000.00	0.40	
MD 05/20/25 58404D-HB-0 Medallion BK Salt Lake City Utah/CD	249,000.00	0.85	
MD 06/19/25 29278TPQ7 Enerbank USA Salt Lake City/CD	245,000.00	0.70	
MD 06/30/25 740367LJ4 Preferred BK Los Angeles Calif/CD	151,000.00	0.70	
MD 09/25/25 05580A-XF-6 BMW BK North Amer Salt Lake City Utah/CD	249,000.00	0.50	
MD 10/23/25 88241TJJ0 Texas Exchange BK SSB Crowley/CD Callable 01/23/21	125,000.00	0.60	
MD 11/03/25 61768E-2P-7 Morgan Stanley Private BK Natl Assn/CD	243,000.00	5.05	
MD 05/14/26 06048W-L9-9 Bank Amer Corp Medium Term Rated AA- Callable 5/14/22*	200,000.00	1.40	
MD 11/27/26 052392CC9 Austin Telco Fed Cr Un Tex Sc/CD	200,000.00	5.05	
MD 01/29/27 42869G-AA-4 Hickam Fed Cr Un Honolulu Hawaii SH CTF/CD	220,000.00	4.40	
MD 02/26/27 560390-DB-9 Maine Community Bank/CD	249,000.00	3.85	
MD 05/18/27 14042RRF0 Capital One Natl Assn Mclean VA/CD	230,000.00	3.20	
Multibank Interest, Money Management Fund	5,603.41		

TOTAL

\$17,981,792.71

* Demand Account

** Long-term ratings from Fitch

The monthly Financial Report is in compliance with the District's Investment Policy (Reg. 111).
It is expected that there are sufficient funds to meet anticipated expenses for the next 6 months.

ACRONYMS

ADMIN - Administration

BK - Bank

CD - Certificate of Deposit

ENG - Engineering

MBS - Multi-Bank Securities, Inc

MD - Maturity Date

MERA - Main Extension Reimbursement Account

Mtg - Meeting

RES - Reserve

DIABLO WATER DISTRICT
MONTHLY FINANCIAL REPORT
FOR PERIOD AUGUST 1, 2024 TO AUGUST 31, 2024
PAGE 3

HELD IN TRUST BY DIABLO WATER DISTRICT
For Board of Directors Information Only
 (as of close of business on June 30, 2024)

<u>INSTITUTION</u>	RATE OF INTEREST	MARKET VALUE
Lincoln National, Deferred Compensation (Quarterly)	Varies	1,218,470.29
CERBT Funds (Quarterly)	10.966% year/year	1,128,873.41
<i>TOTAL</i>		<i>\$2,347,343.70</i>

Deferred Compensation is pre tax money that has been deposited by District employees into the District's 457 Deferred Compensation Plan. All monies in the plan are held in trust by the District for the exclusive benefit of each employee.

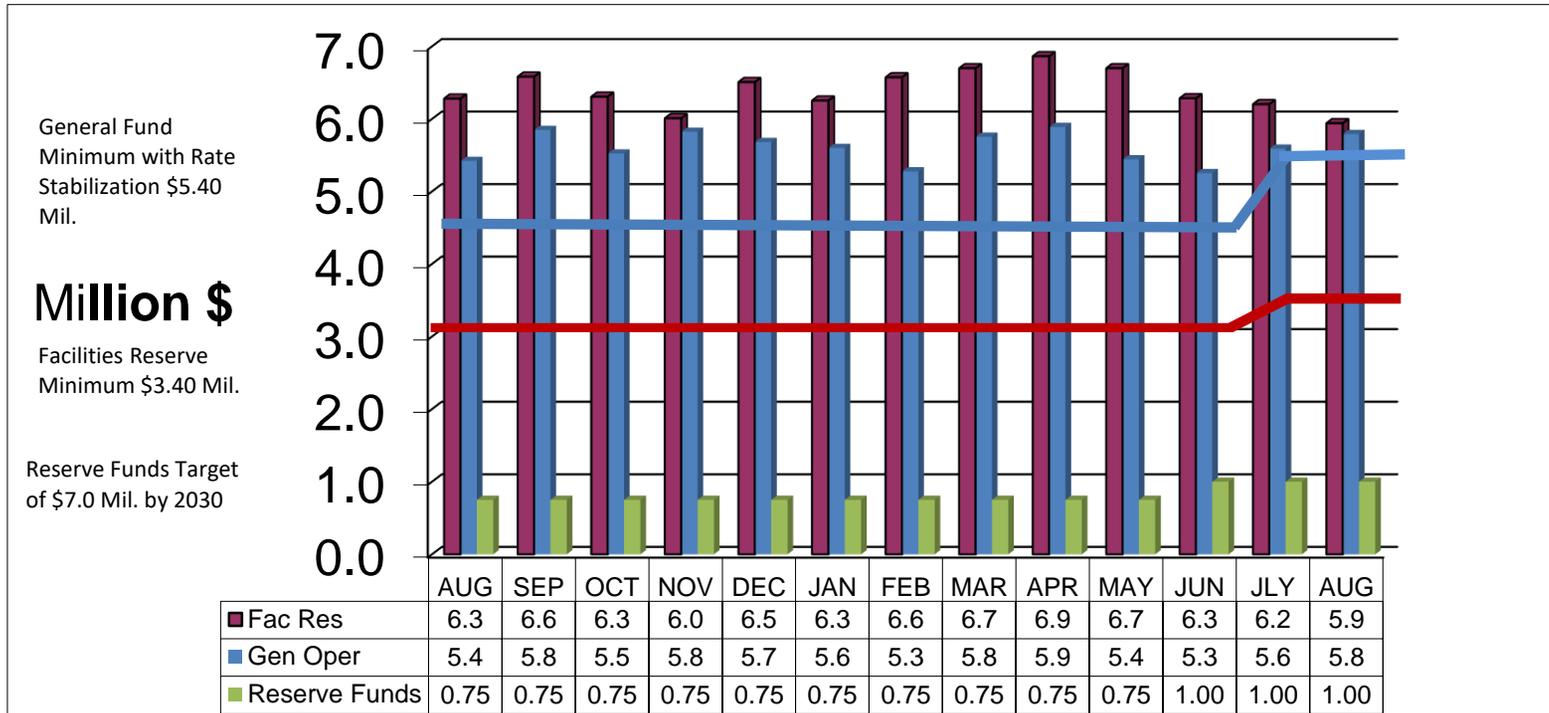
CERBT Funds - California Employers' Retiree Trust Fund is administered by CalPERS. The interest earned on the District's balance in this Trust Fund is used to pay the Diablo Water District portion of retiree medical benefit premiums. If requested by the District, CalPERS reimburses the District each July from the Trust Fund for the previous year's total cost of retiree medical benefit premiums.

COUNTY WELL FUND BALANCES

<u>Knightsen (M25)</u>	<u>Expenses</u>	<u>Income</u>	<u>Total Fund Balance</u>
FY 07/08	(6,686.92)	6,234.61	(23,573.85)
FY 08/09	(7,727.20)	6,678.44	(24,622.61)
FY 09/10	(10,755.47)	6,597.68	(28,780.40)
FY 10/11	(14,038.87)	6,436.27	(36,383.00)
FY 11/12	(12,396.89)	8,286.50	(40,493.39)
FY 12/13	(10,137.89)	8,883.84	(41,747.44)
FY 13/14	(6,200.51)	12,272.06	(35,675.89)
FY 14/15	(6,932.58)	15,655.41	(26,953.06)
FY 15/16	(8,416.99)	16,875.62	(18,494.43)
FY 16/17	(8,785.34)	17,273.74	(10,006.03)
FY 17/18	(7,922.88)	20,365.36	2,436.45
FY 18/19	(11,864.02)	17,841.20	8,413.63
FY 19/20	(9,223.40)	19,299.15	18,489.38
FY 20/21	(15,538.25)	16,817.08	19,768.21
FY 21/22	(11,441.81)	18,374.15	26,700.55
FY 22/23	(9,348.58)	20,744.48	38,096.45
FY 23/24	(16,602.60)	23,212.60	44,706.45
FY 24/25 (As of Aug)	(2,535.25)	3,810.78	45,981.98

<u>Willow Park (M27)</u>	<u>Expenses</u>	<u>Income</u>	<u>Total Fund Balance</u>
FY 07/08	(18,540.27)	35,856.74	93,589.03
FY 08/09	(22,923.46)	37,741.56	108,407.13
FY 09/10	(18,061.81)	36,018.24	126,363.56
FY 10/11	(23,516.61)	36,036.01	138,882.96
FY 11/12	(24,035.34)	36,667.17	151,514.79
FY 12/13	(47,529.75)	34,738.68	138,723.72
FY 13/14	(49,171.53)	39,995.81	129,548.00
FY 14/15	(13,720.87)	40,031.50	155,858.63
FY 15/16	(15,238.28)	40,514.09	181,134.44
FY 16/17	(71,763.56)	40,811.23	150,182.11
FY 17/18	(127,061.18)	42,658.12	65,779.05
FY 18/19	(115,739.39)	44,305.39	(5,654.95)
FY 19/20	(36,613.13)	46,080.33	3,812.25
FY 20/21	(98,331.00)	48,344.04	(46,174.71)
FY 21/22	(35,917.18)	56,310.23	(25,781.66)
FY 22/23	(49,426.10)	67,652.30	(7,555.46)
FY 23/24	(50,687.06)	70,934.41	12,691.89
FY 24/25 (As of Aug)	(15,717.88)	3,769.98	743.99

DIABLO WATER DISTRICT FUNDS AVAILABLE 2024 - 2025



DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 6

TO: Each Director

FROM: Dan Muelrath, General Manager

SUBJECT: Update of District Regulations.

The District's Human Resources Manager and Management Team have been reviewing personnel regulations to ensure:

- Legal compliance.
- Operational needs that are current with District practices.
- Operational needs that are current with CalPERS regulations.

The updated regulations are attached. Many of the updates were for clarification and operational consistency. Updates include, but are not limited to:

- Reg 102
 - 2024 Biennial Notice requirement – updated Conflict of Interest Code required on website.
- Reg 105
 - Clarified CalPERS membership eligibility and process for 457 payment distributions.
 - Added a 457 Roth option for staff as encompassed in the District's contract with CalPERS.
- Reg 106 CalPERS reportable compensation clarifying language.
 - Clarified language on carrying over leave balances and time of vacation accrual increases.
 - Industry standard option for exempt employees to sell back a limited number of vacation leave hours each calendar year. This was included in FY 24/25 budget.
 - Clarified process for bilingual pay for certified employees as approved as part of the FY24/25 budget.
 - Added clarifying language for clothing allowance to align with CalPERS requirements.
 - Clarified process to request additional bereavement leave.

Attached: Resolution No. 2024-14
District Regulation 102 (redline and clean copy)
District Regulation 105 (redline and clean copy)
District Regulation 106 (redline and clean copy)
District Regulation 112 (redline and clean copy)
District Regulation 114 (redline and clean copy)
District Regulation 123 (redline and clean copy)
District Regulation 129 (redline and clean copy)



- Reg 112
 - Identified and clarified travel related expenses.
 - Listed reports that are required for submittal before and after travel.
- Reg 114
 - Clarified eligibility for waving medical insurance.
- Reg 123
 - Modified language to reflect 2024 legal updates currently in practice.
- Reg 129
 - Clarified practice related to merit application at the 6-month progress review point.

RECOMMENDATION:

Adopt Resolution No. 2024-14, amending Regulation Numbers 102, 105, 106, 112, 114, 123 and 129.

Dan Muelrath

Dan Muelrath
General Manager

Attached: Resolution No. 2024-14
District Regulation 102 (redline and clean copy)
District Regulation 105 (redline and clean copy)
District Regulation 106 (redline and clean copy)
District Regulation 112 (redline and clean copy)
District Regulation 114 (redline and clean copy)
District Regulation 123 (redline and clean copy)
District Regulation 129 (redline and clean copy)



RESOLUTION NUMBER 2024-14

**A RESOLUTION OF THE BOARD OF DIRECTORS OF DIABLO
WATER DISTRICT AMENDING DISTRICT REGULATIONS 102,
105, 106, 112, 114, 123 AND NUMBER 129**

WHEREAS, the District has Administrative Regulations for the effective and efficient operation of the District;

WHEREAS, periodically these regulations need to be updated to reflect current statues and industry trends; and

WHEREAS, Staff reviewed and provided suggested updates as shown in the Attachment, herein referenced and incorporated;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Diablo Water District:

1. Update District Regulation 102 as shown in Attachment.
2. Update District Regulation 105 as shown in Attachment.
3. Update District Regulation 106 as shown in Attachment.
4. Update District Regulation 112 as shown in Attachment.
5. Update District Regulation 114 as shown in Attachment.
6. Update District Regulation 123 as shown in Attachment.
7. Update District Regulation 129 as shown in Attachment.

* * * * *

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of Diablo Water District at a meeting thereof held on October 23, 2024, by the following vote:

AYES:

NOES:

DATED: October 23, 2024

Kait Knight, Secretary

DIABLO WATER DISTRICT

REGULATION NO. 102

CONFLICT OF INTEREST CODE

Section I. Political Reform Act

- A. The Political Reform Act, Government Code, Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

Section II. Fair Political Practices Commission

- A. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments of the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Section 18730, and any amendments of it duly adopted by the Fair Political Practices Commission as well as all requirements of California Government Code Sections 87302, 87206, and 87207, outlined below, are hereby incorporated by reference. This statement with the attached Appendix shall constitute the Conflict of Interest Code of Diablo Water District.

Section III. Requirements

- A. The officials of the District who manage public investments are the Directors, the General Manager and the ~~Treasurer~~ Finance & Accounting Manager. Each of them (and candidates for the office of Director) shall file statements of economic interests pursuant to Government Code, Section 87200. Upon receipt of the statements the Secretary shall make and retain a copy which shall be available for public inspection and reproduction and shall forward the original of these statements to the County of Contra Costa.
- B. Other District employees and District consultants designated in the Appendix must file statements of economic interests in the disclosure categories stated in the Appendix. These statements will be retained by the Board Secretary and shall be available for public inspection and reproduction.
- C. The first statement filed under this Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office disclosing investments, business positions, and interests in real property held on, and income received

during the 12 months before, the date of assuming office. Each designated employee shall file an annual statement no later than April 1 of each year disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

- D. Any person who resigns within twelve (12) months of initial appointment, or within thirty (30) days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence, any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement. Any person who resigns a position within thirty (30) days of the date of a notice from the filing officer shall do both of the following:
1. File a written resignation with the appointing power; and
 2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation

he or she did not make, participate in the making of, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

- E. No designated employee can make, participate in making, or in any way attempt to use their official position to influence the making of any governmental decision which they know or have reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of their immediate family or on:
1. Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
 2. Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
 3. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;
 4. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of

management; or

5. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$~~420~~250 or more provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
- F. No designated employee will be required to disqualify themselves with respect to any matter which could not legally be acted upon or decided without their participation.

APPENDIX

<u>Designated Positions</u>	<u>Disclosure Categories</u>
<u>General Counsel</u> <u>Engineering Consultant</u>	<u>All sources of income, interests in real property, General Counsel investments, and business positions in business entities.</u>
<u>District Management – Form kept on file; not filed with State</u>	<u>Investments, business positions in business entities, and source of income which provide service, supplies, material, machinery or equipment of the type used by the District.</u>
<u>General Manager</u> <u>Finance & Accounting Manager</u>	<u>Investments, business positions in business entities, and source of income which provide service, supplies, material, machinery or equipment of the type used by the District.</u>
<u>Consultants</u>	<u>The General Manager may determine in writing that a particular consultant, although a "designated position", is engaged to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described herein. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest code.</u>

~~to the Conflict of Interest Code
-of
Diablo Water District~~

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Administrative Analyst	All sources of income, interests in real property,
General Counsel	investments, and business positions in business
Engineering Consultant	entities.

Accounting Operations Manager	Investments, business positions in business
Manager of Maintenance and	entities, and source of income which provide
Construction	service, supplies, material, machinery or
Manager of Water Operations	equipment of the type used by the District.

~~Consultants~~ The General Manager may determine in writing that a particular consultant, although a "designated position", is engaged to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described herein. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

DIABLO WATER DISTRICT

REGULATION NO. 102

CONFLICT OF INTEREST CODE

Section I. Political Reform Act

- A. The Political Reform Act, Government Code, Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

Section II. Fair Political Practices Commission

- A. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments of the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Section 18730, and any amendments of it duly adopted by the Fair Political Practices Commission as well as all requirements of California Government Code Sections 87302, 87206, and 87207, outlined below, are hereby incorporated by reference. This statement with the attached Appendix shall constitute the Conflict of Interest Code of Diablo Water District.

Section III. Requirements

- A. The officials of the District who manage public investments are the Directors, the General Manager and the Finance & Accounting Manager. Each of them (and candidates for the office of Director) shall file statements of economic interests pursuant to Government Code, Section 87200. Upon receipt of the statements the Secretary shall make and retain a copy which shall be available for public inspection and reproduction and shall forward the original of these statements to the County of Contra Costa.
- B. Other District employees and District consultants designated in the Appendix must file statements of economic interests in the disclosure categories stated in the Appendix. These statements will be retained by the Board Secretary and shall be available for public inspection and reproduction.
- C. The first statement filed under this Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office disclosing investments, business positions, and interests in real property held on, and income received

during the 12 months before, the date of assuming office. Each designated employee shall file an annual statement no later than April 1 of each year disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

- D. Any person who resigns within twelve (12) months of initial appointment, or within thirty (30) days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence, any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement. Any person who resigns a position within thirty (30) days of the date of a notice from the filing officer shall do both of the following:
1. File a written resignation with the appointing power; and
 2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation

he or she did not make, participate in the making of, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

- E. No designated employee can make, participate in making, or in any way attempt to use their official position to influence the making of any governmental decision which they know or have reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of their immediate family or on:
1. Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
 2. Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
 3. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;
 4. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of

management; or

5. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
- F. No designated employee will be required to disqualify themselves with respect to any matter which could not legally be acted upon or decided without their participation.

APPENDIX

<u>Designated Positions</u>	<u>Disclosure Categories</u>
General Counsel Engineering Consultant	All sources of income, interests in real property, General Counsel investments, and business positions in business entities.
District Management – Form kept on file; not filed with State	Investments, business positions in business entities, and source of income which provide service, supplies, material, machinery or equipment of the type used by the District.
General Manager Finance & Accounting Manager	Investments, business positions in business entities, and source of income which provide service, supplies, material, machinery or equipment of the type used by the District.
Consultants	The General Manager may determine in writing that a particular consultant, although a "designated position", is engaged to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described herein. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest code.

DIABLO WATER DISTRICT

REGULATION NO. 105

RETIREMENT BENEFITS AND DEFERRED COMPENSATION

Section I. Social Security and Medicare

- A. Social Security and Medicare are programs set up by the U.S. federal government that provides retirement income, disability income, other financial benefits and health insurance to those who qualify. District employees pay the employee portion of Social Security and Medicare taxes. Please refer to the *District's Payroll Policy* for current tax withholdings.

Section II. CalPERS

- A. The District has a contract with the Public Employees Retirement System of the State of California (CalPERS). Employees are entitled to the benefits the District participates in and are subject to the requirements for participation in one of two plans. Enrollment in CalPERS is automatic, [required](#) for all full-time employees, and effective immediately upon hire. Part-time employees must be enrolled after working 1,000 hours in a fiscal year. [Once an employee is enrolled in CalPERS, they will remain a member even if their status changes from full-time to part-time, or if their total hours fall below 1,000 in a fiscal year. Membership status upon separation of employment will be governed by CalPERS regulations.](#)

1. Individuals defined as “New Members (PEPRA)” by California law

(see below) will be enrolled in the 2% at age 62 plan and are by statute obligated to pay the full 100% of the Employee contribution (please refer to the *District's Payroll SOP Policy* for current contribution rates):

- (a) A member who joined CalPERS prior to January 1, 2013, who, on or after January 1, 2013, is hired by a different CalPERS employer following a break in service of more than six months.
- (b) A new hire who joined CalPERS for the first time on or after January 1, 2013, and who has no prior membership in another California public retirement system.
- (c) A new hire who joins CalPERS for the first time on or after January 1, 2013, and who was a member of another California public retirement system prior to that date, but who is not subject to reciprocity upon joining CalPERS.

- 2. Individuals defined as “Classic Members” by California law will be enrolled in the 2.7% at age 55 plan and are obligated to pay the full 100% of the Employee contribution (please refer to the *District's Payroll Policy* for current contribution rates).

Section III. Health Benefits in Retirement

- A. See Regulation 114 for applicability and eligibility.

Section IV. Deferred Compensation Plan

- A. Authority: The Deferred Compensation Plan of Diablo Water District, herein

referred to as "the Plan", is established pursuant to and in accordance with sections 53213 of the Government Code of the State of California and is an eligible deferred compensation plan as defined by section 457 of the Internal Revenue Code. [Plan options include a traditional 457 \(pre-tax contributions\) or Roth 457 \(post-tax contributions\). Please refer to the *District's Payroll Policy* for further information on current plan options.](#)

- B. Administration: The Plan will be administered by the General Manager in accordance with policies and directions of the Board of Directors. The Board of Directors may from time-to-time interpret the provisions of the Plan and may adopt, amend, or rescind rules for the administration of the Plan. The District may employ a bank, qualified insurance company, or qualified affiliate of an insurance company, herein referred to as "the Contract Administrator", to perform services in connection with the administration of the Plan.
- C. Participation Agreements: Any employee of the District may participate in the Plan by entering into a participation agreement with the District which must provide for the deferral of a portion of the Participant's compensation earned after the agreement is executed. The amount of compensation deferred will be determined by the Participant. The agreement may be amended from time to time to increase, decrease or discontinue the deferral of compensation not yet earned. Deferral of compensation must not begin before the first day of the calendar month following execution of the agreement or an amendment of the

agreement.

- D. Amount of Compensation Deferred: The amount of compensation deferred must be determined by the participant but must not be less than the minimum nor more than the maximum herein provided.
1. The minimum amount of compensation that may be deferred is \$25.00 per pay period.
 2. The maximum amount of compensation that may be deferred in any year will be based upon the contribution limits set forth by the Internal Revenue Code or 100% of the participant's pay, whichever is less, for services performed for the District during said year.
 3. Individuals aged 50 and over can make additional ~~pretax~~ contributions to their plans, starting in the year they turn 50. The maximum annual catch-up contribution will be based upon the contribution limits set forth by the Internal Revenue Code for said year.
- E. Ownership of Compensation Deferred: All amounts of compensation deferred under the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights will, until distributed to the Participant or the Participant's beneficiary, remain solely the property and rights of the District and will be held by the District in trust for the exclusive benefit of the Participant or the Participant's beneficiary.
- F. Deferred Compensation Funds: The District will transfer deferred compensation of a Deferred Compensation Fund ("the Fund") to the Contract

Administrator for investment. A book account will be maintained for each Participant that reflects ~~eredit~~ed all amounts of the Participant's compensation deferred under the plan and credited or debited all income or losses of the Fund attributable to such amounts.

G. Investment of the Fund: The Contract Administrator will make available a number of alternative vehicles for investment in the Fund each of which will be permissible investments under the provisions of section 53609 of the Government Code.

1. Each Participant may, in accordance with the rules and procedures established by the Contract Administrator from time to time, designate the vehicle or vehicles in which amounts in the Participant's book account will be invested and may designate transfers of amounts from one vehicle to another.

2. Each Participant will receive not less frequently than quarterly, a statement from the Contract Administrator showing interest or other earnings credited to, and the total value of, the Participant's book account.

H. Distribution: The benefit to be paid to each participant or beneficiary of a Participant must be the balance of the Participant's book account.

1. Participants are entitled to receive benefits under the Plan when the Participant's service with the District is terminated or upon reaching age ~~73~~70 1/2. Prior thereto, a Participant may, with the approval of the

Board of Directors, withdraw part or all of their benefit under the Plan only to the extent required by an unforeseeable emergency (determined in the manner prescribed by regulations issued by the Secretary of the Treasury). Examples of unforeseeable emergencies include illness or disability of the Participant or a person dependent on the Participant or other unexpected and unreimbursed expense not normally budgetable. Additionally, distributions will be allowed for transfers or rollovers to another eligible retirement plan(s), such as the California Public Employees' Retirement System (CalPERS), notwithstanding any limitations set forth above. Said transfers or rollovers do not require the prior approval of the Board of Directors.

