



Public service is at the heart of everything we do.

Board Of Directors:

Paul Seger – *President*

Joe Kovalick – *Vice President*

Marilyn M. Tiernan | Jason Shaw | Conan Moats

General Manager: Dan Muelrath

General Counsel: Wes Miliband

Board Secretary: Kait Knight

AGENDA

The Regular Meeting of the Board of Directors of Diablo Water District will be held on September 23, 2026 at 6:30 pm at the District's Corporation Yard, 3990 Main Street, 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: 659 862 821#

Or

Web Option: <https://www.diablowater.gov/web-meeting-portal>

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.gov, or by calling Kait Knight at (925) 625-6587. A fee may be charged for copies.

If you have 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.

Action Items

3. 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 August 3, 2026.

Staff Recommendation: Approve.

B. Minutes of the Special Meeting of August 19, 2026.

Staff Recommendation: Approve.

C. Human Resources Regulation Updates.

Staff Recommendation: Adopt Resolution No. 2026-11 Amending
Regulation Number 122, 123, 130 and 132.

4. Financial Reports.

Staff Recommendation: Approve warrant register 2026-8, ACH wire transactions for August 2026 and Monthly Financial Reports for June and July 2026.

5. EPA Recycled Water Subaward Agreement.

Staff Recommendation: Authorize the General Manager to execute the Subaward Agreement, substantially in the form presented, between Ironhouse Sanitary District and Diablo Water District.

Discussion Items

6. Carbon Neutrality Update.

7. General Manager's Report.

- Water Supply Charts.

8. District Engineer's Report.

9. District Counsel's Report.

10. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

11. Future Board Meetings and Agenda Items.

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

Closed Session Items

12. 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 (2) of subdivision (d) of Gov. Code § 54956.9)

Significant Exposure to Litigation: (One potential case)

Action Items

13. Adjournment.

Posted this 18th day of September 2026.



Dan Muelrath, General Manager

DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 3



TO: Each Director
FROM: Dan Muelrath
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 a vote.

A. Minutes of the Special Meeting of August 3, 2026.

Staff Recommendation: Approve.

B. Minutes of the Special Meeting of August 19, 2026.

Staff Recommendation: Approve.

C. Human Resources Regulation Updates.

Staff Recommendation: Adopt Resolution No. 2026-11 Amending
Regulation Number 122, 123, 130 and 132.

RECOMMENDATION:

Approve.

Dan Muelrath

Dan Muelrath
General Manager





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Board Of Directors:

Paul Seger – *President*

Joe Kovalick – *Vice President*

Marilyn M. Tiernan | Jason Shaw | Conan Moats

General Manager: Dan Muelrath

General Counsel: Wes Miliband

Board Secretary: Kait Knight

MINUTES OF THE JERSEY ISLAND STUDY SESSION
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON AUGUST 3, 2026

The Jersey Island Study Session of the Board of Directors of Diablo Water District was held on August 3, 2026, at 6:00 pm at the District's Corporation Yard, 3990 Main Street, Oakley, California, as noticed in the posted agenda.

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

The Jersey Island Study Session of the Board of Directors of Diablo Water District (District) was called to order by President Seger at 6:00 pm on August 3, 2026.

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

Staff Present: Dan Muelrath, Kait Knight

General Counsel: Wes Miliband (Miliband Water Law)

Others Present: Nicki Franks (EKI Environment & Water, Inc.), Dave Groves (The Earth Partners), Steve Deverel (HydroFocus, Inc.), Gilbert Cosio (River Delta Consulting), Members of the Public, District Staff

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.

None

Discussion Items

3. Jersey Island Study Session with No Action Regarding the District's Potential Acquisition of Jersey Island – Public Comment Welcomed.

The Board received highlights from initial studies and reports from environmental engineers, as well as from subject matter experts in oil and gas, reclamation districts, carbon reduction, and land title regarding the condition of the island and any potential environmental concerns. Presentation slides attached.

The Board provided an opportunity for public comments. No public comments were received.