2. A participant may designate, and from time to time may change the designation of, one or more beneficiaries and contingent beneficiaries to whom the unpaid balance of the Participant's benefits will be payable after the death of the Participant. If all the Participant's designated beneficiaries who survive the Participant die before the Participant's benefit has been fully paid, the unpaid balance thereof will be paid in a lump sum to the estate, or to the person or persons entitled to the estate, of the Participant.
3. When a Participant, or their designated beneficiary, becomes entitled to receive benefits under the Plan, they may elect to receive them as a lump sum or in monthly, quarterly, semiannual or annual installments

starting at a time and fixed amount requested in writing, subject to the following limitations:

- (a) Payment to a Participant or to a surviving spouse of a Participant must be made, or installments must start, by April 1st of the ~~calendar~~-year following the ~~calendar~~-year in which the Participant turns, or would have turned, ~~73~~~~70~~~~1/2~~.
- (b) Payment to a beneficiary other than a surviving spouse must be made, or if in installments must start, by January 1st of the year following the Participant's death.
- (c) Each monthly installment requested by a Participant, or the designated beneficiary of a Participant, must be at least \$50.00, or an equivalent amount when paid quarterly, semiannually, or annually, and sufficient to ensure that at least two-thirds of the total amount is paid within the Participant's life expectancy, as determined at the start of the distribution.
- (d) The amount of each monthly installment payable to the surviving spouse of a Participant must be at least \$50.00, or an equivalent amount when paid quarterly, semiannually, or annually, and sufficient to ensure that more than half of the total amount payable to the surviving spouse is paid within the life expectancy of the surviving spouse, as determined at the start of the distribution.
- (e) The amount of each monthly installment payable to a

beneficiary, other than the surviving spouse of the Participant, must be at least \$50.00 (or an equivalent amount when paid quarterly, semiannually, or annually) or the amount of the minimum installment which would have been payable to the Participant.

(f) A participant's beneficiary receiving a benefit in installments may, on request, be paid the remaining balance of such person's benefit in one lump sum.

4. Income taxes will be withheld from each benefit payment as required by the Internal Revenue Code and regulations issued by the Secretary of the Treasury.

I. Amendment of Plan: The Board of Directors may from time to time amend the Plan, provided; however, no amendment may affect the right of any Participant or designated beneficiary to receive the benefit set forth in section H resulting from compensation deferred prior to the amendment.

J. Benefits Not Assignable: No participant or designated beneficiary has any right to sell, assign, transfer or encumber any benefit or right to receive payment under the Plan, nor should any such benefit or payment be subject to attachment, garnishment or execution or be transferable by operation of law in the event of bankruptcy or insolvency, except to the extent otherwise provided by law notwithstanding this section.

DIABLO WATER DISTRICT

REGULATION NO. 105

RETIREMENT BENEFITS AND DEFERRED COMPENSATION

Section I. Social Security and Medicare

- A. Social Security and Medicare are programs set up by the U.S. federal government that provides retirement income, disability income, other financial benefits and health insurance to those who qualify. District employees pay the employee portion of Social Security and Medicare taxes. Please refer to the *District's Payroll Policy* for current tax withholdings.

Section II. CalPERS

- A. The District has a contract with the Public Employees Retirement System of the State of California (CalPERS). Employees are entitled to the benefits the District participates in and are subject to the requirements for participation in one of two plans. Enrollment in CalPERS is automatic, required for all full-time employees, and effective immediately upon hire. Part-time employees must be enrolled after working 1,000 hours in a fiscal year. Once an employee is enrolled in CalPERS, they will remain a member even if their status changes from full-time to part-time, or if their total hours fall below 1,000 in a fiscal year. Membership status upon separation of employment will be governed by CalPERS regulations.
1. Individuals defined as "New Members (PEPRA)" by California law

(see below) will be enrolled in the 2% at age 62 plan and are by statute obligated to pay the full 100% of the Employee contribution (please refer to the *District's Payroll SOP Policy* for current contribution rates):

- (a) A member who joined CalPERS prior to January 1, 2013, who, on or after January 1, 2013, is hired by a different CalPERS employer following a break in service of more than six months.
- (b) A new hire who joined CalPERS for the first time on or after January 1, 2013, and who has no prior membership in another California public retirement system.
- (c) A new hire who joins CalPERS for the first time on or after January 1, 2013, and who was a member of another California public retirement system prior to that date, but who is not subject to reciprocity upon joining CalPERS.

- 2. Individuals defined as “Classic Members” by California law will be enrolled in the 2.7% at age 55 plan and are obligated to pay the full 100% of the Employee contribution (please refer to the *District's Payroll Policy* for current contribution rates).

Section III. Health Benefits in Retirement

- A. See Regulation 114 for applicability and eligibility.

Section IV. Deferred Compensation Plan

- A. Authority: The Deferred Compensation Plan of Diablo Water District, herein

referred to as "the Plan", is established pursuant to and in accordance with sections 53213 of the Government Code of the State of California and is an eligible deferred compensation plan as defined by section 457 of the Internal Revenue Code. Plan options include a traditional 457 (pre-tax contributions) or Roth 457 (post-tax contributions). Please refer to the *District's Payroll Policy* for further information on current plan options.

- B. Administration: The Plan will be administered by the General Manager in accordance with policies and directions of the Board of Directors. The Board of Directors may from time-to-time interpret the provisions of the Plan and may adopt, amend, or rescind rules for the administration of the Plan. The District may employ a bank, qualified insurance company, or qualified affiliate of an insurance company, herein referred to as "the Contract Administrator", to perform services in connection with the administration of the Plan.
- C. Participation Agreements: Any employee of the District may participate in the Plan by entering into a participation agreement with the District which must provide for the deferral of a portion of the Participant's compensation earned after the agreement is executed. The amount of compensation deferred will be determined by the Participant. The agreement may be amended from time to time to increase, decrease or discontinue the deferral of compensation not yet earned. Deferral of compensation must not begin before the first day of the calendar month following execution of the agreement or an amendment of the

agreement.

- D. Amount of Compensation Deferred: The amount of compensation deferred must be determined by the participant but must not be less than the minimum nor more than the maximum herein provided.
1. The minimum amount of compensation that may be deferred is \$25.00 per pay period.
 2. The maximum amount of compensation that may be deferred in any year will be based upon the contribution limits set forth by the Internal Revenue Code or 100% of the participant's pay, whichever is less, for services performed for the District during said year.
 3. Individuals aged 50 and over can make additional contributions to their plans, starting in the year they turn 50. The maximum annual catch-up contribution will be based upon the contribution limits set forth by the Internal Revenue Code for said year.
- E. Ownership of Compensation Deferred: All amounts of compensation deferred under the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights will, until distributed to the Participant or the Participant's beneficiary, remain solely the property and rights of the District and will be held by the District in trust for the exclusive benefit of the Participant or the Participant's beneficiary.
- F. Deferred Compensation Funds: The District will transfer deferred compensation of a Deferred Compensation Fund ("the Fund") to the Contract

Administrator for investment. A book account will be maintained for each Participant that reflects all amounts of the Participant's compensation deferred under the plan and credited or debited all income or losses of the Fund attributable to such amounts.

G. Investment of the Fund: The Contract Administrator will make available a number of alternative vehicles for investment in the Fund each of which will be permissible investments under the provisions of section 53609 of the Government Code.

1. Each Participant may, in accordance with the rules and procedures established by the Contract Administrator from time to time, designate the vehicle or vehicles in which amounts in the Participant's book account will be invested and may designate transfers of amounts from one vehicle to another.

2. Each Participant will receive, not less frequently than quarterly, a statement from the Contract Administrator showing interest or other earnings credited to, and the total value of, the Participant's book account.

H. Distribution: The benefit to be paid to each participant or beneficiary of a Participant must be the balance of the Participant's book account.

1. Participants are entitled to receive benefits under the Plan when the Participant's service with the District is terminated or upon reaching age 73. Prior thereto, a Participant may, with the approval of the Board

of Directors, withdraw part or all of their benefit under the Plan only to the extent required by an unforeseeable emergency (determined in the manner prescribed by regulations issued by the Secretary of the Treasury). Examples of unforeseeable emergencies include illness or disability of the Participant or a person dependent on the Participant or other unexpected and unreimbursed expense not normally budgetable. Additionally, distributions will be allowed for transfers or rollovers to another eligible retirement plan(s), such as the California Public Employees' Retirement System (CalPERS), notwithstanding any limitations set forth above. Said transfers or rollovers do not require the prior approval of the Board of Directors.

2. A participant may designate, and from time to time may change the designation of, one or more beneficiaries and contingent beneficiaries to whom the unpaid balance of the Participant's benefits will be payable after the death of the Participant. If all the Participant's designated beneficiaries who survive the Participant die before the Participant's benefit has been fully paid, the unpaid balance thereof will be paid in a lump sum to the estate, or to the person or persons entitled to the estate, of the Participant.
3. When a Participant, or their designated beneficiary, becomes entitled to receive benefits under the Plan, they may elect to receive them as a lump sum or in monthly, quarterly, semiannual or annual installments

starting at a time and fixed amount requested in writing, subject to the following limitations:

- (a) Payment to a Participant or to a surviving spouse of a Participant must be made, or installments must start, by April 1st of the year following the year in which the Participant turns, or would have turned, 73.
- (b) Payment to a beneficiary other than a surviving spouse must be made, or if in installments must start, by January 1st of the year following the Participant's death.
- (c) Each monthly installment requested by a Participant, or the designated beneficiary of a Participant, must be at least \$50.00, or an equivalent amount when paid quarterly, semiannually, or annually, and sufficient to ensure that at least two-thirds of the total amount is paid within the Participant's life expectancy, as determined at the start of the distribution.
- (d) The amount of each monthly installment payable to the surviving spouse of a Participant must be at least \$50.00, or an equivalent amount when paid quarterly, semiannually, or annually, and sufficient to ensure that more than half of the total amount payable to the surviving spouse is paid within the life expectancy of the surviving spouse, as determined at the start of the distribution.
- (e) The amount of each monthly installment payable to a

beneficiary, other than the surviving spouse of the Participant, must be at least \$50.00 (or an equivalent amount when paid quarterly, semiannually, or annually) or the amount of the minimum installment which would have been payable to the Participant.

(f) A participant's beneficiary receiving a benefit in installments may, on request, be paid the remaining balance of such person's benefit in one lump sum.

4. Income taxes will be withheld from each benefit payment as required by the Internal Revenue Code and regulations issued by the Secretary of the Treasury.

I. Amendment of Plan: The Board of Directors may from time to time amend the Plan, provided; however, no amendment may affect the right of any Participant or designated beneficiary to receive the benefit set forth in section H resulting from compensation deferred prior to the amendment.

J. Benefits Not Assignable: No participant or designated beneficiary has any right to sell, assign, transfer or encumber any benefit or right to receive payment under the Plan, nor should any such benefit or payment be subject to attachment, garnishment or execution or be transferable by operation of law in the event of bankruptcy or insolvency, except to the extent otherwise provided by law notwithstanding this section.

DIABLO WATER DISTRICT

REGULATION NO. 106

PERSONNEL POLICY

Section I. Working Hours

- A. The working hours of District employees must be in accordance with a schedule established by the General Manager or their designee, which may be changed at any time. All items referenced in this regulation are based on a 40-hour work week. Alternative schedules must be followed pursuant to the agreed upon terms in said agreement.
- B. For non-exempt employees, any work performed in excess of eight hours on any workday is overtime work. All hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek, must be compensated at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits. All hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek, must be compensated at two times the employee's regular rate of pay, including qualifying fringe benefits. Part-time employees must receive overtime pay only after having worked eight hours in a day. *Overtime hours are not reportable to the California Public Employees' Retirement System (CalPERS).* ~~unless work is performed during~~

~~regularly scheduled work hours on a District observed Holiday (see section IV – On-Call Duty).~~

- C. Any non-exempt employee who is not scheduled or assigned to be on-call on a holiday as observed by the District, but is asked to work, must be compensated for eight hours of holiday pay at their regular rate of pay ~~(reportable to CalPERS)~~ plus two-and-one-half times their regular rate of pay, including qualifying fringe benefits, ~~(not reportable to CalPERS)~~ for all hours worked, not less than two hours (not reportable to CalPERS).

~~(a) None of these hours are reportable to CalPERS as Holiday On-Call Pay as the employee was not “scheduled” to work.~~

- D. Any non-exempt employee who is not scheduled or assigned to be on-call and is asked to work on a District recognized holiday that falls on a Saturday or Sunday, must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits for all hours worked, not less than two hours (not reportable to CalPERS).

~~(a) Any hours worked on a Saturday or Sunday are not reportable to CalPERS.~~

- E. A non-exempt employee will, at their specific request, receive compensatory time off in lieu of overtime pay, subject to the following conditions.

1. Requests for compensatory time off for overtime worked can be made at times and in a manner acceptable to the General Manager. The

specific dates of compensatory time off are subject to the approval of the General Manager or their designee who will take into consideration the operational requirements of the District.

2. Compensatory time off will be calculated at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits, for all hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek. All hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek are ineligible as compensatory time.
3. No employee can earn more than 82.50 compensatory time off hours in any calendar year. At the end of each calendar year, or upon separation of employment, each employee will be paid for any uncompensated overtime worked during the year at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits.

- F. Exempt employees, as defined by the Fair Labor Standards Act 541.100, are ineligible to earn overtime and therefore will receive a lump sum of 80 hours of administrative leave per calendar year (prorated during the calendar year of initial employment). Balance cannot be carried over from year to year and resets after the final pay period~~January 1st of~~ each year.

Section II. Holidays

- A. Thirteen holidays are observed by the District, namely: New Year's Day, Martin Luther King Jr.'s Birthday, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving, the day after Thanksgiving, Christmas Eve, Christmas Day and New Year's Eve.
1. Full-time employees must receive eight hours of their regular pay for each holiday observed by the District.
 2. Part-time employees must receive a percentage of eight hours of their regular pay equivalent to their average percentage of full-time hours worked.
- B. Full-time employees are provided 16 hours of floating holiday per calendar year.
1. The floating holidays cannot be carried over from year to year and balance resets after the final pay period ~~January 1st~~ of each year. The holidays must be exhausted in eight-hour increments.
 2. For employees hired in the first and second quarter of the calendar year, they will receive 16 hours of floating holidays for use. For those hired in the third quarter, they will receive eight hours of floating holiday. For those hired in the fourth quarter, they will not receive any hours for floating holidays.
 3. No payment will be made for unused floater holidays upon separation from the District, including but not limited to retirement, termination, or resignation.

Section III. Vacations

- A. Vacation is earned and accrued starting from the first day of employment and on each anniversary date thereafter, from the first day of employment with a maximum accrual balance based on the table below, for years of collective employment with the District as follows:

Years of Service	Annual Accrual Hours	Maximum Accrual Balance	<u>Vacation Sell Back</u>
Initial Year of Employment <i>(Prorated to the nearest whole day for the period of employment)</i>	80	120	<u>0</u>
1-5	96	144	<u>40</u>
6-10	120	180	<u>40</u>
11-15	160	240	<u>60</u>
16-20	184	276	<u>60</u>
21+	200	300	<u>80</u>

Part-time employees will receive a percentage of vacation accruals equivalent to their average percentage of full-time hours worked. When an employee reaches the equivalent of one and one-half times the employee's annual vacation leave accrual rate, they will cease earning vacation leave until their leave balance falls below the equivalent of one and one-half times the employee's annual vacation leave accrual rate. Exempt employees are eligible to sell back vacation hours that are in excess of 80 hours at the end of each

calendar year in accordance with the above table.

- B. The specific dates on which an employee may be on vacation will be subject to the approval of the General Manager or their designee.
- C. Vacation entitlement that is unused at the end of a calendar year may be carried over to, and used during, the following year up to the employee's maximum annual accrual cap.
- D. Any vacation request beyond the employee's currently accrued amount is subject to approval by the General Manager.
- E. Upon termination of employment, unused vacation will be paid and calculated in accordance with the *District's Payroll Policy*.

Section IV. On-Call Duty

- A. The General Manager, or their designee, will assign supervisory and field employees to on-call duty for periods of one week, to ensure continuous availability to handle operations and emergencies within the District.
- B. During all times an employee is on-call, the employee will:
 - 1. Have in their possession a portable communications device furnished by the District, and
 - 2. Be within 40 miles of the District office, corporation yard, or the worksite. Exceptions may be considered and approved by the General Manager or Human Resources on a case-by-case basis. Employees must respond to calls immediately upon receipt and will be deemed to have been called out if required by the call to leave the place where the

call is received for any period of time.

C. If an on-call employee receives a call-out outside of their regular working hours, the employee must be compensated at the overtime rates as defined in Section I.B for the duration of the call-out, but not less than two hours.

D. An employee assigned to on-call duty on a holiday as observed by the District, must automatically be compensated for eight hours of holiday pay at their regular rate of pay (*reportable to CalPERS*) plus eight hours at one-and-one-half times their regular rate of pay, including qualifying fringe benefits (*not reportable to CalPERS*).

1. If the employee receives a call-out on a holiday as observed by the District, the employee must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits, for the duration of the call-out, but not less than two hours (*not reportable to CalPERS*).

~~(a) All on-call employees' hours worked that occur during the employee's regularly scheduled work hours on a holiday as observed by the District, are reportable to CalPERS as Holiday On-Call Pay.~~

~~(b) All on-call employees' hours worked that occur outside of the employee's regularly scheduled~~

~~work hours, on a holiday as observed by the District, are not reportable to CalPERS.~~

- E. If an employee receives a call-out on a District recognized holiday that falls on a Saturday or Sunday, they must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits for all hours worked, not less than two hours (not reportable to CalPERS).

~~1. Any hours worked on a Saturday or Sunday are not reportable to CalPERS.~~

Section V. Temporary Assignments

- A. When an employee is temporarily assigned to replace another employee in a higher classification and subsequently perform the full range of duties of that higher classification, the employee will be working in a temporary assignment starting when the temporary assignment begins as defined in the District's *Temporary Assignment Policy*.
- B. An employee who is working in a temporary Assignment will be paid in accordance with the *District's Temporary Assignment Policy*.

Section VI. Bilingual Pay

- A. Employees who meet the requirements outlined in the *Bilingual Pay Policy* will receive additional compensation for their use of bilingual skills.
- B. Upon passing certification test(s), bilingual pay will take effect starting from the first day of the next pay period.
- C. Employees will receive additional monthly compensation as follows:

1. \$75.00 for written certification.

2. \$150.00 for oral certification.

D. Bilingual pay is reportable to CalPERS and considered a fringe benefit included in an employee's overtime calculation.

Section VI. Meal Allowance

A. ~~An employee who is unable to observe a meal break due to District operations shall be paid a reimbursement for said meal in accordance with the District's Reimbursement SOP.~~

Section VII. Clothing Allowance

A. Employees regularly exposed to environmental factors, including but not limited to chemicals, dust, dirt, and normal wear and tear, will receive an annual allowance each fiscal year. This allowance, approved by the Board during the budget process, can be used as needed for external items not provided by the District. Items include but are not limited to pants, boots, sunglasses, belts, and other exposed garments as approved, as well as laundry expenses, to maintain the required clean, neat, safe, and well-groomed standards as outlined in Section XVI and the District's *Logo Policy*. (Not reportable for CalPERS PEPPRA employees)(Reportable for CalPERS Classic employees; excluding items solely for safety that are not readily substitutable).

Section VIII. Sick Leave

- A. Sick Leave is leave of absence without interruption of employment or deduction of compensation for any of the following reasons:
1. The employee is physically or mentally unable to perform their duties due to illness, injury or medical condition.
 2. The employee has an infectious disease that creates a health hazard to other people.
 3. The absence is for the purpose of obtaining professional diagnoses or treatment for a medical, dental or visual condition of the employee, or for other medical reasons of the employee, such as pregnancy or obtaining a physical examination.
 4. The absence is for the purpose of providing for the spouse, domestic partner, child, foster child (must provide the District proof of legal guardianship), parent, or grandparent of the employee, spouse or child, for any of the following: to attend to an illness at a residence or hospital, or to obtain professional diagnoses or treatment for a medical, dental or visual condition. If the need for additional sick leave is urgent, the General Manager may authorize said use until the next meeting of the Board.
- B. Each full-time employee will be entitled to 96 hours of sick leave with pay during each calendar year of employment. During the calendar year of initial employment, a full-time employee will be credited eight hours of sick leave

for each remaining full month in the calendar year and in addition will be entitled to not less than 16 hours from the date of initial employment.

1. Part-time employees will receive a percentage of sick leave accruals equivalent to the average percentage of full-time hours worked prorated during the calendar year of initial employment. All part-time employees will be entitled to not less than eight hours from the date of initial employment.
 2. All employees who work at least 30 days for the District within a year will receive a minimum of 40 hours of sick leave (prorated during the calendar year of initial employment).
- C. The Board may at its discretion grant additional days of sick leave for a disabling illness of an employee. Accrued and unused sick leave may be carried over to and used during subsequent years. No payment will be made for unused sick leave upon separation from the District, including but not limited to termination or resignation. Any unused sick leave accumulated at the time of retirement will be converted to credited service time in accordance with the provisions of the District's retirement plan with CalPERS.
- D. The District may require an employee upon returning from sick leave to furnish a statement from the employee's health care provider of the date the employee is able to resume performance of their job and of any limitations on such performance. If sick leave is taken to attend the illness of a spouse,

domestic partner, child, foster child, parent, or grandparent of the employee, spouse or child, the District may require the employee to furnish a written statement of the illness from the person's health care provider.

- E. An employee on sick leave must, at the request of the District, provide a written statement of the employee's health care provider, or of a health care provider designated by the District, that the employee is unable to perform their job due to a disabling illness or infectious disease.

Section IX. Leave for Organ and Bone Marrow Donation

- A. Employees must be employed 90 days preceding the requested leave period to be eligible.
- B. Employees who elect to donate organs will be provided with paid leave up to 30 business days in a one-year period. As required by law, they must receive an additional 30 business days of unpaid leave in a one-year period, if needed. The District reserves the right to require an employee to utilize two weeks of paid leave, or exhaust all paid leave, prior to utilizing unpaid leave.
- C. Employees who elect to donate bone marrow are eligible for paid leave up to five days in a one-year period calculated from the date the leave began. The District reserves the right to require an employee utilize five days of paid leave or exhaust all paid leave, prior to the District compensating the additional paid leave remaining.

Section X. Bereavement Leave

- A. An employee absent from work by reason of the death of the spouse, domestic partner, child, parent, grandparent, grandchild, brother or sister of the employee or the employee's living spouse must be paid the employee's regular compensation for such period the General Manager approves, not in excess of 80 hours in any calendar year. Part-time employees are eligible for up to 50 hours in any calendar year. In the case of death of a relative as defined above, the General Manager may approve up to 80 additional hours of bereavement leave. Employees requiring additional leave must submit a formal request through Human Resources. Any requests for leave beyond 160 hours in a calendar year must be approved by the Board of Directors.
- B. All District employees must receive up to five days of unpaid leave per occurrence in a calendar year. It is not required that leave is utilized consecutively but must be completed within three months of the death, unless otherwise approved by Human Resources.
- C. All District employees must also receive up to five days of unpaid leave for a reproductive loss event. Reproductive loss events include the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. Both the birth/adopted mother and birth/adopted father, or as otherwise defined in California government code regarding leave for reproductive loss, are eligible to utilize bereavement leave. An employee may utilize this form of

bereavement leave for up to four occurrences in a 12-month period (20 days total).

- D. All District employees may utilize up to 16 hours of the allotted 80 hours of bereavement leave in observation of parties not identified above.
- E. The District reserves the right to require documentation (death certificate or published obituary) within 30 days of the death.

Section XI. Leave for Jury Duty or Court Appearance

- A. Upon receipt of a notice to appear for jury duty an employee must immediately notify their manager. Dependent upon the operational needs of the District, the General Manager may request that an employee delay jury duty service.
- B. For jury duty up to 15 days in a calendar year, the District will pay the employee's regular rate of pay for work hours missed.
- C. As a public employee, a waiver must be signed to avoid payment from the court.
- D. An employee served with a subpoena which compels their appearance as a witness, other than as a litigant or expert, will be granted a leave of absence and will be paid their regular rate of pay not to exceed five days in a calendar year. As a public employee, a waiver must be signed to avoid payment from the court.
- E. Non-exempt employees – if reporting time combined with any hours worked is

greater than their normal workday, they will need to balance their days to equal their normal weekly hours. If they are dismissed from jury duty, they must return to work to complete a full day's time or supplement with accrued leave balances.

Section XII. Leave for Military Duty

- A. Any employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia will be entitled to a military leave of absence and to restoration to their former position upon termination of such leave in accordance with the provisions of the California Military and Veterans Code.

Section XIII. Time off to Vote

- A. Employees will be granted up to two hours of paid time off, on election day, to vote in local and/or national elections.
 - 1. At the manager's discretion, the time will be at the start/end of the workday or added on to lunch break.
 - 2. Proof of in-person voting must be provided upon the employee's return to work.

Section XIV. Leave Without Pay

- A. Employees will be granted leaves of absence without pay, for such periods not exceeding 12 weeks in any one rolling year for a medical emergency of a designated person or a pregnancy-related condition, in accordance with the

requirements of the Federal Family and Medical Leave Act of 1993 (“FMLA”) (as applicable if the District exceeds 50 employees) and the California Family Rights Act (CFRA) which are incorporated herein. The Board of Directors may approve other reasonable and necessary purposes for leave of absence without pay. The District will implement CFRA as outlined in the *District’s CFRA Policy*.

- B. An employee may utilize leave without pay for up to 16 hours per year for reasons not outlined in the FMLA or CFRA. Additional leave hours must be approved by the General Manager.
- C. The period of absence on leave without pay will not be included in the computation of retirement benefits. While an employee is on leave without pay, the District will pay for the employee’s medical or health insurance under the same conditions as if the employee was working. As part of these conditions, an hour of paid leave must be utilized during any pay period in which the employee does not work to cover their portion of the benefit premium. If the reason for the leave is not included in FMLA or CFRA, no medical or health insurance will be provided by the District for the employee or their family, but the employee will have the right to obtain such insurance for such period by paying the premium therefor.
- D. Employees on such leave must report the status and expected date of termination of the leave to Human Resources not less frequently than once a

month as required by law.

- E. Employees failing to return to work after the scheduled end of such leave may face disciplinary action up to termination of employment.

Section XV. Job Abandonment

- A. If an employee fails to report to work for three consecutive workdays without notice or approval by their manager, the District will make every effort to contact them. If no contact is made within five days, the District may consider that they have abandoned their job, and their employment may be terminated.

Section XVI. Dress Code of Diablo Water District

- A. Diablo Water District is a governmental agency of the State of California. We carry the public trust for our community's water supply. Our credibility and professionalism are maintained, in part, by the image that employees present to customers and business visitors. We believe it is important that all District employees present to the public a clean, neat, safe, and well-groomed appearance. It is important that the public have confidence in our employees and that they feel comfortable while transacting business with the District.
- B. All field employees will be provided with uniforms which include their names and the District logo to distinguish them as District staff to the public. All District employees are required to wear District logo wear when working outside of the District offices (i.e., community events, outreach, etc.). All employees provided with District logo uniforms must wear them when

customer-facing. All personnel representing the District in logo wear must maintain the professionalism and integrity of the District as outlined in the *District's Logo Policy*.

- C. Basic elements for appropriate and professional business attire include clothing that is in neat and clean condition, not torn, ripped or frayed.
- D. Although it is impossible and undesirable to establish an absolute dress and appearance code, the District will apply a reasonable and professional workplace standard. An employee unsure of what is appropriate should check with their manager or Human Resources before wearing the item.
- E. An employee who is inappropriately groomed or attired may be asked to leave by their manager or Human Resources and advised to return to work after correcting the problem. Any employee asked to leave because of inappropriate dress or appearance will not be compensated for any time expended in correcting dress or appearance.

Section XVII. Dual Employment

An employee must not perform any after-working hours activity that may conflict with the employee's responsibilities to the District or may be subject to the control, inspection or contractual direction or regulation of the District. Prohibited after-working hours activities include but are not limited to installation, inspection or repair of meters, backflow prevention devices, water mains, valves, inspection or repair of any equipment, material or facilities owned, or to be owned, by the District

or operated and maintained by the District under contract with third parties. The purpose of this section of the regulation is to prevent District liability arising from any activity by an employee beyond the employee's work for the District.

DIABLO WATER DISTRICT

REGULATION NO. 106

PERSONNEL POLICY

Section I. Working Hours

- A. The working hours of District employees must be in accordance with a schedule established by the General Manager or their designee, which may be changed at any time. All items referenced in this regulation are based on a 40-hour work week. Alternative schedules must be followed pursuant to the agreed upon terms in said agreement.
- B. For non-exempt employees, any work performed in excess of eight hours on any workday is overtime work. All hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek, must be compensated at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits. All hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek, must be compensated at two times the employee's regular rate of pay, including qualifying fringe benefits. Part-time employees must receive overtime pay only after having worked eight hours in a day. *Overtime hours are not reportable to the California Public Employees' Retirement System (CalPERS)..*

- C. Any non-exempt employee who is not scheduled or assigned to be on-call on a holiday as observed by the District, but is asked to work, must be compensated for eight hours of holiday pay at their regular rate of pay plus two-and-one-half times their regular rate of pay, including qualifying fringe benefits, for all hours worked, not less than two hours (*not reportable to CalPERS*).
- D. Any non-exempt employee who is not scheduled or assigned to be on-call and is asked to work on a District recognized holiday that falls on a Saturday or Sunday, must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits for all hours worked, not less than two hours (*not reportable to CalPERS*).
- E. A non-exempt employee will, at their specific request, receive compensatory time off in lieu of overtime pay, subject to the following conditions.
 - 1. Requests for compensatory time off for overtime worked can be made at times and in a manner acceptable to the General Manager. The specific dates of compensatory time off are subject to the approval of the General Manager or their designee who will take into consideration the operational requirements of the District.
 - 2. Compensatory time off will be calculated at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits, for all hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek. All hours worked in excess of

12 hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek are ineligible as compensatory time.

3. No employee can earn more than 82.5 compensatory time off hours in any calendar year. At the end of each calendar year, or upon separation of employment, each employee will be paid for any uncompensated overtime worked during the year at one and one-half times the employee's regular rate of pay, including qualifying fringe benefits.

F. Exempt employees, as defined by the Fair Labor Standards Act 541.100, are ineligible to earn overtime and therefore will receive a lump sum of 80 hours of administrative leave per calendar year (prorated during the calendar year of initial employment). Balance cannot be carried over from year to year and resets after the final pay period each year.

Section II. Holidays

A. Thirteen holidays are observed by the District, namely: New Year's Day, Martin Luther King Jr.'s Birthday, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving, the day after Thanksgiving, Christmas Eve, Christmas Day and New Year's Eve.

1. Full-time employees must receive eight hours of their regular pay for each holiday observed by the District.
2. Part-time employees must receive a percentage of eight hours of their regular pay equivalent to their average percentage of full-time hours

worked.

B. Full-time employees are provided 16 hours of floating holiday per calendar year.

1. The floating holidays cannot be carried over from year to year and balance resets after the final pay period of each year. The holidays must be exhausted in eight-hour increments.
2. For employees hired in the first and second quarter of the calendar year, they will receive 16 hours of floating holidays for use. For those hired in the third quarter, they will receive eight hours of floating holiday. For those hired in the fourth quarter, they will not receive any hours for floating holidays.
3. No payment will be made for unused floater holidays upon separation from the District, including but not limited to retirement, termination, or resignation.

Section III. Vacations

A. Vacation is earned and accrued starting from the first day of employment and on each anniversary date thereafter, with a maximum accrual balance based on the table below, for years of collective employment with the District as follows:

Years of Service	Annual Accrual Hours	Maximum Accrual Balance	Vacation Sell Back
Initial Year of Employment <i>(Prorated to the nearest whole day for the period of employment)</i>	80	120	0
1-5	96	144	40
6-10	120	180	40
11-15	160	240	60
16-20	184	276	60
21+	200	300	80

Part-time employees will receive a percentage of vacation accruals equivalent to their average percentage of full-time hours worked. When an employee reaches the equivalent of one and one-half times the employee's annual vacation leave accrual rate, they will cease earning vacation leave until their leave balance falls below the equivalent of one and one-half times the employee's annual vacation leave accrual rate. Exempt employees are eligible to sell back vacation hours that are in excess of 80 hours at the end of each calendar year in accordance with the above table.

- B. The specific dates on which an employee may be on vacation will be subject to the approval of the General Manager or their designee.
- C. Vacation entitlement that is unused at the end of a calendar year may be carried over to, and used during, the following year up to the employee's maximum annual accrual cap.

- D. Any vacation request beyond the employee's currently accrued amount is subject to approval by the General Manager.
- E. Upon termination of employment, unused vacation will be paid and calculated in accordance with the *District's Payroll Policy*.

Section IV. On-Call Duty

- A. The General Manager, or their designee, will assign supervisory and field employees to on-call duty for periods of one week, to ensure continuous availability to handle operations and emergencies within the District.
- B. During all times an employee is on-call, the employee will:
 - 1. Have in their possession a portable communications device furnished by the District, and
 - 2. Be within 40 miles of the District office, corporation yard, or the worksite. Exceptions may be considered and approved by the General Manager or Human Resources on a case-by-case basis. Employees must respond to calls immediately upon receipt and will be deemed to have been called out if required by the call to leave the place where the call is received for any period of time.
- C. If an on-call employee receives a call-out outside of their regular working hours, the employee must be compensated at the overtime rates as defined in Section I.B for the duration of the call-out, but not less than two hours.
- D. An employee assigned to on-call duty on a holiday as observed by the District, must automatically be compensated for eight hours of holiday pay at their

regular rate of pay (*reportable to CalPERS*) plus eight hours at one-and-one-half times their regular rate of pay, including qualifying fringe benefits (*not reportable to CalPERS*).

1. If the employee receives a call-out on a holiday as observed by the District, the employee must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits, for the duration of the call-out, but not less than two hours (*not reportable to CalPERS*).

E. If an employee receives a call-out on a District recognized holiday that falls on a Saturday or Sunday, they must be compensated at two-and-one-half times their regular rate of pay, including qualifying fringe benefits for all hours worked, not less than two hours (*not reportable to CalPERS*).

Section V. Temporary Assignments

A. When an employee is temporarily assigned to replace another employee in a higher classification and subsequently perform the full range of duties of that higher classification, the employee will be working in a temporary assignment starting when the temporary assignment begins as defined in the District's *Temporary Assignment Policy*.

B. An employee who is working in a temporary Assignment will be paid in accordance with the *District's Temporary Assignment Policy*.

Section VI. Bilingual Pay

- A. Employees who meet the requirements outlined in the *Bilingual Pay Policy* will receive additional compensation for their use of bilingual skills.
- B. Upon passing certification test(s), bilingual pay will take effect starting from the first day of the next pay period.
- C. Employees will receive additional monthly compensation as follows:
 - 1. \$75.00 for written certification.
 - 2. \$150.00 for oral certification.
- D. Bilingual pay is reportable to CalPERS and considered a fringe benefit included in an employee's overtime calculation.

Section VII. Clothing Allowance

- A. Employees regularly exposed to environmental factors, including but not limited to chemicals, dust, dirt, and normal wear and tear, will receive an annual allowance each fiscal year. This allowance, approved by the Board during the budget process, can be used as needed for external items not provided by the District. Items include but are not limited to pants, boots, sunglasses, belts, and other exposed garments as approved, as well as laundry expenses, to maintain the required clean, neat, safe, and well-groomed standards as outlined in Section XVI and the District's *Logo Policy*. (*Not reportable for CalPERS PEPRAs employees*)(*Reportable for CalPERS Classic employees; excluding items solely for safety that are not readily*

substitutable).

Section VIII. Sick Leave

- A. Sick Leave is leave of absence without interruption of employment or deduction of compensation for any of the following reasons:
1. The employee is physically or mentally unable to perform their duties due to illness, injury or medical condition.
 2. The employee has an infectious disease that creates a health hazard to other people.
 3. The absence is for the purpose of obtaining professional diagnoses or treatment for a medical, dental or visual condition of the employee, or for other medical reasons of the employee, such as pregnancy or obtaining a physical examination.
 4. The absence is for the purpose of providing for the spouse, domestic partner, child, foster child (must provide the District proof of legal guardianship), parent, or grandparent of the employee, spouse or child, for any of the following: to attend to an illness at a residence or hospital, or to obtain professional diagnoses or treatment for a medical, dental or visual condition. If the need for additional sick leave is urgent, the General Manager may authorize said use until the next meeting of the Board.
- B. Each full-time employee will be entitled to 96 hours of sick leave with pay

during each calendar year of employment. During the calendar year of initial employment, a full-time employee will be credited eight hours of sick leave for each remaining full month in the calendar year and in addition will be entitled to not less than 16 hours from the date of initial employment.

1. Part-time employees will receive a percentage of sick leave accruals equivalent to the average percentage of full-time hours worked prorated during the calendar year of initial employment. All part-time employees will be entitled to not less than eight hours from the date of initial employment.
 2. All employees who work at least 30 days for the District within a year will receive a minimum of 40 hours of sick leave (prorated during the calendar year of initial employment).
- C. The Board may at its discretion grant additional days of sick leave for a disabling illness of an employee. Accrued and unused sick leave may be carried over to and used during subsequent years. No payment will be made for unused sick leave upon separation from the District, including but not limited to termination or resignation. Any unused sick leave accumulated at the time of retirement will be converted to credited service time in accordance with the provisions of the District's retirement plan with CalPERS.
- D. The District may require an employee upon returning from sick leave to furnish a statement from the employee's health care provider of the date the

employee is able to resume performance of their job and of any limitations on such performance. If sick leave is taken to attend the illness of a spouse, domestic partner, child, foster child, parent, or grandparent of the employee, spouse or child, the District may require the employee to furnish a written statement of the illness from the person's health care provider.

- E. An employee on sick leave must, at the request of the District, provide a written statement of the employee's health care provider, or of a health care provider designated by the District, that the employee is unable to perform their job due to a disabling illness or infectious disease.

Section IX. Leave for Organ and Bone Marrow Donation

- A. Employees must be employed 90 days preceding the requested leave period to be eligible.
- B. Employees who elect to donate organs will be provided with paid leave up to 30 business days in a one-year period. As required by law, they must receive an additional 30 business days of unpaid leave in a one-year period, if needed. The District reserves the right to require an employee to utilize two weeks of paid leave, or exhaust all paid leave, prior to utilizing unpaid leave.
- C. Employees who elect to donate bone marrow are eligible for paid leave up to five days in a one-year period calculated from the date the leave began. The District reserves the right to require an employee to utilize five days of paid leave or exhaust all paid leave, prior to the District compensating the

additional paid leave remaining.

Section X. Bereavement Leave

- A. An employee absent from work by reason of the death of the spouse, domestic partner, child, parent, grandparent, grandchild, brother or sister of the employee or the employee's living spouse must be paid the employee's regular compensation for such period the General Manager approves, not in excess of 80 hours in any calendar year. Part-time employees are eligible for up to 50 hours in any calendar year. In the case of death of a relative as defined above, the General Manager may approve up to 80 additional hours of bereavement leave. Employees requiring additional leave must submit a formal request through Human Resources. Any requests for leave beyond 160 hours in a calendar year must be approved by the Board of Directors.
- B. All District employees must receive up to five days of unpaid leave per occurrence in a calendar year. It is not required that leave is utilized consecutively but must be completed within three months of the death, unless otherwise approved by Human Resources.
- C. All District employees must also receive up to five days of unpaid leave for a reproductive loss event. Reproductive loss events include the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. Both the birth/adopted mother and birth/adopted father, or as otherwise defined in

California government code regarding leave for reproductive loss, are eligible to utilize bereavement leave. An employee may utilize this form of bereavement leave for up to four occurrences in a 12-month period (20 days total).

- D. All District employees may utilize up to 16 hours of the allotted 80 hours of bereavement leave in observation of parties not identified above.
- E. The District reserves the right to require documentation (death certificate or published obituary) within 30 days of the death.

Section XI. Leave for Jury Duty or Court Appearance

- A. Upon receipt of a notice to appear for jury duty an employee must immediately notify their manager. Dependent upon the operational needs of the District, the General Manager may request that an employee delay jury duty service.
- B. For jury duty up to 15 days in a calendar year, the District will pay the employee's regular rate of pay for work hours missed.
- C. As a public employee, a waiver must be signed to avoid payment from the court.
- D. An employee served with a subpoena which compels their appearance as a witness, other than as a litigant or expert, will be granted a leave of absence and will be paid their regular rate of pay not to exceed five days in a calendar year. As a public employee, a waiver must be signed to avoid payment from

the court.

- E. Non-exempt employees – if reporting time combined with any hours worked is greater than their normal workday, they will need to balance their days to equal their normal weekly hours. If they are dismissed from jury duty, they must return to work to complete a full day’s time or supplement with accrued leave balances.

Section XII. Leave for Military Duty

- A. Any employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia will be entitled to a military leave of absence and to restoration to their former position upon termination of such leave in accordance with the provisions of the California Military and Veterans Code.

Section XIII. Time off to Vote

- A. Employees will be granted up to two hours of paid time off, on election day, to vote in local and/or national elections.
 - 1. At the manager’s discretion, the time will be at the start/end of the workday or added on to lunch break.
 - 2. Proof of in-person voting must be provided upon the employee’s return to work.

Section XIV. Leave Without Pay

- A. Employees will be granted leaves of absence without pay, for such periods not

exceeding 12 weeks in any one rolling year for a medical emergency of a designated person or a pregnancy-related condition, in accordance with the requirements of the Federal Family and Medical Leave Act of 1993 (“FMLA”) (as applicable if the District exceeds 50 employees) and the California Family Rights Act (CFRA) which are incorporated herein. The Board of Directors may approve other reasonable and necessary purposes for leave of absence without pay. The District will implement CFRA as outlined in the *District’s CFRA Policy*.

- B. An employee may utilize leave without pay for up to 16 hours per year for reasons not outlined in the FMLA or CFRA. Additional leave hours must be approved by the General Manager.
- C. The period of absence on leave without pay will not be included in the computation of retirement benefits. While an employee is on leave without pay, the District will pay for the employee’s medical or health insurance under the same conditions as if the employee was working. As part of these conditions, an hour of paid leave must be utilized during any pay period in which the employee does not work to cover their portion of the benefit premium. If the reason for the leave is not included in FMLA or CFRA, no medical or health insurance will be provided by the District for the employee or their family, but the employee will have the right to obtain such insurance for such period by paying the premium therefor.

- D. Employees on such leave must report the status and expected date of termination of the leave to Human Resources not less frequently than once a month as required by law.
- E. Employees failing to return to work after the scheduled end of such leave may face disciplinary action up to termination of employment.

Section XV. Job Abandonment

- A. If an employee fails to report to work for three consecutive workdays without notice or approval by their manager, the District will make every effort to contact them. If no contact is made within five days, the District may consider that they have abandoned their job, and their employment may be terminated.

Section XVI. Dress Code of Diablo Water District

- A. Diablo Water District is a governmental agency of the State of California. We carry the public trust for our community's water supply. Our credibility and professionalism are maintained, in part, by the image that employees present to customers and business visitors. We believe it is important that all District employees present to the public a clean, neat, safe, and well-groomed appearance. It is important that the public have confidence in our employees and that they feel comfortable while transacting business with the District.
- B. All field employees will be provided with uniforms which include their names and the District logo to distinguish them as District staff to the public. All District employees are required to wear District logo wear when working

outside of the District offices (i.e., community events, outreach, etc.). All employees provided with District logo uniforms must wear them when customer-facing. All personnel representing the District in logo wear must maintain the professionalism and integrity of the District as outlined in the *District's Logo Policy*.

- C. Basic elements for appropriate and professional business attire include clothing that is in neat and clean condition, not torn, ripped or frayed.
- D. Although it is impossible and undesirable to establish an absolute dress and appearance code, the District will apply a reasonable and professional workplace standard. An employee unsure of what is appropriate should check with their manager or Human Resources before wearing the item.
- E. An employee who is inappropriately groomed or attired may be asked to leave by their manager or Human Resources and advised to return to work after correcting the problem. Any employee asked to leave because of inappropriate dress or appearance will not be compensated for any time expended in correcting dress or appearance.

Section XVII. Dual Employment

An employee must not perform any after-working hours activity that may conflict with the employee's responsibilities to the District or may be subject to the control, inspection or contractual direction or regulation of the District. Prohibited after-working hours activities include but are not limited to installation, inspection or repair

of meters, backflow prevention devices, water mains, valves, inspection or repair of any equipment, material or facilities owned, or to be owned, by the District or operated and maintained by the District under contract with third parties. The purpose of this section of the regulation is to prevent District liability arising from any activity by an employee beyond the employee's work for the District.

DIABLO WATER DISTRICT

REGULATION NO. 112

REIMBURSEMENT OF TRAVEL EXPENSES

Section I. Overview

- A. This regulation applies to travel and associated expenses incurred by Directors and employees while conducting business and operations for the District.
- B. Whenever possible, travel expenses must be paid for in advance via a District credit card or direct payment to vendor(s) through Accounts Payable.
- C. For any travel-related reasonable accommodation requests, please submit to Human Resources.

Section II. Allowable Transportation Expenses

- A. Transportation is expected to be conducted by the most economical means possible. If an alternate mode of transportation is chosen solely based on personal preference (e.g., opting to drive instead of flying, even if flying is more cost-effective), reimbursement will be based on the most economical option. In this case, reimbursement will be issued for the equivalent cost of a standard airplane ticket instead of the standard mileage rate.

B. Travel by District Vehicle

1. Employees provided with District vehicles are expected to use them when it is the most economical means of transportation and only when the destination is within a 200-mile radius of the District. Otherwise, employees will be reimbursed for the most economical mode of travel (e.g., mileage, flight).
2. Employees choosing not to use their District vehicle solely based on personal preference will only be reimbursed for gas receipts incurred during the required travel period, not for mileage.

B.C. Travel by Privately Owned Vehicle

1. Travel by privately owned vehicle will be compensated at the then current Standard Mileage Rate by the Internal Revenue Service.
2. Each time an employee (excluding the General Manager) is called out, mileage compensation is limited to within 40 miles of District facilities, as defined in Regulation 106.

B.D. Other Transportation Expenses

1. Transportation services (Taxi, Uber, etc.) are reimbursable within the travel area including a tip, not to exceed 15%.
2. Bridge tolls incurred while traveling for District business are reimbursable.
3. Parking fees, including but not limited to parking garage, hotel, and

airport parking fees, are reimbursable.

D.E. Standard airline baggage fees that are not included with the flight fare are reimbursable.

Section III. Other Allowable Expenses

A. Travel Time Compensation

1. Based on the Fair Labor Standards Act (FLSA), non-exempt staff will be compensated for time spent traveling for work-related purposes. They will be compensated at their normal hourly rate for travel during regular business hours. If travel exceeds their regularly scheduled number of work hours, they will be compensated at their overtime rate.
2. Compensable travel time includes time spent driving or being a passenger on an airplane, train, bus, taxi, or ride-share until arrival at the destination hotel/event. Time spent taking rest breaks to eat a meal, sleep, or engage in personal activities unrelated to travel (such as spending an extra day in a city before or after a conference) is not compensable.
3. Directors will be compensated for travel time in accordance with Regulation 113.

B. Overnight Accommodations

1. For travel requiring overnight accommodation, it is encouraged to

stay at the recommended hotel for the conference or training, unless that hotel is fully booked, in which case they should choose the next nearest location.

- i. Overnight accommodations must be in the median price range for hotel single occupancy.
- ii. Directors and employees have the option to stay the night before if the start time is early morning, considering travel time.