Closed Session Items

4. 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

President Seger moved to cancel closed session.

AYES: Tiernan, Shaw, Moats, Kovalick, Seger
NOES: None
ABSENT: None

5. Adjournment.

President Seger adjourned the meeting at 7:07 pm.

Kait Knight, Board Secretary



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Board Of Directors:

Paul Seger – *President*

Joe Kovalick – *Vice President*

Marilyn M. Tiernan | Jason Shaw | Conan Moats

General Manager: Dan Muelrath

General Counsel: Wes Miliband

Board Secretary: Kait Knight

MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON AUGUST 19, 2026

The Special Meeting of the Board of Directors of Diablo Water District was held on August 19, 2026, at 6:30 pm at the District's Corporation Yard, 3990 Main Street, Oakley, California, 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 Seger at 6:31 pm on August 19, 2026.

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

Staff Present: Dan Muelrath, Kait Knight, Sophia Gonzales

General Counsel: Wes Miliband (Miliband Water Law)

Others Present: Bill Brick (CDM Smith), Diego Verduzco (Ironhouse Sanitary District), District Staff and 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.

None

Presentation

3. Annual Diversity, Equity and Inclusion Training.

Sophia Gonzales, Human Resources Manager, presented the annual Diversity, Equity and Inclusion Training. Presentation slides attached.

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 22, 2026.

Staff Recommendation: Approve.

B. Minutes of the Special Meeting of July 29, 2026.

Staff Recommendation: Approve.

It was moved by Director Moats, seconded by Director Shaw, and approved by the following vote to approve the Consent Calendar.

AYES: Tiernan, Shaw, Moats, Kovalick, Seger
NOES: None
ABSENT: None

5. Creation of Human Resources Ad Hoc.

Staff Recommendation: Consider the creation of a Human Resources Regulations ad hoc of the Board of Directors.

It was moved by Vice President Kovalick, seconded by President Seger, to create a Human Resources ad hoc and for Director Tiernan and Director Shaw to serve on the ad hoc.

AYES: Tiernan, Shaw, Moats, Kovalick, Seger
NOES: None
ABSENT: None

6. Financial Reports.

Staff Recommendation: Approve warrant register 2026-7, ACH and wire transactions for July 2026.

It was moved by President Seger, seconded by Director Tiernan, and approved by the following vote to approve warrant register 2026-7, ACH and wire transactions for July 2026.

AYES: Tiernan, Shaw, Moats, Kovalick, Seger
NOES: None
ABSENT: None

7. Recycled Water Feasibility Study Phase 2 Contract Award.

Staff Recommendation: Authorize the General Manager to execute and administer a not-to-exceed contract of \$59,800 (plus a 10% contingency) with EKI Environment & Water for the completion of the Recycled Water Supplemental Analysis.

It was moved by Vice President Kovalick, seconded by President Seger, and approved by the following vote to authorize the General Manager to execute and administer a not-to-exceed contract of \$59,800 (plus a 10% contingency) with EKI Environment & Water for the completion of the Recycled Water Supplemental Analysis.

AYES: Tiernan, Shaw, Moats, Kovalick, Seger
NOES: None
ABSENT: None

Discussion Items

8. District Facilities Update – Emergency Interties.

The Board received an update on the status of potential emergency interties with neighboring agencies.

9. California Air Resources Board (CARB) Advanced Clean Fleet Rule and District Compliance.

The Board received an update on revised CARB requirements and potential impacts to the District.

10. Jersey Island Update.

The Board received an update on the potential purchase of Jersey Island, including submitted public comments and an overview of estimated operating expenses and revenues associated with potential restoration plans.

David Wexler, CCMVCD, requested an opportunity to engage with the Board regarding the District's role and continued involvement in discussions surrounding the potential restoration of Jersey Island.

Presentation slides attached.

11. General Manager's Report.

- Water Supply Charts.

General Manager Muelrath reported on the current water supply as well as the R1 Seismic Retrofit grant application with CalOES.

12. District Engineer's Report.

Bill Brick, CDM Smith, provided a brief overview of current District projects.