C. Meals

2.1. Meals at the regular menu charge plus tip, not to exceed 15%.

- i. Alcohol and recreational expenses are not eligible for reimbursement. Non-reimbursable items must be excluded from receipts submitted for reimbursement.

D. WIFI

1. WIFI expenses incurred for exclusive business use are allowable.

Section IV. **Expense Reports**

- A. For all conferences/trainings, a Travel Authorization Form must be completed prior to travel.
- B. A Travel Reimbursement Form must be submitted within one week of returning to work for reimbursement.
- C. All expenses must include itemized receipts and mileage detail.

DIABLO WATER DISTRICT

REGULATION NO. 112

REIMBURSEMENT OF TRAVEL EXPENSES

Section I. Overview

- A. This regulation applies to travel and associated expenses incurred by Directors and employees while conducting business and operations for the District.
- B. Whenever possible, travel expenses must be paid for in advance via a District credit card or direct payment to vendor(s) through Accounts Payable.
- C. For any travel-related reasonable accommodation requests, please submit to Human Resources.

Section II. Allowable Transportation Expenses

- A. Transportation is expected to be conducted by the most economical means possible. If an alternate mode of transportation is chosen solely based on personal preference (e.g., opting to drive instead of flying, even if flying is more cost-effective), reimbursement will be based on the most economical option. In this case, reimbursement will be issued for the equivalent cost of a standard airplane ticket instead of the standard mileage rate.

B. Travel by District Vehicle

1. Employees provided with District vehicles are expected to use them when it is the most economical means of transportation and only when the destination is within a 200-mile radius of the District. Otherwise, employees will be reimbursed for the most economical mode of travel (e.g., mileage, flight).
2. Employees choosing not to use their District vehicle solely based on personal preference will only be reimbursed for gas receipts incurred during the required travel period, not for mileage.

C. Travel by Privately Owned Vehicle

1. Travel by privately owned vehicle will be compensated at the then current Standard Mileage Rate by the Internal Revenue Service.
2. Each time an employee (excluding the General Manager) is called out, mileage compensation is limited to within 40 miles of District facilities, as defined in Regulation 106.

D. Other Transportation Expenses

1. Transportation services (Taxi, Uber, etc.) are reimbursable within the travel area including a tip, not to exceed 15%.
2. Bridge tolls incurred while traveling for District business are reimbursable.
3. Parking fees, including but not limited to parking garage, hotel, and

airport parking fees, are reimbursable.

- E. Standard airline baggage fees that are not included with the flight fare are reimbursable.

Section III. Other Allowable Expenses

A. Travel Time Compensation

1. Based on the Fair Labor Standards Act (FLSA), non-exempt staff will be compensated for time spent traveling for work-related purposes. They will be compensated at their normal hourly rate for travel during regular business hours. If travel exceeds their regularly scheduled number of work hours, they will be compensated at their overtime rate.
2. Compensable travel time includes time spent driving or being a passenger on an airplane, train, bus, taxi, or ride-share until arrival at the destination hotel/event. Time spent taking rest breaks to eat a meal, sleep, or engage in personal activities unrelated to travel (such as spending an extra day in a city before or after a conference) is not compensable.
3. Directors will be compensated for travel time in accordance with Regulation 113.

B. Overnight Accommodations

1. For travel requiring overnight accommodation, it is encouraged to

stay at the recommended hotel for the conference or training, unless that hotel is fully booked, in which case they should choose the next nearest location.

- i. Overnight accommodation must be in the median price range for hotel single occupancy.
- ii. Directors and employees have the option to stay the night before if the start time is early morning, considering travel time.

C. Meals

1. Meals at the regular menu charge plus tip, not to exceed 15%.
 - i. Alcohol and recreational expenses are not eligible for reimbursement. Non-reimbursable items must be excluded from receipts submitted for reimbursement.

D. WIFI

1. WIFI expenses incurred for exclusive business use are allowable.

Section IV. **Expense Reports**

- A. For all conferences/trainings, a *Travel Authorization Form* must be completed prior to travel.
- B. A *Travel Reimbursement Form* must be submitted within one week of returning to work for reimbursement.
- C. All expenses must include itemized receipts and mileage detail.

DIABLO WATER DISTRICT

REGULATION NO. 114

INSURANCE FOR EMPLOYEES AND THEIR FAMILIES

Section I. Definitions

A. As used in this regulation:

1. "child" means a natural child, stepchild, or legally adopted child of an employee or retired employee; or a natural child, stepchild, or legally adopted child of an employee's or retired employee's spouse or domestic partner and the child is under 26 years of age.
2. "domestic partner" means a person living with an employee who together as a couple has filed a Declaration of Domestic Partnership with the Secretary of State as defined by Family Code Section 297 of the State of California. Eligible domestic partners are of the same sex, or who are of the opposite sex, if at least one of the partners is over 62 years of age.
3. "eligible family members" means the spouse, domestic partner, and child as defined below of an employee or retired employee;
4. "employee" means a regular full-time employee of the District;
5. "spouse" means a person who is married to an employee or who was married to an employee for not less than one year immediately prior to the retirement or death of the employee, and has not remarried;

6. "retired employee" means a person who was an employee for not less than 10 years and who retired from the District after their 54th birthday;

Section II. Insurance for Employees

- A. The District must provide and pay the premiums for the following insurance for each employee throughout the period of their employment: workers' compensation insurance, term life insurance, long-term disability insurance, short-term disability insurance, and health insurance consisting of medical insurance, dental insurance, vision insurance, and employee assistance program.
- B. Each employee must contribute \$1.00 per month towards the District's cost of health insurance.

Section III. Health Insurance for Retired Employees

- A. The District must provide and pay the premiums for health insurance for each retired employee until they attain age 65. The coverage of the insurance must be the same as the health insurance the District maintains from time to time for its employees. The health insurance provided by the District for a retired employee will terminate if and when the retired employee is covered by medical insurance provided by an employer other than the District or by an employer of the retired employee's spouse.

Section IV. Medical Insurance for Retired Employees After Age 65

- A. The District must provide medical insurance for retired employees which will

be Anthem Blue Cross Classic PPO, California Care HMO, or Kaiser Senior Advantage offered by the Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA), whichever is selected by the retired employee. Retirees must also be enrolled in Medicare Parts A and B to qualify for benefits after the age of 65.

B. The District must pay a percent of the premium of the retiree’s selected plan based on the number of full years of the retired employee's employment as follows:

Years of Employment	Percent of Premium
Less than 10	0
10	50
11	52.5
12	55
13	57.5
14	60
15	62.5
16	65
17	67.5
18	70
19	72.5
20 and over	75

The retired employee must pay to the District the balance of the premium prior to the date it is due. The District may terminate the insurance if said payment is not made within 30 days after it is due.

C. In lieu of receiving medical insurance from the District, the retired employee may elect to be self-insured at which time the District must pay the retired

employee, monthly, the least costly premium, of the coverage provided in Section 4(a), multiplied by the percent provided in Section 4(b).

- D. If at any time after retirement a retired employee is covered by medical insurance provided by an employer other than the District, or by an employer of the retired employee's spouse, the retired employee will not receive any benefit pursuant to this Section IV.

Section V. Insurance for Eligible Family Members

- A. Throughout the period of an employee's employment by the District, the health insurance they receive from the District must also cover their eligible family members.

1. Employees may decline medical insurance coverage offered by the ACWA JPIA for eligible family members. Employees may choose to waive coverage for themselves only when reentering the workforce after retiring under an alternative retirement system and/or in order to maintain eligibility for their previous benefits. In either event, the employee must be credited with fifty percent (50%) of the District's savings between the eligible coverage and the coverage the employee has elected to receive as additional compensation. If the employee has elected a PPO Plan, then the credit must be calculated at the HMO Plan rate within the same carrier. All requirements of the ACWA JPIA in this regard are incorporated herein.
2. When an employee of 10 or more years employment dies prior to

retiring, the District must provide and pay the premiums for the health insurance or five years after the employee's death, or until the employee would have attained age 65, whichever first occurs.

- B. The District must provide and pay the premiums for the retiree's same health insurance for eligible family members of the retired employee until the retiree's 65th birthday.
- C. After a retired employee attains age 65, the District must make available for each 65 year or older eligible family member of the retired employee; Anthem Blue Cross Classic PPO, California Care HMO, or Kaiser Senior Advantage as offered by the ACWA JPIA and as selected by the retired employee. In the case of eligible family members under the age of 65, medical insurance is also available provided that the retired employee pays the District the Premium prior to the date it is due.
- D. After a retired employee dies, the District must, until what would have been their 65th birthday, provide and pay the premiums for the health insurance of its employees for their eligible family members. After what would have been the 65th birthday of a deceased retired employee, any of their eligible family members may obtain from the District either Medicare Prime Plan as allowed by the ACWA JPIA or Kaiser Senior Advantage as the members must select, provided that member pays the District the premium for Medicare Prime Plan insurance or Kaiser Senior Advantage prior to the date it is due.

Section VI. Certification for Eligibility for Insurance

- A. Each employee, retired employee, eligible family member of an employee, retired employee, or deceased employee, must, upon written request of the District, certify under penalty of perjury to the facts which determine the eligibility of any of said persons for insurance coverage under this regulation. Failure to do so within 45 days after such request will result in termination of the insurance.

DIABLO WATER DISTRICT

REGULATION NO. 114

INSURANCE FOR EMPLOYEES AND THEIR FAMILIES

Section I. Definitions

A. As used in this regulation:

1. "child" means a natural child, stepchild, or legally adopted child of an employee or retired employee; or a natural child, stepchild, or legally adopted child of an employee's or retired employee's spouse or domestic partner and the child is under 26 years of age.
2. "domestic partner" means a person living with an employee who together as a couple has filed a Declaration of Domestic Partnership with the Secretary of State as defined by Family Code Section 297 of the State of California. Eligible domestic partners are of the same sex, or who are of the opposite sex, if at least one of the partners is over 62 years of age.
3. "eligible family members" means the spouse, domestic partner, and child as defined below of an employee or retired employee;
4. "employee" means a regular full-time employee of the District;
5. "spouse" means a person who is married to an employee or who was married to an employee for not less than one year immediately prior to the retirement or death of the employee, and has not remarried;

6. "retired employee" means a person who was an employee for not less than 10 years and who retired from the District after their 54th birthday;

Section II. Insurance for Employees

- A. The District must provide and pay the premiums for the following insurance for each employee throughout the period of their employment: workers' compensation insurance, term life insurance, long-term disability insurance, short-term disability insurance, and health insurance consisting of medical insurance, dental insurance, vision insurance, and employee assistance program.
- B. Each employee must contribute \$1.00 per month towards the District's cost of health insurance.

Section III. Health Insurance for Retired Employees

- A. The District must provide and pay the premiums for health insurance for each retired employee until they attain age 65. The coverage of the insurance must be the same as the health insurance the District maintains from time to time for its employees. The health insurance provided by the District for a retired employee will terminate if and when the retired employee is covered by medical insurance provided by an employer other than the District or by an employer of the retired employee's spouse.

Section IV. Medical Insurance for Retired Employees After Age 65

- A. The District must provide medical insurance for retired employees which will

be Anthem Blue Cross Classic PPO, California Care HMO, or Kaiser Senior Advantage offered by the Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA), whichever is selected by the retired employee. Retirees must also be enrolled in Medicare Parts A and B to qualify for benefits after the age of 65.

B. The District must pay a percent of the premium of the retiree’s selected plan based on the number of full years of the retired employee's employment as follows:

Years of Employment	Percent of Premium
Less than 10	0
10	50
11	52.5
12	55
13	57.5
14	60
15	62.5
16	65
17	67.5
18	70
19	72.5
20 and over	75

The retired employee must pay to the District the balance of the premium prior to the date it is due. The District may terminate the insurance if said payment is not made within 30 days after it is due.

C. In lieu of receiving medical insurance from the District, the retired employee may elect to be self-insured at which time the District must pay the retired

employee, monthly, the least costly premium, of the coverage provided in Section 4(a), multiplied by the percent provided in Section 4(b).

- D. If at any time after retirement a retired employee is covered by medical insurance provided by an employer other than the District, or by an employer of the retired employee's spouse, the retired employee will not receive any benefit pursuant to this Section IV.

Section V. Insurance for Eligible Family Members

- A. Throughout the period of an employee's employment by the District, the health insurance they receive from the District must also cover their eligible family members.

1. Employees may decline medical insurance coverage offered by the ACWA JPIA for eligible family members. Employees may choose to waive coverage for themselves only when reentering the workforce after retiring under an alternative retirement system and/or in order to maintain eligibility for their previous benefits. In either event, the employee must be credited with fifty percent (50%) of the District's savings between the eligible coverage and the coverage the employee has elected to receive as additional compensation. If the employee has elected a PPO Plan, then the credit must be calculated at the HMO Plan rate within the same carrier. All requirements of the ACWA JPIA in this regard are incorporated herein.
2. When an employee of 10 or more years employment dies prior to

retiring, the District must provide and pay the premiums for the health insurance or five years after the employee's death, or until the employee would have attained age 65, whichever first occurs.

- B. The District must provide and pay the premiums for the retiree's same health insurance for eligible family members of the retired employee until the retiree's 65th birthday.
- C. After a retired employee attains age 65, the District must make available for each 65 year or older eligible family member of the retired employee; Anthem Blue Cross Classic PPO, California Care HMO, or Kaiser Senior Advantage as offered by the ACWA JPIA and as selected by the retired employee. In the case of eligible family members under the age of 65, medical insurance is also available provided that the retired employee pays the District the Premium prior to the date it is due.
- D. After a retired employee dies, the District must, until what would have been their 65th birthday, provide and pay the premiums for the health insurance of its employees for their eligible family members. After what would have been the 65th birthday of a deceased retired employee, any of their eligible family members may obtain from the District either Medicare Prime Plan as allowed by the ACWA JPIA or Kaiser Senior Advantage as the members must select, provided that member pays the District the premium for Medicare Prime Plan insurance or Kaiser Senior Advantage prior to the date it is due.

Section VI. Certification for Eligibility for Insurance

- A. Each employee, retired employee, eligible family member of an employee, retired employee, or deceased employee, must, upon written request of the District, certify under penalty of perjury to the facts which determine the eligibility of any of said persons for insurance coverage under this regulation. Failure to do so within 45 days after such request will result in termination of the insurance.

DIABLO WATER DISTRICT

REGULATION NO. 123

DRUG AND ALCOHOL POLICY

Section I. Purpose of Policy

- A. The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from risks posed by the use of drugs ~~(including marijuana)~~ and/or alcohol. This policy is intended to comply with all state laws governing drug testing and is designed to safeguard employee privacy rights to the fullest extent of the law.
- B. Diablo Water District realizes that the use of drugs and/or alcohol in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of drugs and/or alcohol.
- C. Included within this policy, the District has established a Drug-Free Awareness Program to inform employees about the following:
1. The dangers and effects of drug and/or alcohol abuse in the workplace (See Appendix B – “Alcohol and Drug Effects”).
 2. The District’s policy of maintaining a drug-free workplace.
 3. Information on available drug and/or alcohol counseling, rehabilitation, and employee assistance programs.

4. Consequences that may be imposed upon employees for drug abuse violations.

D. Any drug and alcohol testing required by Diablo Water District will be conducted by a laboratory licensed by the State of California. All expenses related to the test will be incurred by the District. This policy will be strictly enforced. Violations of this policy will be cause for disciplinary action, up to and including termination from District employment.

E. The District is committed in helping its employees with admitted substance abuse problems to overcome these problems, and encourages the use of treatment and rehabilitation, when possible.

Section II. Acronyms

CEAP	Certified Employee Assistance Professional
DER	Designated Employer Representative
EAP	Employee Assistance Professional
EBT	Evidential Breath Testing Device
MRO	Medical Review Officer
NAADAC	National Association of Alcoholism and Drug Abuse Counselors
SAP	Substance Abuse Professional

Section III. Designated Employer Representative (DER)

A. The Designated Employer Representative (DER) who is to answer employee questions about drug and alcohol policies and procedures is:

Name: ~~Sophia Gonzales~~Christine Belleci
Title: ~~Administrative Analyst~~/Human Resources Manager
Phone Number: 925-625-~~65860588~~

Section IV. Applicability

- A. Under Diablo Water District’s Drug and Alcohol Policy, all current and prospective employees must submit to drug and alcohol testing in accordance with this policy. Prospective employees will be asked to submit to a test once a conditional offer of employment has been extended and accepted. An offer of employment by Diablo Water District is conditioned on the prospective employee testing negative for illegal substances. All current employees will be given a copy of this policy and as a condition of continued employment, the employee agrees to abide by the terms of this policy as acknowledged by signing the attached Appendix H, “Drug and Alcohol Policy Acknowledgment Form”.
- B. This policy applies to all District employees when they are on District property or when performing any District-related business including operating District vehicles or equipment. It applies to off-site lunch periods and breaks when an employee is scheduled to return to work.
- C. The District will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.) (See Appendix C). This applies to any District employee or contractor directly engaged in the performance of work pursuant to a State or Federal grant or contract.
- D. Visitors, vendors, and contracted employees violating this policy will not be permitted to conduct business on District property or projects and will be ordered off District property.

Section V. Proper Application of the Policy

- A. The District is dedicated to assuring fair and equitable application of this policy. Therefore, managers are required to administer all aspects of the policy in an unbiased and impartial manner. Any manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to their subordinates may be subject to disciplinary action, up to and including termination.

Section VI. Prohibited Substances

- A. Prohibited substances covered under this policy:
1. Alcoholic beverages of any kind. Alcohol is defined as the intoxicating agent in beverage alcohol.
 - ~~2. Marijuana or any product containing THC~~
 - 3.2. Controlled or illegal drugs or substances, which include; but are not limited to, ~~all~~ forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law.

Section VII. Prescription and Non-Prescription Substances

- A. Using or being under the influence of any legally obtained drug by an employee while performing District business, while on District property, or while on standby is prohibited if such use or influence may affect the safety of the employee, co-workers, members of the public, the employee's job performance, or the safe or efficient operation of the District's business. This applies to both medications prescribed by a physician and over-the-counter medications.

- B. An employee may continue to work, even though under the influence of a legal substance, if District management has determined, after consulting with a competent medical authority, that the employee does not pose a threat to their own safety or their co-workers and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be reassigned to an alternative position, if available, or be required to take a leave of absence or comply with other appropriate action as determined by the District's General Manager.
- C. Each employee is obligated to inform their immediate manager, Human Resources, or the General Manager of the use of any such medications, formally prescribed or not. Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

Section VIII. Prohibited Conduct

- A. As a Drug-Free Workplace, Diablo Water District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 United States Code, Section 812) (See Appendix D). As such, if an employee comes to work under the influence of a controlled substance or uses a controlled substance during work time, the employee will be disciplined in accordance with this policy, up to and including termination.

Section IX. Prohibited Conduct Outside of the District

- A. The following actions, even if not occurring on District premises or during working hours are considered to endanger the District's reputation for honesty, integrity and safety.
1. Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs.
 2. Any other actions involving alcohol or controlled or illegal substances that, in the opinion of management, endanger the company's reputation for honesty, integrity, and safety.
- B. An employee who engages in these activities may be subject to disciplinary action, up to and including an unpaid suspension or immediate dismissal. Employees who are convicted of controlled substances-related violations under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges must inform the District in writing within five days of the conviction or plea. Failure to do so will result in disciplinary action, up to and including an unpaid suspension or termination from employment.

Section X. Notification of Criminal Drug Conviction

- A. All employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off District premises while conducting District business. A report of conviction must be made to the human resources contact within five days after conviction, as mandated by the Federal Drug-Free Workplace Act of

1988 and the California Drug-Free Workplace Act of 1990. Failure to report such convictions may subject the employee to disciplinary action, up to and including termination.

Section XI. Voluntary Admittance

- A. Employees who believe they may have a substance abuse problem are encouraged to seek assistance for resolving that problem. An employee voluntarily seeking help can make a confidential request for assistance to their manager or the General Manager. The employee will be referred to a Substance Abuse Professional (SAP) for assessment and rehabilitation recommendations.
- B. Prior to the assessment, the employee must sign a release of information that will enable the Designated Employer Representative (DER) to receive the results of the assessment, and to receive subsequent reports related to the assessment, and the employee's successful completion of all recommendations for assistance.
- C. Employees may use accumulated sick leave, vacation time, or compensatory time to participate in a rehabilitation program. The District will not be responsible for program costs.
- D. Employees who admit to alcohol misuse or controlled substances use are not subject to disciplinary measures provided that the employee does not self-identify in order to avoid testing under the requirements of this program.
- E. After approval from the SAP, the employee may return to work and may be subject to unannounced follow up testing, based on the SAP's

recommendations. Any employee failing to complete the program will be subject to termination.

F. NOTE: Health insurance plans may provide coverage for rehabilitation costs. Health benefits information can be obtained from the District's human resources contact.

G. The following conditions must apply to the employee's self-admission:

1. The employee's admission cannot be made during their on-duty time. It must occur prior to the employee's reporting for duty on any particular day.
2. The employee's admission cannot be made in an attempt to avoid a required drug and/or alcohol test.
3. The employee is to be removed from safety-sensitive functions, including driving.
4. When the DER is satisfied that the employee has successfully complied with the SAP's recommendations for assistance, the employee's manager may return the employee to duty, including safety-sensitive functions, provided that:

(a) Prior to returning to safety-sensitive functions, the employee will be required to provide a negative drug and/or alcohol test result, and

(b) An employee who self-identifies under this policy, and who then fails to comply with the SAP's recommendations will be considered to have engaged in conduct prohibited by this policy.

- H. Diablo Water District will adhere to the following terms, in accordance with its policy:
1. No adverse action will be taken against an employee who admits to drug and/or alcohol use under the terms above, provided they cooperate with the assessment and recommendations for treatment.
 2. An employee who self-identifies under this program will be given reasonable time to obtain the required assessment and assistance.
 3. An employee, who complies with all requirements and the SAP's recommendations for assistance, will be permitted to return to duty.
 4. An employee who fails to comply with treatment recommendations, either under this provision, or as recommended by an SAP, will be subject to disciplinary action up to and including termination of employment.
- I. Testing will be conducted in a manner to assure a high degree of accuracy and reliability, using techniques, equipment, and laboratory facilities approved by the State of California.

Section XII. Testing for Prohibited Substances

- A. Reasonable Suspicion Testing:
1. A drug and/or alcohol test must be conducted when a manager has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.
 2. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A

manager who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

3. If an alcohol test is not administered within two hours following the determination to conduct a reasonable suspicion test, the manager must prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test.
4. A written record must be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the manager who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.
5. Reasonable suspicion testing may be based upon, among other things:
 - (a) Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug.
 - (b) A pattern of abnormal conduct or erratic behavior.
 - (c) Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.

- (d) Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- (e) Physical signs and symptoms consistent with prohibited substance use.
- (f) Occurrence of a serious or potentially serious accident that may have been caused by human error.
- (g) Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

B. Reasonable suspicion determinations will be made by a manager who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to prohibited substance abuse or misuse. (See Appendix E – “Reasonable Suspicion Documentation Form”).

1. Employees reasonably believed to be under the influence of drugs or alcohol will not be permitted to engage in further work. In addition, such employees will not be permitted to drive themselves from the worksite. A manager will see that the employee is transported to the designated collection center (See Appendix F – “Collection Center Location”).

- (a) A controlled substance test is considered positive when a verified confirmation test indicates specimens have concentrations of a particular class of drug above the specified concentration levels. Drug classes and threshold concentration levels are listed in the

“Controlled Substance (Drug) Test” Definition Section of this policy (See Appendix A – “Definitions”).

- (b) An alcohol test is considered positive when a verified confirmation test indicates a breath alcohol content greater than 0.04. “Alcohol Concentration Level” is defined in the Definition Section of this policy (See Appendix A – “Definitions”).

C. Post-Accident Testing:

1. A manager must be notified immediately following an accident to ensure proper post-accident instructions. The manager will determine if a test is necessary (See Appendix G – Post-Accident Drug and Alcohol Testing Decision Form). If a test is necessary, the manager will see that the driver is transported to the appropriate collection center (See Appendix F – “Collection Center Location”).
2. As soon as practicable following an occurrence involving a motor vehicle operating on a public road, each employer must test for alcohol for each of its surviving drivers:
 - (a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (b) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

- (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- 3. As soon as practicable following an occurrence involving a motor vehicle operating on a public road, each employer must test for controlled substances for each of its surviving drivers:
 - (a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (b) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The following table notes when a post-accident test is required to be conducted.

Type of accident involved	Citation issued to Licensed Motor Vehicle Driver?	Alcohol and controlled substance test required
i. Human fatality	Yes	Yes
	No	Yes
ii. Bodily injury and immediate medical treatment away from the scene.	Yes	Yes
	No	No
iii. Disabling damage to any motor vehicle requiring tow away	Yes	Yes
	No	No

- (i) If a post-accident alcohol test is not administered within two (2) hours following an accident, the manager of the employee must prepare and maintain on file a record stating the reasons the test was not properly administered. If a test is not administered within eight (8) hours after the accident, the manager must cease attempts to have the alcohol test administered, and prepare and maintain on file a record stating the reasons the test was not done within said eight (8) hours.
- (ii) If a post-accident controlled substances test is not administered within 32 hours of the accident, the manager must cease attempts to have the controlled substances test administered, and prepare and maintain on file a record stating the reasons the test was not done within said 32 hours.

- (iii) An employee subject to post-accident testing must remain readily available for such testing, including notifying their manager of their location if they leave the accident scene. An employee who fails to do so will be deemed to have refused to submit to testing.
- (iv) An employee who knowingly, willingly, or purposely evades a post-accident alcohol or controlled substance test will be subject to termination under “Refusal to Submit” guidelines as outlined under definitions in this policy.
- (v) Nothing herein will be construed to require the delay of necessary medical attention for the injured or to prohibit an employee from leaving the accident scene for the time period required to obtain emergency assistance.
- (vi) In lieu of administering a post-accident test, the District may substitute a test administered by on-site police or public safety officials under separate authority. The District may substitute a blood or breath alcohol test and a urine drug test performed by such local officials, using procedures required by their jurisdictions. The District will obtain a copy of these test results and keep them on file.

B. Manager Training:

1. Managers will receive at least 60 minutes of training on alcohol misuse and at least 60 minutes of training on controlled substances use, [every two years](#)

or as otherwise required by law. The training will be used by the managers to determine whether reasonable suspicion exists to require an employee to undergo testing. The training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Section XIII. Refusal to Submit

- A. Any employee who refuses to submit to a drug or alcohol test immediately when requested by a manager or law enforcement personnel will be treated in the same manner as an employee who has failed an alcohol or controlled substance test, as defined in this policy. No applicant who refuses to be tested will be extended an offer of employment. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required.

Section XIV. Failure to Appear for Testing

- A. Failure to appear for testing without a deferral from the General Manager of the District will be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including termination of employment, and an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector will contact the Designated Employer Representative (DER).

Section XV. Violation of Policy and Disciplinary Consequences

- A. If an employee is tested for drugs or alcohol and the results indicate a violation of this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including discharge from employment. In such a case, the

employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

Section XVI. Employee Rights

- A. Upon request, the employee will receive a full copy of any test results and related documentation of the testing process.
- B. All confirmed positive samples will be retained by the testing laboratory in secure frozen storage for one year following the test or until the sample is no longer needed for appeal proceedings or litigation, whichever is longer.

Section XVII. Treatment/Rehabilitation Program

- A. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:
 - 1. Positive Controlled Substance and/or Alcohol Test:
 - (a) A rehabilitation program is an option for employees who have tested positive for a prohibited substance on a one-time basis only. The employee will be immediately terminated on the occurrence of a second verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the Employee Assistance Professional (EAP), participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and/or complete a prescribed program will result in termination from employment. Prior to being permitted to return

to duty, an employee must follow the rehabilitation program recommended by the EAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of any follow-up testing will be determined by the EAP.

Section XVIII. Return to Duty Testing

- A. All covered employees who previously tested positive on a controlled substance test must test negative and be evaluated and released to duty by the Employee Assistance Professional (EAP) before returning to duty. Such employees will be required to undergo unannounced follow-up controlled substance testing following returning to duty.
- B. They will not be permitted to perform any work until they:
 - 1. No longer use controlled substances;
 - 2. Test negative for use of controlled substances;
 - 3. Are medically re-certified as being “drug-free”;
 - 4. Continue to participate in any drug rehabilitation program of after-care required by District;
 - 5. Agree to be subject to follow-up testing for up to 60 months after returning to duty.
- C. No employee who tests positive for drug use has an automatic right to be offered an opportunity for rehabilitation.
- D. If an employee is using an “over-the-counter” (or other medication under the supervision of a licensed physician) that causes a positive result on a drug test, the District will ask to have their Medical Review Officer (MRO) consult with

the employee's physician. The employee must take all necessary steps to authorize their physician to discuss medication usage with the District. The District has -- as an integral part of our overall Employee Assistance Program - - developed a plan for providing drug education and training for all employees, including management.

Section XIX. Follow-up Testing

- A. After the return-to-duty test, employees will be subject to unannounced follow-up testing. ASAP will determine the number and frequency of tests, but at least six tests will be performed during the first 12 months following the employee's return to duty. Follow-up testing may be extended up to 60 months from the date of the employee's return to duty, but the SAP can terminate the requirement after the first six tests, if they determine that testing is no longer necessary. The SAP, in coordination with the Drug Program Administrator, will conduct tracking and monitoring of follow-up tests.

Section XX. Recordkeeping

- A. Maintenance of Records:
1. The District will maintain records of its alcohol misuse and controlled substances use prevention programs. The records will be maintained in a secure location with controlled access. The District will maintain the records in accordance with the following schedule:
 - (a) One Year – Records of negative and cancelled controlled substances test results and alcohol test results with a concentration of less than 0.02.

- (b) Two Years – Records relating to the alcohol and controlled substances collection process.
- (c) Five Years – The following records will be maintained for a minimum of five years:
 - (i) Alcohol results indicating an alcohol concentration of 0.02 or greater.
 - (ii) Records of verified positive controlled substances test results.
 - (iii) Documentation of refusals to take required alcohol and/or controlled substances tests.
 - (iv) Driver evaluation and referrals.
 - (v) A copy of each annual calendar year summary.

B. Confidentiality:

1. The District will maintain records of the circumstances and results of any employee testing under this policy. These records, and any other information pertaining to an employee's drug or alcohol test, will be considered confidential and will be released only to:
 - (a) The employee who was tested or other individuals designated in writing by that employee;
 - (b) The Medical Review Officer; or
 - (c) Individuals who need the records or information to:
 - (i) Properly supervise or assign the employee;

(ii) Determine, or assist in determining, what action the District should take in response to the test results; or

(iii) Respond to appeals or litigation arising from the drug or alcohol test or related actions.

C. Employees who use controlled substances -- on a chronic or recreational basis -- are encouraged to speak confidentially to their manager or to any other member of management so the District can deal with drug problems on a discreet, confidential basis. Once again, this is a major operating policy of the District and we expect the full cooperation of all employees in maintaining our drug-free workplace.

APPENDICES

- A. Definitions**
- B. Alcohol and Drug Effects**
- C. California Drug-Free Workplace Act of 1990**
- D. Schedules I through V of Section 202 of the Controlled Substances Act (Title 21, United States Code, Section 812)**
- E. Reasonable Suspicion Documentation Form**
- F. Collection Center Locations**
- G. Post-Accident Drug and Alcohol Testing Decision Form**
- H. Drug and Alcohol Policy Acknowledgement Form**

APPENDIX A

DEFINITIONS

Alcohol means the intoxicating agent in beverage alcohol.

Alcohol Concentration means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air. Blood tests will not be used to determine alcohol concentration, unless administered by on-site police or public safety officials in a post-accident situation.

Breath Alcohol Technician (BAT) means a person trained to operate the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.

Chain of Custody means the procedures to account for the integrity of each urine specimen by tracing its handling and storage from point of collection to final disposition.

Collection Site means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

Confirmation Test for alcohol testing means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances testing, it means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test, in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.

Controlled Substance (Drug) Test is a method of detecting and measuring the presence of controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or a confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specific concentration level. It eliminates negative specimens from further consideration. A confirmation drug test is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principal in order to confirm reliability and accuracy.

Controlled substances will be tested under the State of California guidelines [and pursuant to legal requirements](#). The cutoff concentrations below are for initial and confirmation drug tests, [as applicable; however the quantified concentrations below may differ if modified time to time by the State of California, with the State's guidelines governing the concentration cutoff levels and superseding any discrepancy that might exist below:](#)

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL.
Cocaine metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL.
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL.
		Morphine	2000 ng/mL.
6–Acetylmorphine	10 ng/mL	6–Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL.
		Methamphetamine ⁵	250 ng/mL.
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL.
		MDA ⁷	250 ng/mL.
		MDEA ⁸	250 ng/mL

¹Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

²Morphine is the target analyte for codeine/morphine testing.

³Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

⁴Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

⁶Methylenedioxyamphetamine (MDMA).

⁷Methylenedioxyamphetamine (MDA).

⁸Methylenedioxyethylamphetamine (MDEA).
ng/mL – nanogram/mililitre

Employee Assistance Program (EAP) means a counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

Evidential Breath Testing Device (EBT) means the device to be used for breath alcohol testing.

Medical Review Officer (MRO) means the individual responsible for receiving laboratory results generated from the District’s Drug and Alcohol Program who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret

and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

Illegal Drugs means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Performing Safety Sensitive Function means an employee is considered to be performing a safety sensitive function in any period in which they are actually performing, ready to perform, or immediately available to perform such functions.

Post-Accident Alcohol and/or Controlled Substance Testing is testing performed on all employees following an accident involving a motor vehicle where:

1. The accident involved a fatality; or
2. The driver receives a citation under state or local law for a moving traffic violation arising from an accident that involved:
 - a. injury requiring medical treatment away from the scene; or
 - b. one or more vehicles having to be towed from the scene.

Pre-Employment Controlled Substance Testing is conducted before applicants begin work, but after an offer to hire.

Reasonable Suspicion Controlled Substance and/or Alcohol Testing is conducted when a trained manager has a good faith belief based on specific, contemporaneous, and articulable facts or evidence that an employee may have violated the prohibitions set forth this policy.

Refusal to Submit means failing to provide an adequate breath or urine sample for testing without a valid medical explanation or engaging in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior, or physical absence resulting in the inability to conduct the test.)

Substance Abuse Professional (SAP) means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders (the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

Trained Manager means a person in authority who received at least one hour of training on the signs and symptoms of alcohol abuse and at least one hour of training on the signs and symptoms of controlled substance abuse.

APPENDIX B

ALCOHOL AND DRUG EFFECTS

The California Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.) requires that the District provides all employees with information on the effects of alcohol and controlled substance use.

This attachment is intended to help individuals understand the personal consequences of substance abuse in the workplace and personal life.

ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 ounces), whiskey (1 ounce), or wine (6 ounces) over time, may result in the following health hazards:

- * Dependency
- * Fatal liver diseases
- * Kidney failure
- * Pancreatitis
- * Ulcers
- * Decreased sexual function
- * Increased cancers of the mouth, pharynx, esophagus, rectum, breast, and malignant melanoma
- * Spontaneous abortion and neonatal mortality
- * Birth defects

Social Issues

- * 2/3 of all homicides are committed by people who drink prior to the crime.
- * 2 - 3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- * 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- * The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- * 40% of family court cases are alcohol related.
- * Alcoholics are 15 times more likely to commit suicide.
- * More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.

- * Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol related. This was 43% of all highway fatalities.
- * 30,000 people will die each year from alcohol-caused liver disease.
- * 10,000 people will die each year due to alcohol-related brain disease or suicide.
- * Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- * It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- * Impairment can be measured with as little as one serving in the body.
- * A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

ALCOHOL'S TRIP THROUGH THE BODY

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B1, vitamin B12, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin, thus resulting in diabetes.

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each serving of alcohol increases the number of live cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Gland: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive lack of coordination: confusion, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

DRUGS

Marijuana

Health Effects

- * Emphysema-like conditions.
- * One joint of marijuana contains cancer-causing substances equal to 1/2 pack of cigarettes.
- * One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- * Marijuana is commonly contaminated with the fungus *Aspergillus* which can cause serious respiratory tract and sinus infections.
- * Marijuana lowers the body's immune system response, making users more susceptible to infection.
- * Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- * Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- * Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- * Chronic smoking of marijuana in females causes a decrease in fertility.
- * A higher than normal incidence of stillborn babies, early termination of pregnancy, and higher infant mortality rate during the first few days of life is common in pregnant marijuana smokers.
- * THC causes birth defects including brain damage, spinal cord, forelimbs, liver and water on the brain and spine in test animals.
- * Prenatal exposure may cause underweight newborn babies.
- * Fetal exposure may decrease visual functioning.

- * User's mental function can display the following effects:
 - delayed decision making
 - diminished concentration
 - impaired short-term memory
 - impaired signal detection
 - impaired tracking
 - erratic cognitive function
 - distortion of time estimation

Workplace Issues

- * THC is stored in body fat and slowly released.
- * Marijuana smoking has long-term effects on performance.
- * Increased THC potency in modern marijuana dramatically compounds the side effects.
- * Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

Cocaine

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- * Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's disease could also occur.
- * Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- * Strong dependence can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- * Treatment success rates are lower than with any other chemical dependency.
- * Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- * Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- * Lapses in attention and ignoring warning signals increases probability of accidents.
- * High cost frequently leads to theft and/or dealing.
- * Paranoia and withdrawal may create unpredictable or violent behavior.

- * Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates

Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- * IV needle users have a high risk of contracting hepatitis or AID when sharing needle.
- * Increased pain tolerance. As a result, people may more severely injure themselves and fail to seek medical attention as needed.
- * Narcotic effects are multiplied when combined with other depressants causing an increased risk for overdose.
- * Because of tolerance, there is an ever-increasing need for more.
- * Strong mental and physical dependency occurs.
- * With increased tolerance and dependency combined, there is a serious financial burden for the users.

Amphetamines

Central nervous system stimulant that speeds up the mind and body.

Health Effects

- * Regular use causes strong psychological dependency and increased tolerance.
- * High doses may cause toxic psychosis resembling schizophrenia.
- * Intoxication may induce a heart attack or stroke due to increased blood pressure.
- * Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- * Euphoric stimulation increases impulsive and risk-taking behavior, including bizarre and violent acts.
- * Withdrawal may result in severe physical and mental depression.

Workplace Issues

- * Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- * With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes impairment.

Phencyclidine (PCP)

Often used as a large animal tranquilizer and abused primarily for its mood-altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and a blank stare. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- * The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- * PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- * If misdiagnosed as LSD induced, and treated with Thorazine, can be fatal.
- * Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- * Not common in workplace primarily because of the severe disorientation that occurs.
- * There are four phases to PCP abuse:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma.
Distortions of size, shape, and distorted perception are common.
 - Toxic psychosis with visual and auditory delusions, paranoia, and agitation.
 - Drug induced schizophrenia.
 - Induced depression which may create suicidal tendencies and mental dysfunction.

APPENDIX C

GOVERNMENT CODE

SECTION 8350-8351

8350. This chapter shall be known, and may be cited, as the Drug-Free Workplace Act of 1990.

8351. As used in this chapter:

(a) "Drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract described in Article 2 (commencing with Section 8355) of an entity at which employees of the entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this chapter.

(b) "Employee" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the grant or contract described in Article 2 (commencing with Section 8355) .

(c) "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Sec. 812).

(d) "Grantee" means the department, division, or other unit of a person or organization responsible for the performance under the grant.

(e) "Contractor" means the department, division, or other unit of a person or organization responsible for the performance under the contract.

APPENDIX D

Due to the changing nature of drug scheduling, a list is not published here. However, Schedules I through V of Section 202 of the Controlled Substances Act (Title 21, United States Code, Section 812) are listed on the United States Drug Enforcement Agency webpage: <https://www.dea.gov/>

APPENDIX E

REASONABLE SUSPICION DOCUMENTATION FORM

 Employee is reporting for duty

 Employee is already on duty

EMPLOYEE NAME:	DATE OF OBSERVATION:
LOCATION:	TIME OF OBSERVATION <div style="text-align: center;">AM AM</div> <div style="text-align: center;">FROM PM TO PM</div>

OBSERVED PERSONAL BEHAVIOR (CHECK ALL APPROPRIATE ITEMS)

BREATH: (Odor of alcoholic beverage)	<input type="checkbox"/> Strong <input type="checkbox"/> None	<input type="checkbox"/> Faint	<input type="checkbox"/> Moderate
EYES:	<input type="checkbox"/> Bloodshot <input type="checkbox"/> Clear <input type="checkbox"/> Dilated Pupils	<input type="checkbox"/> Glassy <input type="checkbox"/> Heavy Eyelids	<input type="checkbox"/> Normal <input type="checkbox"/> Fixed Pupils
SPEECH:	<input type="checkbox"/> Confused <input type="checkbox"/> Slurred <input type="checkbox"/> Stuttering <input type="checkbox"/> Not Understandable	<input type="checkbox"/> Mumbling <input type="checkbox"/> Good <input type="checkbox"/> Cotton Mouthed	<input type="checkbox"/> Thick Tongued <input type="checkbox"/> Fair <input type="checkbox"/> Mush Mouthed
ATTITUDE:	<input type="checkbox"/> Excited <input type="checkbox"/> Indifferent <input type="checkbox"/> Carefree <input type="checkbox"/> Cooperative	<input type="checkbox"/> Combative <input type="checkbox"/> Talkative <input type="checkbox"/> Cocky <input type="checkbox"/> Profane	<input type="checkbox"/> Hilarious <input type="checkbox"/> Insulting <input type="checkbox"/> Sleepy <input type="checkbox"/> Polite
UNUSUAL ACTION:	<input type="checkbox"/> Hiccoughing <input type="checkbox"/> Fighting <input type="checkbox"/> Other:	<input type="checkbox"/> Belching <input type="checkbox"/> Crying	<input type="checkbox"/> Vomiting <input type="checkbox"/> Laughing
BALANCE:	<input type="checkbox"/> Falling <input type="checkbox"/> Swaying	<input type="checkbox"/> Needs Support <input type="checkbox"/> Other:	<input type="checkbox"/> Wobbling
WALKING:	<input type="checkbox"/> Falling <input type="checkbox"/> Swaying	<input type="checkbox"/> Staggering	<input type="checkbox"/> Stumbling
TURNING:	<input type="checkbox"/> Falling <input type="checkbox"/> Swaying	<input type="checkbox"/> Staggering <input type="checkbox"/> Hesitant	<input type="checkbox"/> Stumbling

ANY OTHER UNUSUAL ACTIONS OR STATEMENTS:

SIGNS OR COMPLAINTS OF ILLNESS OR INJURY:

SUPERVISOR/MANAGER'S OPINION

EFFECTS OF ALCOHOL/DRUG INTOXICATION	<input type="checkbox"/> NONE <input type="checkbox"/> SLIGHT <input type="checkbox"/> OBVIOUS <input type="checkbox"/> EXTREME
OPERATION OF EQUIPMENT	<input type="checkbox"/> YES <input type="checkbox"/> NO COMMENTS:
ADDITIONAL COMMENTS:	

Reasonable Suspicion Test Refused Yes No Date _____ Time _____

Reasonable Suspicion Test Performed Yes No Date _____ Time: _____

Clinic: _____

Manager: _____ Signature of Manager _____

Date _____ Time _____

Witness: _____ Signature _____

(if available and trained in Reasonable Suspicion)

Date _____ Time _____

APPENDIX F

Collection Center Location for Random Testing

Muir Diablo Occupational Medicine
2400 Balfour Road, Suite 230, 2nd Floor
Brentwood, CA 94561
925-626-3801

Collection Center Location for Post-Accident Testing

Muir Diablo Occupational Medicine
2400 Balfour Road, Suite 230, 2nd Floor
Brentwood, CA 94561
925-626-3801

APPENDIX G

Post-Accident Drug and Alcohol Testing Decision Form

Accident Information:

Date of Accident _____ Time of Accident: _____

Location of Accident _____

Employee Name: _____

Decision Questions:

1. Was the employee operating a motor vehicle or piece of equipment?

Yes _____ No _____

2. Was there a **fatality**? Yes _____ No _____

If yes, drug and alcohol testing required

If there was **NO fatality**, answer the following questions:

3. Did the person performing safety-sensitive functions with respect to the vehicle **receive a citation** under State or local law for a moving traffic violation arising from the accident?

Yes _____ No _____

4. Did the accident involve **bodily injury** to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident?

Yes _____ No _____

Did one or more motor vehicles incur **disabling damage** as a result of the accident **requiring transportation away from the scene** by a tow truck or other motor vehicle?

Yes _____ No _____

• **If there was NO fatality AND you checked YES for QUESTION 3 AND either or both of the answers to QUESTION 4, a Post-Accident DRUG and ALCOHOL test IS REQUIRED.**

• **If there was NO fatality AND you checked NO for QUESTION 3, a Post-Accident DRUG and ALCOHOL test should not be administered.**

If **ALCOHOL testing is not conducted within 2 hours after the accident**, document the reason for the delay on the reverse side of this form. If no alcohol test is administered **within 8 hours**, cease all efforts to have the test administered and **update the documentation.**

If **DRUG test is not conducted within 32 hours after the accident**, cease all efforts to administer the drug test and document the reason why the test was not administered.

APPENDIX H

**DRUG AND ALCOHOL TESTING PROGRAM
ACKNOWLEDGMENT FORM**

I, _____, have received a copy, read and understand Diablo Water District's Drug and Alcohol Program policy and its supporting documents. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Program policy, its supporting documents and the law.

ANY EMPLOYEE WHO REFUSES TO COMPLY WITH THE REQUIREMENTS OF THE DRUG & ALCOHOL TESTING POLICY MAY BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

DO NOT SIGN THIS ACKNOWLEDGEMENT FORM UNTIL YOU HAVE READ, UNDERSTAND, AND AGREE TO COMPLY WITH THE POLICY PROVISIONS LISTED ABOVE.

Employee's
Signature: _____ Date: ____/____/____

DIABLO WATER DISTRICT

REGULATION NO. 123

DRUG AND ALCOHOL POLICY

Section I. Purpose of Policy

- A. The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from risks posed by the use of drugs and/or alcohol. This policy is intended to comply with all state laws governing drug testing and is designed to safeguard employee privacy rights to the fullest extent of the law.
- B. Diablo Water District realizes that the use of drugs and/or alcohol in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of drugs and/or alcohol.
- C. Included within this policy, the District has established a Drug-Free Awareness Program to inform employees about the following:
1. The dangers and effects of drug and/or alcohol abuse in the workplace (See Appendix B – “Alcohol and Drug Effects”).
 2. The District’s policy of maintaining a drug-free workplace.
 3. Information on available drug and/or alcohol counseling, rehabilitation, and employee assistance programs.
 4. Consequences that may be imposed upon employees for drug abuse violations.

- D. Any drug and alcohol testing required by Diablo Water District will be conducted by a laboratory licensed by the State of California. All expenses related to the test will be incurred by the District. This policy will be strictly enforced. Violations of this policy will be cause for disciplinary action, up to and including termination from District employment.
- E. The District is committed in helping its employees with admitted substance abuse problems to overcome these problems, and encourages the use of treatment and rehabilitation, when possible.