13. District Counsel's Report.

General Counsel Miliband reported out on legislation as it pertains to the interests of the District.

14. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

Director Tiernan reported on the City of Oakley and Contra Costa Water District meetings.

President Seger reported on the Ironhouse Sanitary District meetings.

Vice President Kovalick reported on the Credit Card Ad Hoc and reported dates for the Jersey Island Ad Hoc.

Director Shaw reported on the Credit Card Ad Hoc meeting.

15. Future Board Meetings and Agenda Items.

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

Closed Session Items

**16. 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.

No reportable actions.

Action Items

17. Adjournment.

President Seger adjourned the meeting at 10:03 pm.

Kait Knight, Board Secretary

DEI Training

Sophia Gonzales, Human Resources Manager

August 19, 2026

Agenda



Inclusive Governance

- Inclusion Revisited
- Why it Matters
- Practical Strategies
- Application
- Key Takeaways

Inclusion Revisited

- **Inclusion** is more than inviting people into the conversation.
- It means creating conditions where people can:
 - Participate
 - Be Heard
 - Be Respected
 - Belong



Why it Matters

- Decisions affect people with different:
 - Experiences and needs.
 - Access to public services.
 - Cultural and community backgrounds.
 - Levels of trust in government.
 - Ways of participating.
- Decisions are best made when we consider different perspectives.



Practical Strategies

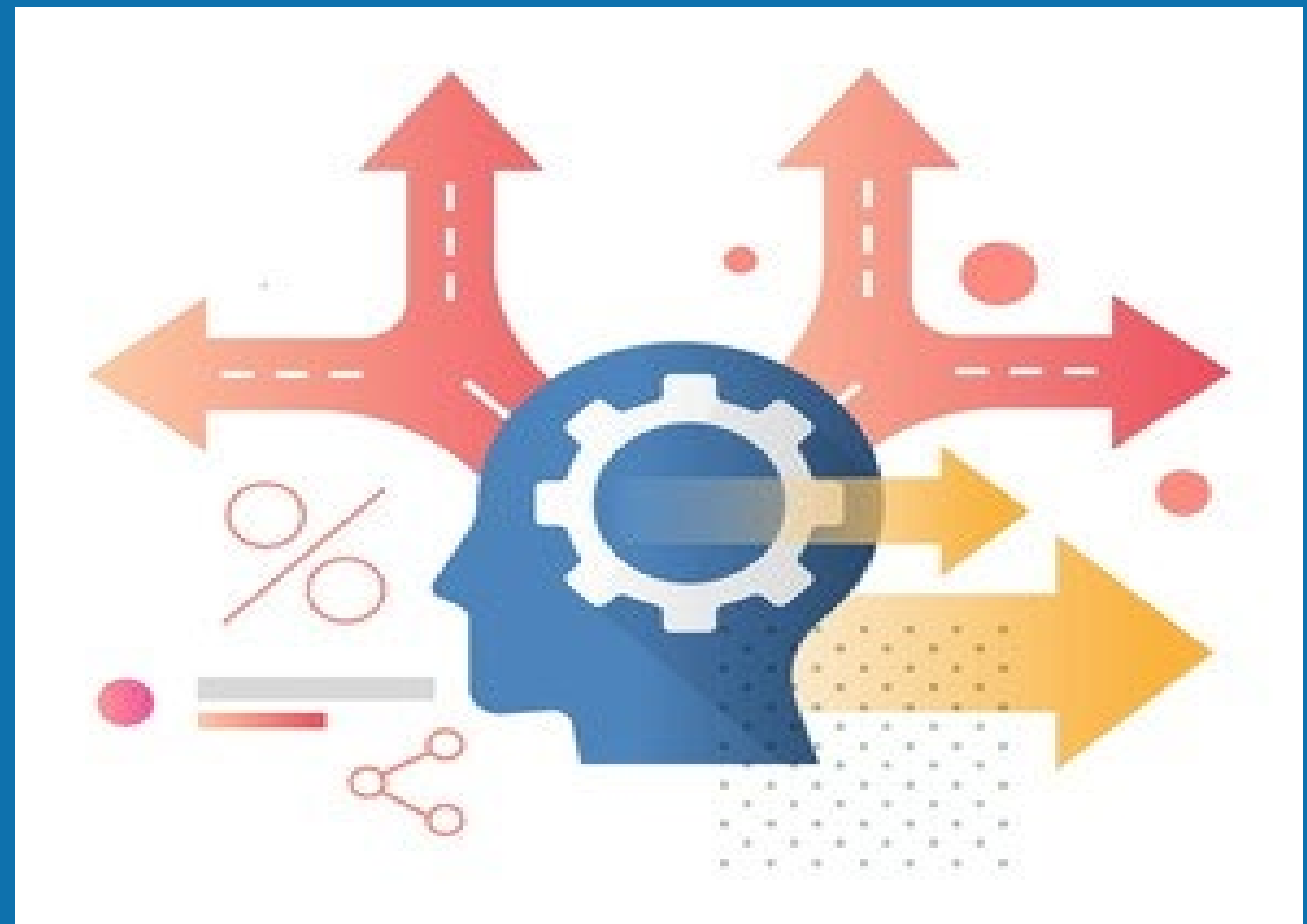
- Ask: Whose perspective is missing?
- Use inclusive language.
- Don't assume one voice speaks for everyone.
- Ask questions that invite difference.
- Create space to be heard.
- Close the loop.