Section II. Acronyms

CEAP	Certified Employee Assistance Professional
DER	Designated Employer Representative
EAP	Employee Assistance Professional
EBT	Evidential Breath Testing Device
MRO	Medical Review Officer
NAADAC	National Association of Alcoholism and Drug Abuse Counselors
SAP	Substance Abuse Professional

Section III. Designated Employer Representative (DER)

- A. The Designated Employer Representative (DER) who is to answer employee questions about drug and alcohol policies and procedures is:

Name: Sophia Gonzales
Title: Human Resources Manager
Phone Number: 925-625-6586

Section IV. Applicability

- A. Under Diablo Water District’s Drug and Alcohol Policy, all current and prospective employees must submit to drug and alcohol testing in accordance with this policy. Prospective employees will be asked to submit to a test once a conditional offer of employment has been extended and accepted. An offer of employment by Diablo Water District is conditioned on the prospective employee testing negative for illegal substances. All current employees will be given a copy of this policy and as a condition of continued employment, the employee agrees to abide by the terms of this policy as acknowledged by signing the attached Appendix H, “Drug and Alcohol Policy Acknowledgment Form”.
- B. This policy applies to all District employees when they are on District property or when performing any District-related business including operating District vehicles or equipment. It applies to off-site lunch periods and breaks when an employee is scheduled to return to work.
- C. The District will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.) (See Appendix C). This applies to any District employee or contractor directly engaged in the performance of work pursuant to a State or Federal grant or contract.
- D. Visitors, vendors, and contracted employees violating this policy will not be permitted to conduct business on District property or projects and will be ordered off District property.

Section V. Proper Application of the Policy

- A. The District is dedicated to assuring fair and equitable application of this policy. Therefore, managers are required to administer all aspects of the policy in an unbiased and impartial manner. Any manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to their subordinates may be subject to disciplinary action, up to and including termination.

Section VI. Prohibited Substances

- A. Prohibited substances covered under this policy:
1. Alcoholic beverages of any kind. Alcohol is defined as the intoxicating agent in beverage alcohol.
 2. Controlled or illegal drugs or substances, which include; but are not limited to, all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law.

Section VII. Prescription and Non-Prescription Substances

- A. Using or being under the influence of any legally obtained drug by an employee while performing District business, while on District property, or while on standby is prohibited if such use or influence may affect the safety of the employee, co-workers, members of the public, the employee's job performance, or the safe or efficient operation of the District's business. This applies to both medications prescribed by a physician and over-the-counter medications.
- B. An employee may continue to work, even though under the influence of a legal substance, if District management has determined, after consulting with a competent medical authority, that the employee does not pose a threat to their

own safety or their co-workers and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be reassigned to an alternative position, if available, or be required to take a leave of absence or comply with other appropriate action as determined by the District's General Manager.

- C. Each employee is obligated to inform their immediate manager, Human Resources, or the General Manager of the use of any such medications, formally prescribed or not. Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

Section VIII. Prohibited Conduct

- A. As a Drug-Free Workplace, Diablo Water District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 United States Code, Section 812) (See Appendix D). As such, if an employee comes to work under the influence of a controlled substance or uses a controlled substance during work time, the employee will be disciplined in accordance with this policy, up to and including termination.

Section IX. Prohibited Conduct Outside of the District

- A. The following actions, even if not occurring on District premises or during working hours are considered to endanger the District's reputation for honesty, integrity and safety.
1. Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs.
 2. Any other actions involving alcohol or controlled or illegal substances that, in the opinion of management, endanger the company's reputation for honesty, integrity, and safety.
- B. An employee who engages in these activities may be subject to disciplinary action, up to and including an unpaid suspension or immediate dismissal. Employees who are convicted of controlled substances-related violations under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges must inform the District in writing within five days of the conviction or plea. Failure to do so will result in disciplinary action, up to and including an unpaid suspension or termination from employment.

Section X. Notification of Criminal Drug Conviction

- A. All employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off District premises while conducting District business. A report of conviction must be made to the human resources contact within five days after conviction, as mandated by the Federal Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990. Failure to report

such convictions may subject the employee to disciplinary action, up to and including termination.

Section XI. Voluntary Admittance

- A. Employees who believe they may have a substance abuse problem are encouraged to seek assistance for resolving that problem. An employee voluntarily seeking help can make a confidential request for assistance to their manager or the General Manager. The employee will be referred to a Substance Abuse Professional (SAP) for assessment and rehabilitation recommendations.
- B. Prior to the assessment, the employee must sign a release of information that will enable the Designated Employer Representative (DER) to receive the results of the assessment, and to receive subsequent reports related to the assessment, and the employee's successful completion of all recommendations for assistance.
- C. Employees may use accumulated sick leave, vacation time, or compensatory time to participate in a rehabilitation program. The District will not be responsible for program costs.
- D. Employees who admit to alcohol misuse or controlled substances use are not subject to disciplinary measures provided that the employee does not self-identify in order to avoid testing under the requirements of this program.
- E. After approval from the SAP, the employee may return to work and may be subject to unannounced follow up testing, based on the SAP's recommendations. Any employee failing to complete the program will be subject to termination.

- F. NOTE: Health insurance plans may provide coverage for rehabilitation costs. Health benefits information can be obtained from the District's human resources contact.
- G. The following conditions must apply to the employee's self-admission:
1. The employee's admission cannot be made during their on-duty time. It must occur prior to the employee's reporting for duty on any particular day.
 2. The employee's admission cannot be made in an attempt to avoid a required drug and/or alcohol test.
 3. The employee is to be removed from safety-sensitive functions, including driving.
 4. When the DER is satisfied that the employee has successfully complied with the SAP's recommendations for assistance, the employee's manager may return the employee to duty, including safety-sensitive functions, provided that:
 - (a) Prior to returning to safety-sensitive functions, the employee will be required to provide a negative drug and/or alcohol test result, and
 - (b) An employee who self-identifies under this policy, and who then fails to comply with the SAP's recommendations will be considered to have engaged in conduct prohibited by this policy.
- H. Diablo Water District will adhere to the following terms, in accordance with its policy:

1. No adverse action will be taken against an employee who admits to drug and/or alcohol use under the terms above, provided they cooperate with the assessment and recommendations for treatment.
 2. An employee who self-identifies under this program will be given reasonable time to obtain the required assessment and assistance.
 3. An employee, who complies with all requirements and the SAP's recommendations for assistance, will be permitted to return to duty.
 4. An employee who fails to comply with treatment recommendations, either under this provision, or as recommended by an SAP, will be subject to disciplinary action up to and including termination of employment.
- I. Testing will be conducted in a manner to assure a high degree of accuracy and reliability, using techniques, equipment, and laboratory facilities approved by the State of California.

Section XII. Testing for Prohibited Substances

- A. Reasonable Suspicion Testing:
1. A drug and/or alcohol test must be conducted when a manager has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.
 2. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A manager who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

3. If an alcohol test is not administered within two hours following the determination to conduct a reasonable suspicion test, the manager must prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test.
4. A written record must be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the manager who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.
5. Reasonable suspicion testing may be based upon, among other things:
 - (a) Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug.
 - (b) A pattern of abnormal conduct or erratic behavior.
 - (c) Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.
 - (d) Adequate documentation of unsatisfactory work performance or on-the-job behavior.

- (e) Physical signs and symptoms consistent with prohibited substance use.
- (f) Occurrence of a serious or potentially serious accident that may have been caused by human error.
- (g) Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

B. Reasonable suspicion determinations will be made by a manager who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to prohibited substance abuse or misuse. (See Appendix E – “Reasonable Suspicion Documentation Form”).

1. Employees reasonably believed to be under the influence of drugs or alcohol will not be permitted to engage in further work. In addition, such employees will not be permitted to drive themselves from the worksite. A manager will see that the employee is transported to the designated collection center (See Appendix F – “Collection Center Location”).

- (a) A controlled substance test is considered positive when a verified confirmation test indicates specimens have concentrations of a particular class of drug above the specified concentration levels. Drug classes and threshold concentration levels are listed in the “Controlled Substance (Drug) Test” Definition Section of this policy (See Appendix A – “Definitions”).

- (b) An alcohol test is considered positive when a verified confirmation test indicates a breath alcohol content greater than 0.04. “Alcohol Concentration Level” is defined in the Definition Section of this policy (See Appendix A – “Definitions”).

C. Post-Accident Testing:

1. A manager must be notified immediately following an accident to ensure proper post-accident instructions. The manager will determine if a test is necessary (See Appendix G – Post-Accident Drug and Alcohol Testing Decision Form). If a test is necessary, the manager will see that the driver is transported to the appropriate collection center (See Appendix F – “Collection Center Location”).
2. As soon as practicable following an occurrence involving a motor vehicle operating on a public road, each employer must test for alcohol for each of its surviving drivers:
 - (a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (b) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

- (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
3. As soon as practicable following an occurrence involving a motor vehicle operating on a public road, each employer must test for controlled substances for each of its surviving drivers:
- (a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (b) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The following table notes when a post-accident test is required to be conducted.

Type of accident involved	Citation issued to Licensed Motor Vehicle Driver?	Alcohol and controlled substance test required
i. Human fatality	Yes	Yes
	No	Yes

ii. Bodily injury and immediate medical treatment away from the scene.	Yes	Yes
	No	No
iii. Disabling damage to any motor vehicle requiring tow away	Yes	Yes
	No	No

- (i) If a post-accident alcohol test is not administered within two (2) hours following an accident, the manager of the employee must prepare and maintain on file a record stating the reasons the test was not properly administered. If a test is not administered within eight (8) hours after the accident, the manager must cease attempts to have the alcohol test administered, and prepare and maintain on file a record stating the reasons the test was not done within said eight (8) hours.
- (ii) If a post-accident controlled substances test is not administered within 32 hours of the accident, the manager must cease attempts to have the controlled substances test administered, and prepare and maintain on file a record stating the reasons the test was not done within said 32 hours.
- (iii) An employee subject to post-accident testing must remain readily available for such testing, including notifying their manager of their location if they leave the accident scene.

An employee who fails to do so will be deemed to have refused to submit to testing.

- (iv) An employee who knowingly, willingly, or purposely evades a post-accident alcohol or controlled substance test will be subject to termination under “Refusal to Submit” guidelines as outlined under definitions in this policy.
- (v) Nothing herein will be construed to require the delay of necessary medical attention for the injured or to prohibit an employee from leaving the accident scene for the time period required to obtain emergency assistance.
- (vi) In lieu of administering a post-accident test, the District may substitute a test administered by on-site police or public safety officials under separate authority. The District may substitute a blood or breath alcohol test and a urine drug test performed by such local officials, using procedures required by their jurisdictions. The District will obtain a copy of these test results and keep them on file.

B. Manager Training:

1. Managers will receive at least 60 minutes of training on alcohol misuse and at least 60 minutes of training on controlled substances use, every two years or as otherwise required by law. The training will be used by the managers to determine whether reasonable suspicion exists to require an employee to undergo testing. The training will include the physical, behavioral, speech,

and performance indicators of probable alcohol misuse and use of controlled substances.

Section XIII. Refusal to Submit

- A. Any employee who refuses to submit to a drug or alcohol test immediately when requested by a manager or law enforcement personnel will be treated in the same manner as an employee who has failed an alcohol or controlled substance test, as defined in this policy. No applicant who refuses to be tested will be extended an offer of employment. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required.

Section XIV. Failure to Appear for Testing

- A. Failure to appear for testing without a deferral from the General Manager of the District will be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including termination of employment, and an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector will contact the Designated Employer Representative (DER).

Section XV. Violation of Policy and Disciplinary Consequences

- A. If an employee is tested for drugs or alcohol and the results indicate a violation of this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including discharge from employment. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

Section XVI. Employee Rights

- A. Upon request, the employee will receive a full copy of any test results and related documentation of the testing process.
- B. All confirmed positive samples will be retained by the testing laboratory in secure frozen storage for one year following the test or until the sample is no longer needed for appeal proceedings or litigation, whichever is longer.

Section XVII. Treatment/Rehabilitation Program

- A. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

- 1. Positive Controlled Substance and/or Alcohol Test:

- (a) A rehabilitation program is an option for employees who have tested positive for a prohibited substance on a one-time basis only. The employee will be immediately terminated on the occurrence of a second verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the Employee Assistance Professional (EAP), participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and/or complete a prescribed program will result in termination from employment. Prior to being permitted to return to duty, an employee must follow the rehabilitation program recommended by the EAP and agree to and sign a Return-To-

Duty Agreement. The duration and frequency of any follow-up testing will be determined by the EAP.

Section XVIII. Return to Duty Testing

- A. All covered employees who previously tested positive on a controlled substance test must test negative and be evaluated and released to duty by the Employee Assistance Professional (EAP) before returning to duty. Such employees will be required to undergo unannounced follow-up controlled substance testing following returning to duty.
- B. They will not be permitted to perform any work until they:
 - 1. No longer use controlled substances;
 - 2. Test negative for use of controlled substances;
 - 3. Are medically re-certified as being “drug-free”;
 - 4. Continue to participate in any drug rehabilitation program of after-care required by District;
 - 5. Agree to be subject to follow-up testing for up to 60 months after returning to duty.
- C. No employee who tests positive for drug use has an automatic right to be offered an opportunity for rehabilitation.
- D. If an employee is using an “over-the-counter” (or other medication under the supervision of a licensed physician) that causes a positive result on a drug test, the District will ask to have their Medical Review Officer (MRO) consult with the employee’s physician. The employee must take all necessary steps to authorize their physician to discuss medication usage with the District. The

District has -- as an integral part of our overall Employee Assistance Program -
- developed a plan for providing drug education and training for all employees,
including management.

Section XIX. Follow-up Testing

- A. After the return-to-duty test, employees will be subject to unannounced follow-up testing. ASAP will determine the number and frequency of tests, but at least six tests will be performed during the first 12 months following the employee's return to duty. Follow-up testing may be extended up to 60 months from the date of the employee's return to duty, but the SAP can terminate the requirement after the first six tests, if they determine that testing is no longer necessary. The SAP, in coordination with the Drug Program Administrator, will conduct tracking and monitoring of follow-up tests.

Section XX. Recordkeeping

- A. Maintenance of Records:
1. The District will maintain records of its alcohol misuse and controlled substances use prevention programs. The records will be maintained in a secure location with controlled access. The District will maintain the records in accordance with the following schedule:
 - (a) One Year – Records of negative and cancelled controlled substances test results and alcohol test results with a concentration of less than 0.02.
 - (b) Two Years – Records relating to the alcohol and controlled substances collection process.

- (c) Five Years – The following records will be maintained for a minimum of five years:
 - (i) Alcohol results indicating an alcohol concentration of 0.02 or greater.
 - (ii) Records of verified positive controlled substances test results.
 - (iii) Documentation of refusals to take required alcohol and/or controlled substances tests.
 - (iv) Driver evaluation and referrals.
 - (v) A copy of each annual calendar year summary.

B. Confidentiality:

1. The District will maintain records of the circumstances and results of any employee testing under this policy. These records, and any other information pertaining to an employee's drug or alcohol test, will be considered confidential and will be released only to:
 - (a) The employee who was tested or other individuals designated in writing by that employee;
 - (b) The Medical Review Officer; or
 - (c) Individuals who need the records or information to:
 - (i) Properly supervise or assign the employee;
 - (ii) Determine, or assist in determining, what action the District should take in response to the test results; or

(iii) Respond to appeals or litigation arising from the drug or alcohol test or related actions.

C. Employees who use controlled substances -- on a chronic or recreational basis -- are encouraged to speak confidentially to their manager or to any other member of management so the District can deal with drug problems on a discreet, confidential basis. Once again, this is a major operating policy of the District and we expect the full cooperation of all employees in maintaining our drug-free workplace.

APPENDICES

- A. Definitions**
- B. Alcohol and Drug Effects**
- C. California Drug-Free Workplace Act of 1990**
- D. Schedules I through V of Section 202 of the Controlled Substances Act (Title 21, United States Code, Section 812)**
- E. Reasonable Suspicion Documentation Form**
- F. Collection Center Locations**
- G. Post-Accident Drug and Alcohol Testing Decision Form**
- H. Drug and Alcohol Policy Acknowledgement Form**

APPENDIX A

DEFINITIONS

Alcohol means the intoxicating agent in beverage alcohol.

Alcohol Concentration means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air. Blood tests will not be used to determine alcohol concentration, unless administered by on-site police or public safety officials in a post-accident situation.

Breath Alcohol Technician (BAT) means a person trained to operate the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.

Chain of Custody means the procedures to account for the integrity of each urine specimen by tracing its handling and storage from point of collection to final disposition.

Collection Site means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

Confirmation Test for alcohol testing means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances testing, it means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test, in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.

Controlled Substance (Drug) Test is a method of detecting and measuring the presence of controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or a confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specific concentration level. It eliminates negative specimens from further consideration. A confirmation drug test is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principal in order to confirm reliability and accuracy.

Controlled substances will be tested under the State of California guidelines and pursuant to legal requirements. The cutoff concentrations below are for initial and confirmation drug tests, as applicable; however the quantified concentrations below may differ if modified time to time by the State of California, with the State's guidelines governing the concentration cutoff levels and superseding any discrepancy that might exist below:

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL.
Cocaine metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL.
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL.
		Morphine	2000 ng/mL.
6–Acetylmorphine	10 ng/mL	6–Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL.
		Methamphetamine ⁵	250 ng/mL.
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL.
		MDA ⁷	250 ng/mL.
		MDEA ⁸	250 ng/mL

¹Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

²Morphine is the target analyte for codeine/morphine testing.

³Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

⁴Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

⁶Methylenedioxyamphetamine (MDMA).

⁷Methylenedioxyamphetamine (MDA).

⁸Methylenedioxyethylamphetamine (MDEA).
ng/mL – nanogram/mililitre

Employee Assistance Program (EAP) means a counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

Evidential Breath Testing Device (EBT) means the device to be used for breath alcohol testing.

Medical Review Officer (MRO) means the individual responsible for receiving laboratory results generated from the District’s Drug and Alcohol Program who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret

and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

Illegal Drugs means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Performing Safety Sensitive Function means an employee is considered to be performing a safety sensitive function in any period in which they are actually performing, ready to perform, or immediately available to perform such functions.

Post-Accident Alcohol and/or Controlled Substance Testing is testing performed on all employees following an accident involving a motor vehicle where:

1. The accident involved a fatality; or
2. The driver receives a citation under state or local law for a moving traffic violation arising from an accident that involved:
 - a. injury requiring medical treatment away from the scene; or
 - b. one or more vehicles having to be towed from the scene.

Pre-Employment Controlled Substance Testing is conducted before applicants begin work, but after an offer to hire.

Reasonable Suspicion Controlled Substance and/or Alcohol Testing is conducted when a trained manager has a good faith belief based on specific, contemporaneous, and articulable facts or evidence that an employee may have violated the prohibitions set forth this policy.

Refusal to Submit means failing to provide an adequate breath or urine sample for testing without a valid medical explanation or engaging in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior, or physical absence resulting in the inability to conduct the test.)

Substance Abuse Professional (SAP) means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders (the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

Trained Manager means a person in authority who received at least one hour of training on the signs and symptoms of alcohol abuse and at least one hour of training on the signs and symptoms of controlled substance abuse.

APPENDIX B

ALCOHOL AND DRUG EFFECTS

The California Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.) requires that the District provides all employees with information on the effects of alcohol and controlled substance use.

This attachment is intended to help individuals understand the personal consequences of substance abuse in the workplace and personal life.

ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 ounces), whiskey (1 ounce), or wine (6 ounces) over time, may result in the following health hazards:

- * Dependency
- * Fatal liver diseases
- * Kidney failure
- * Pancreatitis
- * Ulcers
- * Decreased sexual function
- * Increased cancers of the mouth, pharynx, esophagus, rectum, breast, and malignant melanoma
- * Spontaneous abortion and neonatal mortality
- * Birth defects

Social Issues

- * 2/3 of all homicides are committed by people who drink prior to the crime.
- * 2 - 3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- * 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- * The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- * 40% of family court cases are alcohol related.
- * Alcoholics are 15 times more likely to commit suicide.
- * More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.

- * Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol related. This was 43% of all highway fatalities.
- * 30,000 people will die each year from alcohol-caused liver disease.
- * 10,000 people will die each year due to alcohol-related brain disease or suicide.
- * Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- * It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- * Impairment can be measured with as little as one serving in the body.
- * A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

ALCOHOL'S TRIP THROUGH THE BODY

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B1, vitamin B12, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin, thus resulting in diabetes.

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each serving of alcohol increases the number of live cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Gland: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive lack of coordination: confusion, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

DRUGS

Marijuana

Health Effects

- * Emphysema-like conditions.
- * One joint of marijuana contains cancer-causing substances equal to 1/2 pack of cigarettes.
- * One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- * Marijuana is commonly contaminated with the fungus *Aspergillus* which can cause serious respiratory tract and sinus infections.
- * Marijuana lowers the body's immune system response, making users more susceptible to infection.
- * Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- * Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- * Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- * Chronic smoking of marijuana in females causes a decrease in fertility.
- * A higher than normal incidence of stillborn babies, early termination of pregnancy, and higher infant mortality rate during the first few days of life is common in pregnant marijuana smokers.
- * THC causes birth defects including brain damage, spinal cord, forelimbs, liver and water on the brain and spine in test animals.
- * Prenatal exposure may cause underweight newborn babies.
- * Fetal exposure may decrease visual functioning.

- * User's mental function can display the following effects:
 - delayed decision making
 - diminished concentration
 - impaired short-term memory
 - impaired signal detection
 - impaired tracking
 - erratic cognitive function
 - distortion of time estimation

Workplace Issues

- * THC is stored in body fat and slowly released.
- * Marijuana smoking has long-term effects on performance.
- * Increased THC potency in modern marijuana dramatically compounds the side effects.
- * Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

Cocaine

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- * Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's disease could also occur.
- * Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- * Strong dependence can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- * Treatment success rates are lower than with any other chemical dependency.
- * Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- * Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- * Lapses in attention and ignoring warning signals increases probability of accidents.
- * High cost frequently leads to theft and/or dealing.
- * Paranoia and withdrawal may create unpredictable or violent behavior.

- * Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates

Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- * IV needle users have a high risk of contracting hepatitis or AID when sharing needle.
- * Increased pain tolerance. As a result, people may more severely injure themselves and fail to seek medical attention as needed.
- * Narcotic effects are multiplied when combined with other depressants causing an increased risk for overdose.
- * Because of tolerance, there is an ever-increasing need for more.
- * Strong mental and physical dependency occurs.
- * With increased tolerance and dependency combined, there is a serious financial burden for the users.

Amphetamines

Central nervous system stimulant that speeds up the mind and body.

Health Effects

- * Regular use causes strong psychological dependency and increased tolerance.
- * High doses may cause toxic psychosis resembling schizophrenia.
- * Intoxication may induce a heart attack or stroke due to increased blood pressure.
- * Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- * Euphoric stimulation increases impulsive and risk-taking behavior, including bizarre and violent acts.
- * Withdrawal may result in severe physical and mental depression.

Workplace Issues

- * Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- * With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes impairment.

Phencyclidine (PCP)

Often used as a large animal tranquilizer and abused primarily for its mood-altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and a blank stare. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- * The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- * PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- * If misdiagnosed as LSD induced, and treated with Thorazine, can be fatal.
- * Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- * Not common in workplace primarily because of the severe disorientation that occurs.
- * There are four phases to PCP abuse:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma.
Distortions of size, shape, and distorted perception are common.
 - Toxic psychosis with visual and auditory delusions, paranoia, and agitation.
 - Drug induced schizophrenia.
 - Induced depression which may create suicidal tendencies and mental dysfunction.

APPENDIX C

GOVERNMENT CODE

SECTION 8350-8351

8350. This chapter shall be known, and may be cited, as the Drug-Free Workplace Act of 1990.

8351. As used in this chapter:

(a) "Drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract described in Article 2 (commencing with Section 8355) of an entity at which employees of the entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this chapter.

(b) "Employee" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the grant or contract described in Article 2 (commencing with Section 8355) .

(c) "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Sec. 812).

(d) "Grantee" means the department, division, or other unit of a person or organization responsible for the performance under the grant.

(e) "Contractor" means the department, division, or other unit of a person or organization responsible for the performance under the contract.

APPENDIX D

Due to the changing nature of drug scheduling, a list is not published here. However, Schedules I through V of Section 202 of the Controlled Substances Act (Title 21, United States Code, Section 812) are listed on the United States Drug Enforcement Agency webpage: <https://www.dea.gov/>

APPENDIX E

REASONABLE SUSPICION DOCUMENTATION FORM

 Employee is reporting for duty

 Employee is already on duty

EMPLOYEE NAME:	DATE OF OBSERVATION:
LOCATION:	TIME OF OBSERVATION <div style="display: flex; justify-content: space-between; font-size: small;"> AM AM </div> <div style="display: flex; justify-content: space-between; font-size: small;"> FROM PM TO PM </div>

OBSERVED PERSONAL BEHAVIOR (CHECK ALL APPROPRIATE ITEMS)

BREATH: (Odor of alcoholic beverage)	<input type="checkbox"/> Strong <input type="checkbox"/> None	<input type="checkbox"/> Faint	<input type="checkbox"/> Moderate
EYES:	<input type="checkbox"/> Bloodshot <input type="checkbox"/> Clear <input type="checkbox"/> Dilated Pupils	<input type="checkbox"/> Glassy <input type="checkbox"/> Heavy Eyelids	<input type="checkbox"/> Normal <input type="checkbox"/> Fixed Pupils
SPEECH:	<input type="checkbox"/> Confused <input type="checkbox"/> Slurred <input type="checkbox"/> Stuttering <input type="checkbox"/> Not Understandable	<input type="checkbox"/> Mumbling <input type="checkbox"/> Good <input type="checkbox"/> Cotton Mouthed	<input type="checkbox"/> Thick Tongued <input type="checkbox"/> Fair <input type="checkbox"/> Mush Mouthed
ATTITUDE:	<input type="checkbox"/> Excited <input type="checkbox"/> Indifferent <input type="checkbox"/> Carefree <input type="checkbox"/> Cooperative	<input type="checkbox"/> Combative <input type="checkbox"/> Talkative <input type="checkbox"/> Cocky <input type="checkbox"/> Profane	<input type="checkbox"/> Hilarious <input type="checkbox"/> Insulting <input type="checkbox"/> Sleepy <input type="checkbox"/> Polite
UNUSUAL ACTION:	<input type="checkbox"/> Hiccoughing <input type="checkbox"/> Fighting <input type="checkbox"/> Other:	<input type="checkbox"/> Belching <input type="checkbox"/> Crying	<input type="checkbox"/> Vomiting <input type="checkbox"/> Laughing
BALANCE:	<input type="checkbox"/> Falling <input type="checkbox"/> Swaying	<input type="checkbox"/> Needs Support <input type="checkbox"/> Other:	<input type="checkbox"/> Wobbling
WALKING:	<input type="checkbox"/> Falling <input type="checkbox"/> Swaying	<input type="checkbox"/> Staggering	<input type="checkbox"/> Stumbling
TURNING:	<input type="checkbox"/> Falling <input type="checkbox"/> Swaying	<input type="checkbox"/> Staggering <input type="checkbox"/> Hesitant	<input type="checkbox"/> Stumbling

ANY OTHER UNUSUAL ACTIONS OR STATEMENTS:

SIGNS OR COMPLAINTS OF ILLNESS OR INJURY:

MANAGER'S OPINION

EFFECTS OF ALCOHOL/DRUG INTOXICATION	<input type="checkbox"/> NONE <input type="checkbox"/> SLIGHT <input type="checkbox"/> OBVIOUS <input type="checkbox"/> EXTREME
OPERATION OF EQUIPMENT	<input type="checkbox"/> YES <input type="checkbox"/> NO COMMENTS:
ADDITIONAL COMMENTS:	

Reasonable Suspicion Test Refused Yes No Date _____ Time _____

Reasonable Suspicion Test Performed Yes No Date _____ Time: _____

Clinic: _____

Manager: _____ Signature of Manager _____

Date _____ Time _____

Witness: _____ Signature _____

(if available and trained in Reasonable Suspicion)

Date _____ Time _____

APPENDIX F

Collection Center Location for Random Testing

Muir Diablo Occupational Medicine
2400 Balfour Road, Suite 230, 2nd Floor
Brentwood, CA 94561
925-626-3801

Collection Center Location for Post-Accident Testing

Muir Diablo Occupational Medicine
2400 Balfour Road, Suite 230, 2nd Floor
Brentwood, CA 94561
925-626-3801

APPENDIX G

Post-Accident Drug and Alcohol Testing Decision Form

Accident Information:

Date of Accident _____ Time of Accident: _____

Location of Accident _____

Employee Name: _____

Decision Questions:

1. Was the employee operating a motor vehicle or piece of equipment?

Yes _____ No _____

2. Was there a **fatality**? Yes _____ No _____

If yes, drug and alcohol testing required

If there was **NO fatality**, answer the following questions:

3. Did the person performing safety-sensitive functions with respect to the vehicle **receive a citation** under State or local law for a moving traffic violation arising from the accident?

Yes _____ No _____

4. Did the accident involve **bodily injury** to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident?

Yes _____ No _____

Did one or more motor vehicles incur **disabling damage** as a result of the accident **requiring transportation away from the scene** by a tow truck or other motor vehicle?

Yes _____ No _____

• **If there was NO fatality AND you checked YES for QUESTION 3 AND either or both of the answers to QUESTION 4, a Post-Accident DRUG and ALCOHOL test IS REQUIRED.**

• **If there was NO fatality AND you checked NO for QUESTION 3, a Post-Accident DRUG and ALCOHOL test should not be administered.**

If **ALCOHOL testing is not conducted within 2 hours after the accident**, document the reason for the delay on the reverse side of this form. If no alcohol test is administered **within 8 hours**, cease all efforts to have the test administered and **update the documentation.**

If **DRUG test is not conducted within 32 hours after the accident**, cease all efforts to administer the drug test and document the reason why the test was not administered.

APPENDIX H

**DRUG AND ALCOHOL TESTING PROGRAM
ACKNOWLEDGMENT FORM**

I, _____, have received a copy, read and understand Diablo Water District's Drug and Alcohol Program policy and its supporting documents. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Program policy, its supporting documents and the law.

ANY EMPLOYEE WHO REFUSES TO COMPLY WITH THE REQUIREMENTS OF THE DRUG & ALCOHOL TESTING POLICY MAY BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

DO NOT SIGN THIS ACKNOWLEDGEMENT FORM UNTIL YOU HAVE READ, UNDERSTAND, AND AGREE TO COMPLY WITH THE POLICY PROVISIONS LISTED ABOVE.

Employee's
Signature: _____ Date: ____/____/____

DIABLO WATER DISTRICT

REGULATION NO. 129

EMPLOYEE PERFORMANCE APPRAISALS

Section I. Review of Compensation

- A. Annually, the General Manager reports to the Board the change in the Consumer Price Index (CPI) for the San Francisco Bay Area (Urban Wage Earners Index – ~~February~~~~April~~ to ~~February~~~~April~~) and makes a recommendation for compensation schedule adjustments based upon the change in the CPI and industry compensation standards during the previous 12 months.
- B. It is the General Manager's responsibility to perform compensation surveys to ensure the District's compensation is on par with industry standards. At any time, the Board may also approve additional compensation, for outstanding performance, length of service, or other circumstances.

Section II. Performance Evaluations

- A. Evaluations provide a basis for determining the following:
1. Merit-based compensation adjustments - at least one step per fiscal year or up to one double-step (two merit increases within a 12-month period in the employee's tenure in that classification),
 2. Potential for promotion,
 3. Notify the employee of performance deficiencies, and

4. Help the employee plan and obtain career growth.
- B. Performance evaluations are not a substitute for continuous feedback to employees and should not contain information that has not already been provided to the employee as outlined in the *Progressive Discipline Policy*.
- C. At minimum, all employees must receive an annual performance evaluation conducted by either their Manager or General Manager. Each employee will be informed, at an individual conference, of their evaluation.

1. Within the first six months of new employment or new job classification, the employee will undergo a ~~progress review~~Six-Month Assessment ~~or an annual evaluation (if a merit increase is warranted).~~

(a) Employees exceeding performance expectations may be eligible for a merit increase, not to exceed one step on the compensation schedule.

~~(a)(b)~~ If a merit increase is awardedgranted, the month in which the evaluation was completed will become the month of their annual review going forward and is deemed at the Six-Month Assessment and at the employee's Annual Evaluation, the increases are deemed a double-step for the classification as outlined in Section II.A.

- D. If an employee is promoted/demoted or receives an increase/decrease in compensation, a supporting evaluation must be completed. An employee dissatisfied with their evaluation may request a meeting with Human Resources.
- E. Should the employee receive an overall rating of “below expectations”, the materials must be directed to the General Manager for review, input, and approval.
- F. Human Resources will review all evaluations and verify that the overall rating indicated is warranted based on the supporting documents.

Section III. Promotions and Reclassifications

- A. When an employee is promoted or is reclassified (as a result of an increase in responsibilities on a permanent basis), the employee will be placed within the compensation range for the new position classification. The new regular rate of pay will be either the first step of the new classification or the step in the employee compensation schedule that yields at least a 5% increase above the employee’s current regular rate of pay, whichever is the greater amount. In no instance will an employee’s regular rate of pay exceed the maximum step established in effect for the new classification. It is the District’s objective to adjust a compensation level that best represents performance level and responsibilities in concurrence with current business circumstances.

Section IV. Incentive Pay

A. In the event that an employee’s rating indicates “exceeds expectations”, the employee will receive, over the 12 subsequent months, an additional 1% incentive pay (or equivalent benefit as determined by the General Manager).

1. Incentive pay is based on the employee’s hourly rate and is non-compounding with longevity pay or other pay outside of the employee’s regular rate of pay.

~~B.~~—Other situations, as identified by the General Manager, may be eligible for incentive pay.

Section V. Longevity Pay

A. All District employees will receive longevity pay for years of collective employment based on their anniversary date with the District as follows:

Years of Service	Percent of Pay Received
10-14	1%
15-19	2%
20+	3%

B. Calculations are based on the employee’s hourly rate.

1. Longevity pay is based on the employee’s hourly rate and is non-compounding with incentive pay or other pay outside of the employee’s regular rate of pay.

Section VI. Disciplinary Action and Termination

- A. The District may utilize a system of corrective action, at its sole discretion, in cases of misconduct or unacceptable performance, including absenteeism. The use of such a system does not waive either the District's or employee's right to terminate employment at any time, with or without cause. Guidelines concerning employees' behavior and job performance are necessary to promote consistency, efficiency, professionalism and safety in the workplace.
- B. The District desires to see all employees succeed at work and will utilize appropriate reviews and coaching as needed. However, reoccurrence of undesirable employee behavior and performance issues may lead to the employee being placed on a Performance Improvement Plan (PIP). Prior to being placed on a PIP, the employee will receive coaching and training both verbally and through written documentation, as outlined in the *Progressive Discipline Policy*. Failure to correct the deficiency may result in termination.
- C. If a performance deficiency or action is significant, the disciplinary process may not include a PIP and could result in immediate termination.

Section VII. Employee Complaint Procedure

- A. If an employee is represented, per Regulation 119, then all processes in Regulation 119 must be followed in conjunction with this Regulation.
- B. The District encourages employees who may be experiencing work performance problems, employee-supervisory concerns, peer disturbances or

other concerns to bring them to the attention of their Manager and/or Human Resources.

- C. An employee may lodge a complaint to dispute a disciplinary warning or termination, a performance evaluation, or the application of any policy in the District's Regulations to that employee.
- D. An employee who is dissatisfied with the determination of their Manager, or Human Resources, may request review by the General Manager. The determination of the General Manager will be final except in cases of termination, in which case the employee may appeal to the District Board of Directors, as set forth in Section VII.

Section VIII. Terminations: Request for Board Review

- A. Any District employee who is discharged from employment and who has exhausted the procedure set forth in Section VI above may submit a request in writing to the President of the Board of Directors asking the Board to review the facts and circumstances of the termination. The employee must do so within 15 days of receiving the decision from the General Manager.
- B. The Board may, in its sole discretion, grant or deny such a request to review the termination, and in the event that it determines to review the facts and circumstances of a termination, it may establish any reasonable procedure for doing so, including holding a hearing or considering written materials. The decision of the Board with respect to such a determination is final.

DIABLO WATER DISTRICT

REGULATION NO. 129

EMPLOYEE PERFORMANCE APPRAISALS

Section I. Review of Compensation

- A. Annually, the General Manager reports to the Board the change in the Consumer Price Index (CPI) for the San Francisco Bay Area (Urban Wage Earners Index – February to February) and makes a recommendation for compensation schedule adjustments based upon the change in the CPI and industry compensation standards during the previous 12 months.
- B. It is the General Manager’s responsibility to perform compensation surveys to ensure the District’s compensation is on par with industry standards. At any time, the Board may also approve additional compensation, for outstanding performance, length of service, or other circumstances.

Section II. Performance Evaluations

- A. Evaluations provide a basis for determining the following:
 - 1. Merit-based compensation adjustments - at least one step per fiscal year or up to one double-step (two merit increases within a 12-month period in the employee’s tenure in that classification),
 - 2. Potential for promotion,
 - 3. Notify the employee of performance deficiencies, and
 - 4. Help the employee plan and obtain career growth.

- B. Performance evaluations are not a substitute for continuous feedback to employees and should not contain information that has not already been provided to the employee as outlined in the *Progressive Discipline Policy*.
- C. At minimum, all employees must receive an annual performance evaluation conducted by either their Manager or General Manager. Each employee will be informed, at an individual conference, of their evaluation.
1. Within the first six months of new employment or new job classification, the employee will undergo a Six-Month Assessment.
 - (a) Employees exceeding performance expectations may be eligible for a merit increase, not to exceed one step on the compensation schedule.
 - (b) If a merit increase is granted at the Six-Month Assessment and at the employees' Annual Evaluation, the increases are deemed a double-step for the classification as outlined in Section II.A.
- D. If an employee is promoted/demoted or receives an increase/decrease in compensation, a supporting evaluation must be completed. An employee dissatisfied with their evaluation may request a meeting with Human Resources.
- E. Should the employee receive an overall rating of "below expectations", the materials must be directed to the General Manager for review, input, and approval.

F. Human Resources will review all evaluations and verify that the overall rating indicated is warranted based on the supporting documents.

Section III. Promotions and Reclassifications

A. When an employee is promoted or is reclassified (as a result of an increase in responsibilities on a permanent basis), the employee will be placed within the compensation range for the new position classification. The new regular rate of pay will be either the first step of the new classification or the step in the employee compensation schedule that yields at least a 5% increase above the employee's current regular rate of pay, whichever is the greater amount. In no instance will an employee's regular rate of pay exceed the maximum step established in effect for the new classification. It is the District's objective to adjust a compensation level that best represents performance level and responsibilities in concurrence with current business circumstances.

Section IV. Incentive Pay

A. In the event that an employee's rating indicates "exceeds expectations", the employee will receive, over the 12 subsequent months, an additional 1% incentive pay (or equivalent benefit as determined by the General Manager).

1. Incentive pay is based on the employee's hourly rate and is non-compounding with longevity pay or other pay outside of the employee's regular rate of pay.

Other situations, as identified by the General Manager, may be eligible for incentive pay.

Section V. Longevity Pay

A. All District employees will receive longevity pay for years of collective employment based on their anniversary date with the District as follows:

Years of Service	Percent of Pay Received
10-14	1%
15-19	2%
20+	3%

B. Calculations are based on the employee’s hourly rate.

1. Longevity pay is based on the employee’s hourly rate and is non-compounding with incentive pay or other pay outside of the employee’s regular rate of pay.

Section VI. Disciplinary Action and Termination

A. The District may utilize a system of corrective action, at its sole discretion, in cases of misconduct or unacceptable performance, including absenteeism. The use of such a system does not waive either the District’s or employee’s right to terminate employment at any time, with or without cause. Guidelines concerning employees' behavior and job performance are necessary to promote consistency, efficiency, professionalism and safety in the workplace.

- B. The District desires to see all employees succeed at work and will utilize appropriate reviews and coaching as needed. However, reoccurrence of undesirable employee behavior and performance issues may lead to the employee being placed on a Performance Improvement Plan (PIP). Prior to being placed on a PIP, the employee will receive coaching and training both verbally and through written documentation, as outlined in the *Progressive Discipline Policy*. Failure to correct the deficiency may result in termination.
- C. If a performance deficiency or action is significant, the disciplinary process may not include a PIP and could result in immediate termination.

Section VII. Employee Complaint Procedure

- A. If an employee is represented, per Regulation 119, then all processes in Regulation 119 must be followed in conjunction with this Regulation.
- B. The District encourages employees who may be experiencing work performance problems, employee-supervisory concerns, peer disturbances or other concerns to bring them to the attention of their Manager and/or Human Resources.
- C. An employee may lodge a complaint to dispute a disciplinary warning or termination, a performance evaluation, or the application of any policy in the District's Regulations to that employee.
- D. An employee who is dissatisfied with the determination of their Manager, or Human Resources, may request review by the General Manager. The determination of the General Manager will be final except in cases of

termination, in which case the employee may appeal to the District Board of Directors, as set forth in Section VII.

Section VIII. Terminations: Request for Board Review

- A. Any District employee who is discharged from employment and who has exhausted the procedure set forth in Section VI above may submit a request in writing to the President of the Board of Directors asking the Board to review the facts and circumstances of the termination. The employee must do so within 15 days of receiving the decision from the General Manager.
- B. The Board may, in its sole discretion, grant or deny such a request to review the termination, and in the event that it determines to review the facts and circumstances of a termination, it may establish any reasonable procedure for doing so, including holding a hearing or considering written materials. The decision of the Board with respect to such a determination is final.

DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 7

TO: Each Director

FROM: Dan Muelrath, General Manager

SUBJECT: Recycled Water Update.

Diablo Water District, in cooperation with Ironhouse Sanitary District (ISD), continues to pursue the use of recycled water in the District's service area. Based on the Recycled Water Feasibility Study the following reuse options showed potential:

- 1.) **Landscape recycled water use** (Summer Lake North and Grand Cypress Preserve).
 - a. This option was not initially pursued since it was not the highest and best use of recycled water, plus the cost for the new facilities and ongoing maintenance of dual water systems.
 - b. Cost estimates for engineering, pump station, reservoir, and transmission lines are in the order of magnitude of \$35 million.
 - i. Above mentioned cost excludes the cost of pipes installed within the subdivisions by the developers.
 - ii. Purple pipe grant funding is more limited than funding for advanced water purification facilities.
 - c. Summer Lake North and Grand Cypress Preserve are required to install the alternative water pipes that are within their subdivisions based on the current plan of supplying groundwater into these pipes.
 - d. This option could reuse 40% of ISD's recycled water. To increase this amount, an expensive storage facility would be required.

- 2.) **Indirect potable reuse** (aquifer storage and recovery).
 - a. This alternative is currently not being pursued due to the double treatment requirements of pre-aquifer injection and post-recovery. These issues are compounded by the high project costs and the basin's high groundwater levels that may lead to insufficient injection and recovery.
 - b. This option could reuse up to 50% of ISD's recycled water for beneficial uses.

- 3.) **Direct potable reuse** (added due to finalization of State regulations).
 - a. Cost estimates for design, permitting and construction of a 2.5 MGD advanced water purification facility is in the order of magnitude of \$150 million.



- i. Based on recent grant awards for similar projects it is reasonable to estimate 35-50% in grant funding.
- b. This option could reuse up to 90% of ISD’s recycled water for beneficial uses.
- c. When weighted based on Alternative Water Supply metrics, this option is expected to be the highest ranking of recycled water reuse options.

The District’s most recent path has been exploring direct potable reuse which has been the basis for performing public opinion research and is the current majority focus of the \$3 million dollar grant that has been secured by ISD. The District will seek additional grant funds as they become available prior to construction of the demonstration facility. A conservative estimate is an additional \$500,000 in grants funds may be secured. Although, the District has not made the financial commitment to a full scale DPR project, the District will be locked into a commitment to build the demonstration facility when executing future grant agreements (future Board meetings).

Staff recommends that since the demonstration facility is part of a water supply development project, the difference between expected costs and grant funds be paid by the facilities reserve charge (Fund 02). The following is the preliminary estimate:

\$5,000,000*	Demonstration, research, and educational facility up to and including DPR
<u>(\$2,500,000)</u>	<u>Grant funding</u>
\$2,500,000	Facilities fund – add to project lists for FRC study currently underway



Draft conceptual rendering of Demonstration and Research Facility

RECOMMENDATION:

Discuss.

Dan Muelrath _____

Dan Muelrath
General Manager

* Other building configurations, such as moving office staff to this space, may change this figure.



DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 8

TO: Each Director
FROM: Dan Muelrath, General Manager
SUBJECT: General Manager's Report.

Items included for discussion:

- Water Supply Charts.
 - Statewide Reservoirs.
 - Los Vaqueros Reservoir = 142,000 AF – 88.75% full (90.6% last month)
 - Total Water Demand.
 - Local Well Production.

- RBWTP.
 - Annual RBWTP winter shutdown starting October 21st - DWD will be back fed from the Bollman Water Treatment Plant until week of December 9th when RBWTP will be put back on-line.

RECOMMENDATION:

Discuss.

Dan Muelrath

Dan Muelrath
General Manager

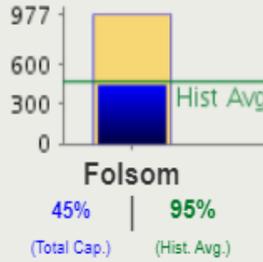
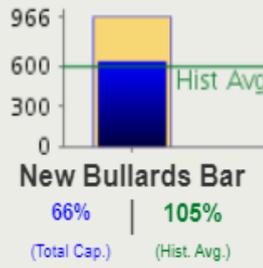
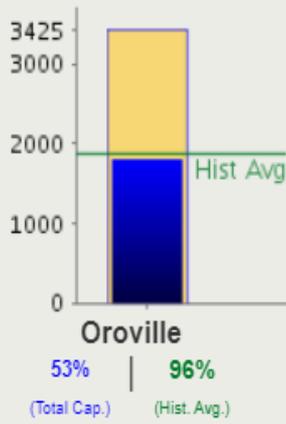
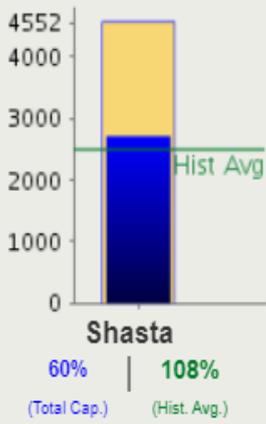
Attached: Statewide Reservoir Conditions
Total Water Demand
Local Well Production



CURRENT CONDITIONS: MAJOR WATER SUPPLY RESERVOIRS:10-OCT-2024

Data as of Midnight: 10-Oct-2024

Change Date:



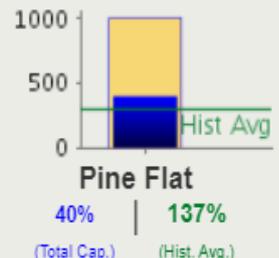
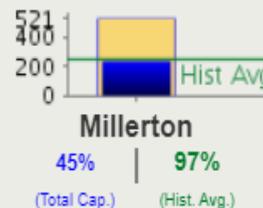
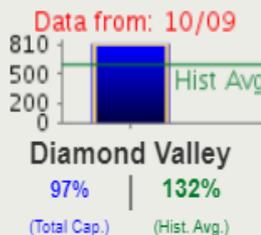
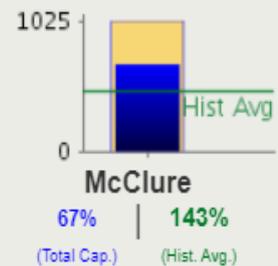
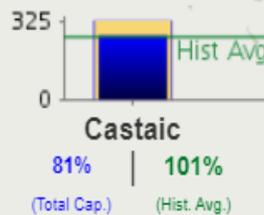
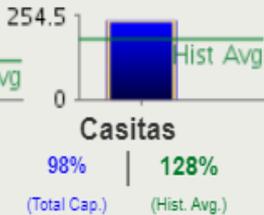
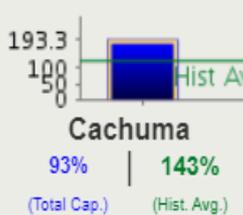
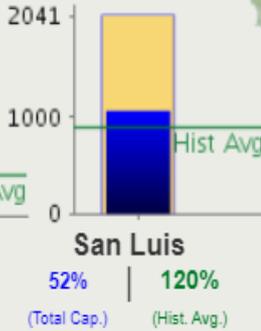
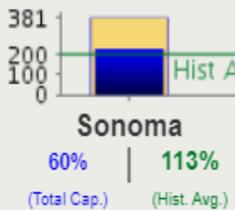
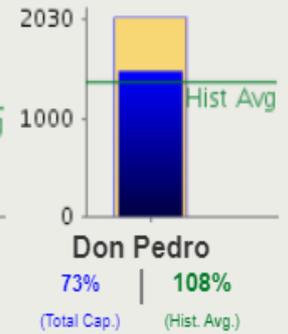
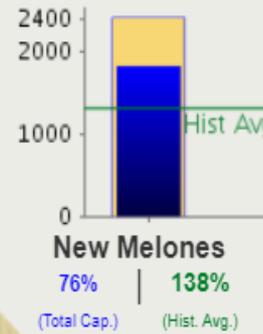
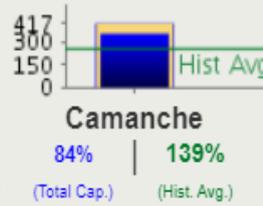
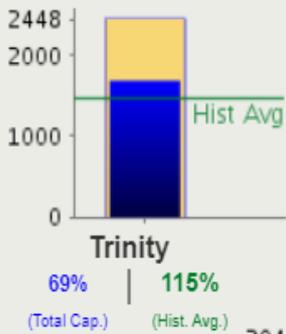
LEGEND

- Blue Bar:** Storage level for date
- Gold Bar:** Total reservoir capacity
- Green Line:** Historic level for date.

Capacity (TAF) | Historical Avg Mark

% of Capacity | % Hist. Avg.

(Click res. 3 char. code for details)



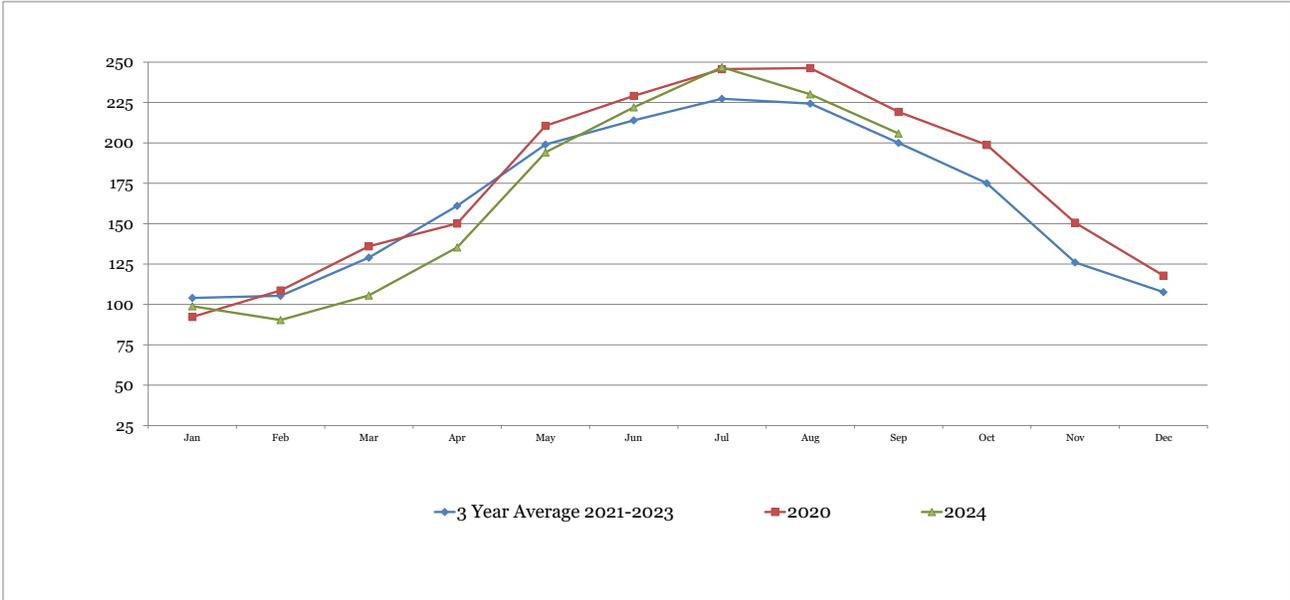
[Click for printable version of current data.](#)

Report Generated: 17-Oct-2024 12:18 PM

The CSI link has been disabled to zoom in, for the lack of historical data.

DIABLO WATER DISTRICT WATER USE IN MILLION GALLONS

(This chart does not include Utility Water)



	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Average
3 Year Average	104	105	129	161	199	214	227	224	200	175	126	108	164
2020 Usage	92	109	136	150	211	229	246	246	219	199	151	118	175
2024 Usage	99	90	106	135	194	222	247	230	206				170
% Reduction (+/-)	-6.7%	20.2%	28.9%	10.9%	8.4%	3.2%	-0.5%	7.0%	6.5%				7.1%
% new Connections 2024 vs. 2023	1.6%					1.4%	1.4%	1.3%	1.1%				

**WELL WATER BLENDED INTO DISTRIBUTION SYSTEM
MILLION GALLONS(MG)**

	<u>Jul-23</u>	<u>Aug-23</u>	<u>Sep-23</u>	<u>Oct-23</u>	<u>Nov-23</u>	<u>Dec-23</u>	<u>Jan-24</u>	<u>Feb-24</u>	<u>Mar-24</u>	<u>Apr-24</u>	<u>May-24</u>	<u>Jun-24</u>
1	1.212	1.103	1.001	0.892	0.883	0.686	0.529	0.325	0.000	0.252	1.209	1.126
2	0.973	1.051	0.933	1.258	1.049	0.716	0.409	0.360	0.000	0.750	0.860	1.135
3	1.211	1.035	0.946	1.011	0.731	0.553	0.424	0.289	0.000	0.644	1.011	1.236
4	1.186	1.017	0.975	1.027	0.780	0.796	0.274	0.379	0.000	0.552	0.832	1.237
5	1.138	0.946	1.053	0.981	0.363	0.665	0.349	0.306	0.000	0.577	0.549	1.412
6	1.107	1.024	0.994	0.996	0.889	0.715	0.254	0.334	0.000	0.581	1.221	1.418
7	1.156	1.115	0.991	0.965	0.777	0.579	0.354	0.297	0.000	0.559	0.770	1.229
8	1.032	1.041	0.998	0.839	0.872	0.611	0.340	0.339	0.000	0.846	1.113	1.165
9	1.062	1.061	0.968	1.069	0.825	0.583	0.348	0.298	0.000	0.636	0.889	1.140
10	1.085	1.022	0.897	0.883	0.913	0.757	0.359	0.365	0.000	0.763	1.260	1.236
11	1.220	1.018	1.118	0.918	0.919	0.657	0.318	0.303	0.000	0.766	0.935	1.220
12	1.220	0.914	0.872	0.953	0.681	0.586	0.320	0.379	0.000	0.758	0.965	1.221
13	1.137	0.962	1.114	0.997	0.951	0.675	0.402	0.306	0.000	0.664	1.377	1.125
14	1.219	1.112	0.915	0.821	0.814	0.685	0.270	0.367	0.000	0.507	0.955	1.222
15	1.054	1.012	0.952	0.851	0.733	0.578	0.406	0.280	0.000	0.839	1.244	1.054
16	1.133	1.006	1.099	1.297	0.736	0.690	0.329	0.341	0.000	0.640	0.938	1.193
17	1.117	1.070	0.874	0.959	0.682	0.547	0.328	0.338	0.000	0.880	1.150	1.136
18	0.945	1.013	0.838	1.017	0.715	0.730	0.304	0.275	0.000	0.603	1.143	1.230
19	1.128	1.034	1.053	0.915	0.641	0.528	0.386	0.426	0.000	0.987	0.906	1.166
20	1.014	0.945	0.956	0.954	0.798	0.528	0.308	0.268	0.000	0.683	1.131	1.499
21	1.071	1.046	0.927	0.945	0.691	0.550	0.337	0.381	0.000	0.796	1.198	1.233
22	0.980	0.965	0.978	0.860	0.758	0.638	0.353	0.360	0.000	1.147	1.169	1.034
23	0.973	1.024	0.957	1.005	0.852	0.545	0.311	0.136	0.000	0.663	1.467	1.227
24	1.106	1.110	0.930	1.077	0.815	0.672	0.323	0.493	0.000	1.011	1.154	1.248
25	1.104	0.993	0.972	1.031	0.708	0.544	0.298	0.287	0.000	0.701	1.017	1.232
26	0.969	1.026	0.891	0.837	0.693	0.518	0.310	0.162	0.000	1.000	0.921	1.256
27	1.107	0.955	0.974	0.954	0.871	0.647	0.341	0.309	0.000	0.672	1.360	1.173
28	0.931	1.111	0.995	0.834	0.720	0.631	0.354	0.010	0.000	1.054	1.137	1.258
29	1.026	0.975	0.948	0.813	0.735	0.505	0.337	0.061	0.000	1.029	1.295	1.151
30	0.971	0.958	0.908	0.939	0.703	0.633	0.315	0.000	0.839	1.242	1.113	
31	1.189	1.100		0.883		0.472	0.292		0.000		1.235	
TOTAL	33.7752	31.7609	29.0244	29.7779	23.2967	19.2189	10.5770	8.7716	0.0000	22.3979	33.6511	36.3245

Jul-23 to Jan-24 at \$2590.00/MG 177.4310 MG
Feb-24 to Jun-24 at \$2780.00/MG 101.1451 MG
GRAND TOTAL: 278.5761 MG

FY 23/24 SAVINGS	\$ 740,729.67
FY 22/23 SAVINGS	\$ 529,110.41
FY 21/22 SAVINGS	\$ 210,402.64
FY 20/21 SAVINGS	\$ 278,518.31
FY 19/20 SAVINGS	\$ 679,590.16
FY 18/19 SAVINGS	\$ 614,245.45
FY 17/18 SAVINGS	\$ 634,030.91
FY 16/17 SAVINGS	\$ 444,895.41
FY 15/16 SAVINGS	\$ 397,766.92
FY 14/15 SAVINGS	\$ 580,430.65
FY 13/14 SAVINGS	\$ 509,579.93
FY 12/13 SAVINGS	\$ 382,228.02
FY 11/12 SAVINGS	\$ 637,659.61
FY 10/11 SAVINGS	\$ 590,057.39
FY 09/10 SAVINGS	\$ 496,279.31
FY 08/09 SAVINGS	\$ 371,579.65
FY 07/08 SAVINGS	\$ 486,615.14
FY 06/07 SAVINGS	\$ 326,985.06

TOTAL SAVINGS IN WATER PURCHASES FROM CCWD TO DATE \$8,169,974.98

MONTHLY WELL NUMBERS
Million Gallons (MG)

<u>DATE</u>	<u>GLEN PARK</u>	<u>STONECREEK</u>
10/01/24	1.0136	0.3238
10/02/24	0.9846	0.3241
10/03/24	1.0400	0.3245
10/04/24	0.9757	0.3245
10/05/24	0.9726	0.3246
10/06/24	0.9315	0.2656
10/07/24	0.9850	0.3248
10/08/24	0.9952	0.3240
10/09/24	0.9213	0.3244
10/10/24	0.9756	0.3246
10/11/24	0.9346	0.3246
10/12/24	0.9021	0.3244
10/13/24	0.9036	0.3245
10/14/24	0.8832	0.3239
10/15/24	0.9232	0.3244
10/16/24		
10/17/24		
10/18/24		
10/19/24		
10/20/24		
10/21/24		
10/22/24		
10/23/24		
10/24/24		
10/25/24		
10/26/24		
10/27/24		
10/28/24		
10/29/24		
10/30/24		
10/31/24		
Totals	14.3418	4.8067
Combined Totals		19.1485

DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 9

TO: Each Director
FROM: Dan Muelrath, General Manager
SUBJECT: District Engineer's Report.

The District Engineer will provide an update on:

- Projects that have made significant progress month over month.

RECOMMENDATION:

Discuss.

Dan Muelrath

Dan Muelrath
General Manager

Attached: Construction List



Development Status Report

[Link to Development List-Project Information](#)

Project Description	Location	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Intallation Complete
Elm Lane Apartments	Elm Lane, Oakley	Multi-Family	One 4" Domestic and One 1 1/2" Irrigation	Finalizing Paperwork for Final Acceptance	Board Approved	--	99%
8734 - Stonewood Unit 2A	West of Rose Ave; south of Longhorn Way; North of Carpenter Road	Subdivision	27 Lots (1" services for fire sprinklers)	Working on Reviewing As-Builts	Board Approved	--	98%
8904 Cypress Crossings (formerly Baldocchi Property) - Sellers Avenue Offsite Improvements	6390 Sellers Avenue; SE corner of E. Cypress Rd & Sellers Ave.	Mainline Extension	24" Watermain Extension down Sellers Avenue	Waiting on As-Builts	Board Approved	--	98%
8904 Cypress Crossings (Tuscany Estates-Baldocchi Property) In-Tract Improvements - East Cypress	East Cypress Road, Oakley	Subdivision	98 Lots for both 8736 & 8836 (1" services for fire sprinklers)	Punchlist items complete; Waiting on As-Builts	Board Approved	--	98%
9284 - Ranchette (Discovery Builders)	Oakley Road at Neroly Road	Subdivision	13 Lots (1" services for fire sprinklers)	Waiting on As-Builts	Board Approved	--	98%
9426 - Delta Coves Marina - Fire Services	West Wind Place, Bethel Island	Commercial	Three 1-1/2" Irrigation Services; Five 2" services for the Docks	Waiting for Plan Revisions and As-Builts	Board Approved	--	98%
9426 - Delta Coves Marina - Cottages - Pulte Homes	West Wind Place, Bethel Island	Subdivision/Condos	64 Services (1" for fire sprinklers) and Two 1 1/2" Irrigation Services	Working on Punch List Items & As-Builts	Board Approved	--	93%
9616 Summer Lake North Phase 1 Village 1	North of E. Cypress Road; East of Bethel Island Road	Subdivision	88 Lots (1" services for fire sprinklers)	Construction Underway; Bac-T Testing Coming Soon	Board Approved	RW, GWMW, CN	87%

Notes:

RW = Project identified to install recycled water piping system.

GWMW = Project to install one, or more, groundwater monitoring wells.

CN = Carbon Neutrality (solar offset of pump station and/or building)

Development Status Report

Project Description	Location	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
9617 Summer Lake North Phase 1 Village 2	North of E. Cypress Road; East of Bethel Island Road	Subdivision	52 Lots (1" services for fire sprinklers)	Construction Underway; Bac-T Testing Coming Soon	Board Approved	RW, GMMW, CN	87%
9307 - Summer Lake North-Backbone	North of E. Cypress Road; East of Bethel Island Road	Subdivision	Backbone Infrastructure for Future Subdivisions; Services for Irrigation	Construction Underway; Starting Pressure Testing	Board Approved	RW, GMMW, CN	75%
9615 Machado Lane - Cosetti Property	APNs 033-190-003 & 033-190-004	Subdivision	76 Lots (1" services for fire sprinklers)	Construction Underway	Board Approved	GMMW	65%
8803 - Brownstone (Clyde Miles Construction)	Brownstone Road, Oakley	Subdivision	108 Lots (1" services for fire sprinklers)	Waiting for Project Start Date	Board Approved	GMMW	0%
9614 Sellers Avenue	South of E. Cypress Road; West of Sellers Avenue	Subdivision	77 Lots (1" services for fire sprinklers)	Waiting for Project Start Date	Board Approved	--	0%
9618 Summer Lake North Phase 1 Village 3	North of E. Cypress Road; East of Bethel Island Road	Subdivision	54 Lots (1" services for fire sprinklers)	Waiting for Project Start Date	Board Approved	RW, GMMW, CN	0%
9619 Summer Lake North Phase 1 Village 4	North of E. Cypress Road; East of Bethel Island Road	Subdivision	63 Lots (1" services for fire sprinklers)	Waiting for Project Start Date	Board Approved	RW, GMMW, CN	0%
9622 Summer Lake North Phase 1 Village 7	North of E. Cypress Road; East of Bethel Island Road	Subdivision	86 Lots (1" services for fire sprinklers)	Waiting for Project Start Date	Board Approved	RW, GMMW, CN	0%
9620 Summer Lake North Phase 1 Village 5	North of E. Cypress Road; East of Bethel Island Road	Subdivision	79 Lots (1" services for fire sprinklers)	Waiting for Project Start Date	Board Approved	RW, GMMW, CN	0%
CIP 247	E. Cypress Road, East of Knightsen Avenue	Road Widening/Realignment	1 Irrigation Connection	Plans Approved	FIA Planned for November Board Meeting	--	0%

Notes:

RW = Project identified to install recycled water piping system.

GMMW = Project to install one, or more, groundwater monitoring wells.

CN = Carbon Neutrality (solar offset of pump station and/or building)

Development Status Report

Project Description	Location	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
6013 - BIRS Bethel Island Res. & Pump Station	Delta Coves Project, Bethel Island	Reservoir & Pump Station for Delta Coves	No Connections	Under DWD Plan Review	Future Board Meeting	CN	0%
637 Brownstone Road	APN 034-170-006; Brownstone Rd; east of O'Hara Ave.	Subdivision	Pending	City Planning Stage/On Hold	Future Board Meeting	--	0%
6610 - Spinnaker Cove	Cypress Road to Sandmound Blvd	Subdivision	Pending	Planning Stage	Future Board Meeting	--	0%
8760 - Stonewood 1B	West of Rose Ave; south of Longhorn Way; North of Carpenter Road	Subdivision	133 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	GWMW	0%
8787 Rosewood Subdivision	4073 Rose Avenue, Oakley	Subdivision	61 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	GWMW	0%
8807 - Villa Grove	2080 O'Hara Avenue	Subdivision	35 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	--	0%
9088 - Cedarwood	4192 Live Oak Avenue (Near Knox Lane)	Subdivision	34 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	Future Board Meeting	--	0%
9156 - Bethel Island LLC (Biggs) (Part of Cypress Preserve)	South of Summer Lake South, Rock Slough, Oakley	Subdivision	195 Apt Units (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	RW, GWMW, CN	0%
9183 Stonewood 3	SE & SW Corners of Carpenter Rd/Simoni Ranch Rd and Rose Avenue	Subdivision	31 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	Future Board Meeting	--	0%
9311 KT-KB Oakley, LLC (Part of Cypress Preserve)	APN 032-082-001; East of Jersey Island Road; North of East Cypress Road	Subdivision	276 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	RW, GWMW, CN	0%

Notes:

RW = Project identified to install recycled water piping system.

GWMW = Project to install one, or more, groundwater monitoring wells.

CN = Carbon Neutrality (solar offset of pump station and/or building)

Development Status Report

Project Description	Location	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
9404 - Leshar Property (Part of Cypress Preserve)	Northwest corner of Bethel Island & East Cypress Road	Subdivision	1056 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	RW, GWMW, CN	0%
9488 Castro Property	East side of Machado Ln; South of East Cypress Road	Subdivision	10 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	Future Board Meeting	--	0%
9534 - Stonewood 3 Unit 2	West of Rose Ave; south of Longhorn Way' North of Carpenter Road	Subdivision	21 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	--	0%
9537 - 2480 Oakley Road	2480 Oakley Road, near Live Oak Avenue, Oakley	Subdivision	22 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	Future Board Meeting	--	0%
9557 Burroughs Property	E. Cypress Road & Knightsen Avenue	Subdivision	208 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	GWMW	0%
9579 Honey/Creekside Subdivision	463 & 560 Honey Lane	Subdivision	57 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	GWMW	0%
9580 Golden Oak	West Ruby Street and Fuschia Way	Subdivision	7 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	--	0%
9621 Summer Lake North Phase 1 Village 6	North of E. Cypress Road; East of Bethel Island Road	Subdivision	55 Lots (1" services for fire sprinklers)	Plans Approved; Pending Signature	FIA Planned for future Board Meeting	RW, GWMW, CN	0%
CIP 310	E. Cypress Road, East of Jersey Island Rd	Road Widening/Realignment	No Connections	Under DWD Plan Review	Future Board Meeting	--	0%
CIP 280	Laurel Rd at O' Hara	Road Widening	No Connections	Under DWD Plan Review	Future Board Meeting	--	0%
Live Oak Industrial Park	Live Oak Avenue; between Main St and Oakley Rd	Industrial Facilities; 8 buildings	8 Buildings (4-1" potable services; 1-1" irrigation service; 1-8" fire service)	Under DWD Plan Review	Future Board Meeting	--	0%

Notes:

RW = Project identified to install recycled water piping system.

GWMW = Project to install one, or more, groundwater monitoring wells.

CN = Carbon Neutrality (solar offset of pump station and/or building)

Development Status Report

Project Description	Location	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
Oakley Shops at Laurel Field	Laurel Rd at O' Hara	Commercial/Safeway	Still Being Determined	Under DWD Plan Review	Future Board Meeting	--	0%
9624 Grand Cypress Preserve Ph. 1 Village 1 R-21	South of E. Cypress Road; West of Bethel Island Road	Subdivision	83 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	RW, GWMW, CN	0%
9625 Grand Cypress Preserve Ph. 1 Village 1 R-22	South of E. Cypress Road; West of Bethel Island Road	Subdivision	111 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	RW, GWMW, CN	0%
9626 Grand Cypress Preserve Ph. 1 Village 1 R-25	South of E. Cypress Road; West of Bethel Island Road	Subdivision	65 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	RW, GWMW, CN	0%
9627 Grand Cypress Preserve Ph. 1 Village 1 R-26	South of E. Cypress Road; West of Bethel Island Road	Subdivision	78 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	RW, GWMW, CN	0%
Brownstone and Main Commercial Development	Brownstone and Main Street	Commercial/ Restaurant/ Retail/Car Wash	Pending	City Planning Stage/On Hold	Future Board Meeting	GWMW	0%
East Cypress Road Precise Alignment (Part of Cypress Preserve)	East Cypress Road; Between Knightsen Ave. and Bethel Island Road	Subdivision	Pending	Under DWD Plan Review	Future Board Meeting	--	0%
IBN Sina Community Center	Oakley Road and Neroly Road	Public Assembly/Residential	Pending	City Planning Stage/On Hold	Future Board Meeting	--	0%
Live Oak and Main Street	Live Oak Avenue and Main Street	Subdivision	49 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	Future Board Meeting	--	0%
Oakley Village	West of Sellers Road	Subdivision	42 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	Future Board Meeting	--	0%
The Honey Lane Development	637 Honey Lane, Oakley (adjacent to Marsh Creek)	Subdivision	19 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	--	0%

Notes:

RW = Project identified to install recycled water piping system.

GWMW = Project to install one, or more, groundwater monitoring wells.

CN = Carbon Neutrality (solar offset of pump station and/or building)

DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 10

TO: Each Director
FROM: Dan Muelrath, General Manager
SUBJECT: District Counsel's Report.

District Counsel will provide any relevant updates regarding legislative, regulatory, and/or court case matters.

RECOMMENDATION:

Receive.

Dan Muelrath _____

Dan Muelrath
General Manager



DIABLO WATER DISTRICT
October 23, 2024 Board Meeting
Item Number 11

TO: Each Director
FROM: Dan Muelrath, General Manager
SUBJECT: Directors' Reports.

Representative assignments verbal reports:

- City of Oakley – Director Tiernan
- Ironhouse – Director Pastor
- LAFCO – Director Pastor
- Contra Costa Water District – Director Seger

Ad hoc reports:

- Report as needed.

RECOMMENDATION:

Discuss.

Dan Muelrath

Dan Muelrath
General Manager

DIABLO WATER DISTRICT
 October 23, 2024 Board Meeting
 Item Number 12

TO: Each Director
 FROM: Dan Muelrath, General Manager
 SUBJECT: Future Agenda Items.

November 13, 2024	
Jean-Marc Petit – ISD	Presentation
Overview of 2024 SWRCB Adopted Conservation Regulations	Discussion
RBWTP JPA	Closed Session
December 11, 2024	
HomeServe	Presentation
Oath of Office	Action
Officer Elections and Representation Assignments	Action
Acceptance of Annual Audit	Action
Other Items	Future Date
Sub Awardee Approval for Recycled Water Grant via EPA / Ironhouse	TBD
EPA WaterSense New Home Certification	Discussion