Application

Practice intentional inclusion by:

1. Identifying
2. Inviting
3. Listening
4. Considering
5. Communicating



Key Takeaways

Implementation



- Inclusion is intentional and active.
- Community voices are an essential key to guiding decisions.



Questions?

Thank You

Sophia Gonzales, Human Resources Manager



(925) 625-3798



www.diablowater.gov



sgonzales@diablowater.gov



87 Carol Lane, PO Box 127, Oakley, CA 94561

JERSEY ISLAND UPDATE

August 18, 2026

Public Comments Received

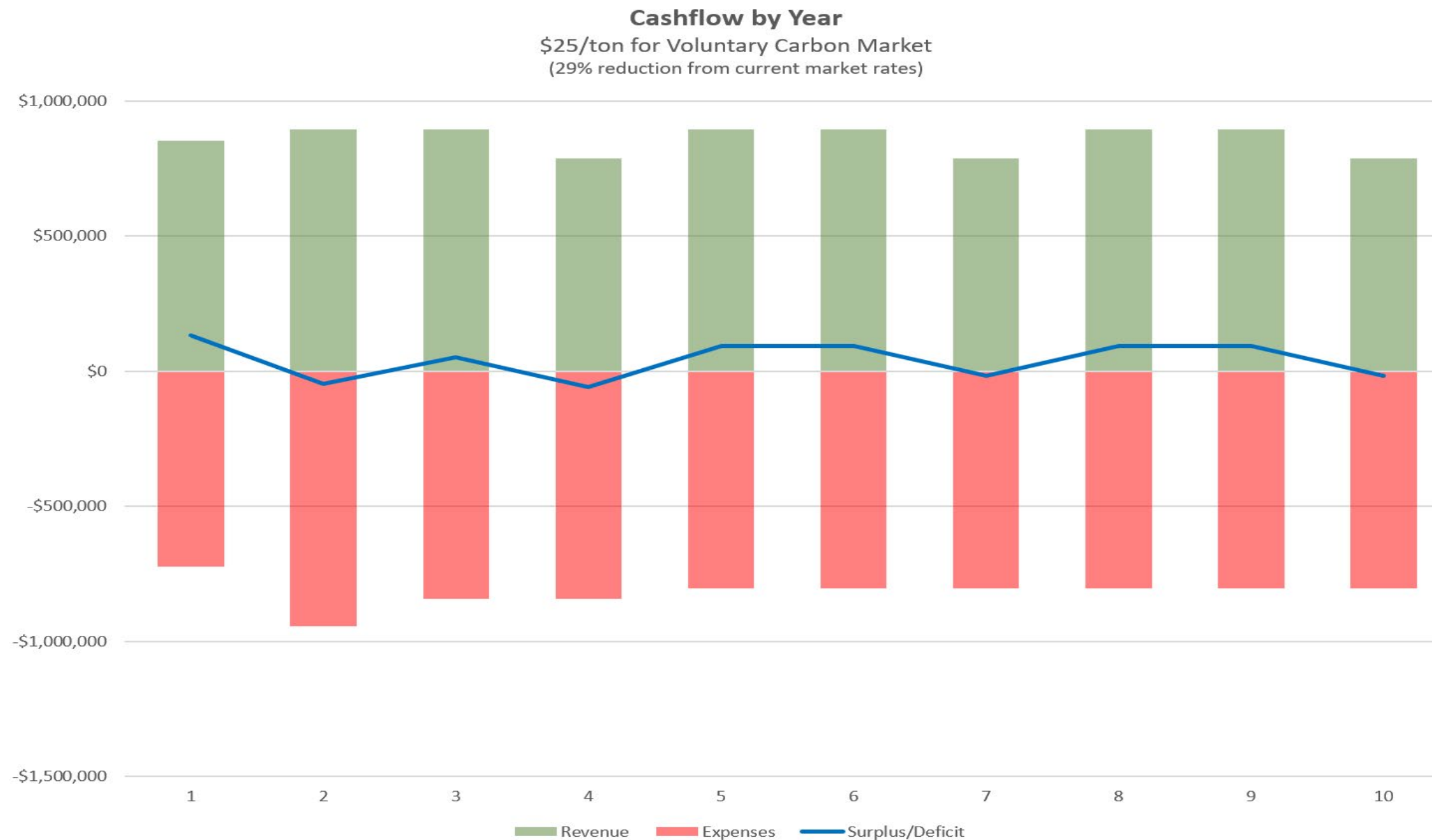
Summary:

- Make sure to consider mosquito management in wetland design and maintenance.
- There is currently no fire district assigned to Jersey Island, so fire fighting costs are borne by the property owner.
- Consider no dry farming as the dust impacts Bethel Island residents.
- Restoring Jersey Island would strengthen the resilience of the Bay-Delta estuary against sea level rise and levee vulnerability, protect vital agricultural and natural lands, and expand equitable public access to the Delta for nearby communities through new trails and recreational opportunities. It would also contribute meaningfully to California's climate goals through wetland-based carbon sequestration.

Operating Financial Summary

Scenario 1 – Voluntary Carbon Market Value at \$25/ton

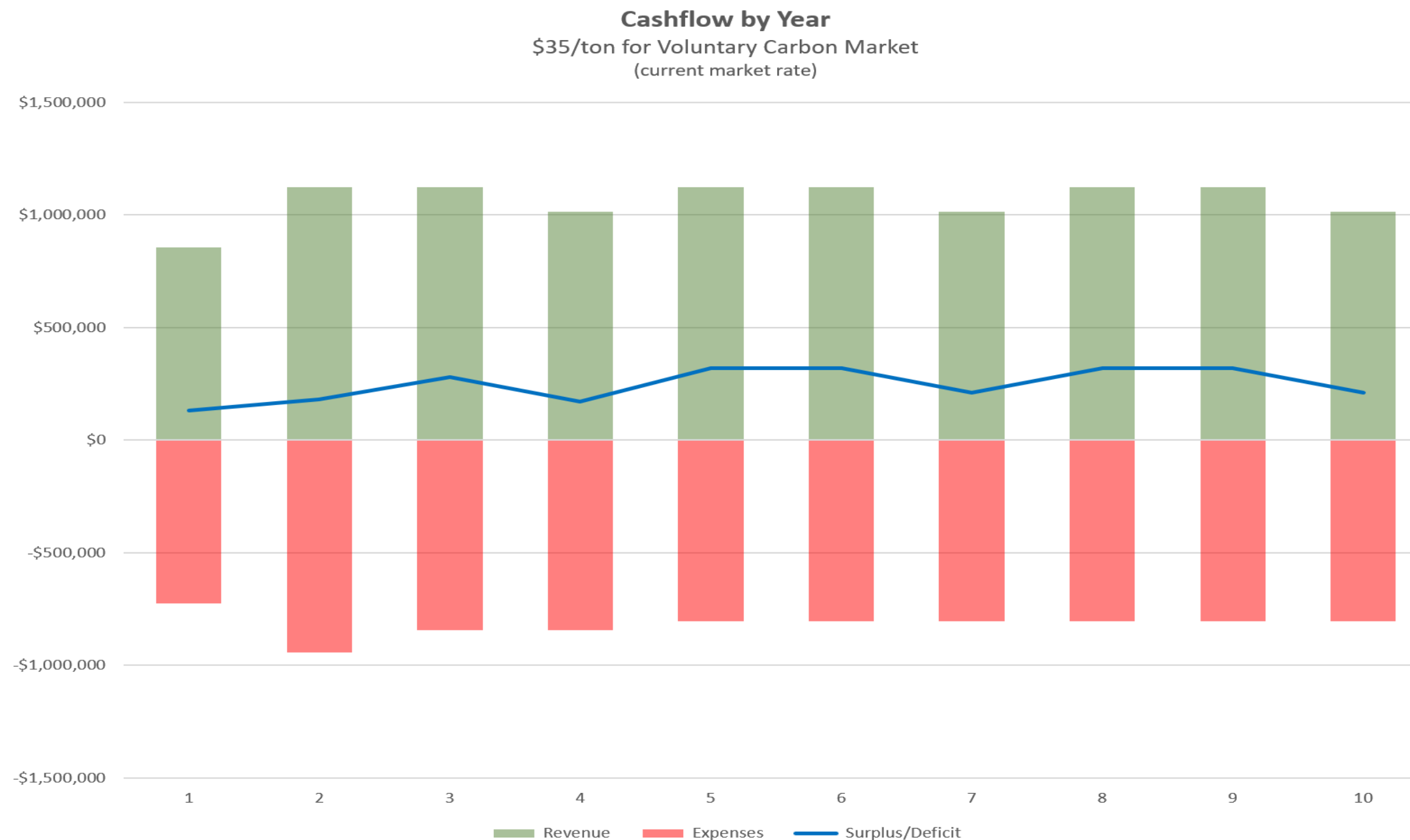
- 36% of revenue is from agriculture and 64% from carbon market



Operating Financial Summary

Scenario 2 – Voluntary Carbon Market Value at \$35/ton:

- 29% of revenue is from agriculture and 71% from carbon market



Current Status

- District provided public comment in support of Prop 4 funding for the Jersey Island project during State Budget hearing August 12th.
- Continue working closely with state legislature and staff to get Prop 4 funding for this project in this year's state allocation.
- Focused on working with seller to address critical items.

Questions

More information: www.diablowater.org/jersey-island

DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 3.C



TO: Each Director

FROM: Sophia Gonzales, Human Resources Manager

SUBJECT: Human Resources Regulation Updates.

District Human Resources Regulations are reviewed and updated on an as-needed basis to ensure continued compliance and alignment with District standards. Several Human Resources regulations were identified for updates to job titles and grammatical edits to ensure consistency with the other regulations.

The following regulations are proposed for updates:

- Regulation 122
- Regulation 123
- Regulation 130
- Regulation 132

RECOMMENDATION:

Adopt Resolution No. 2026-11 amending Regulation Number 122, 123, 130 and 132.

Sophia Gonzales

Sophia Gonzales

Human Resources Manager

Attachments: Resolution 2026- 11
Regulation 122 Redline & Clean
Regulation 123 Redline & Clean
Regulation 130 Redline & Clean
Regulation 132 Redline & Clean



Resolution No. 2026 – 11

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF DIABLO WATER DISTRICT AMENDING
DISTRICT REGULATIONS 122, 123, 130 and 132**

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, these regulations pertain to the Board of Directors and their role and responsibilities; and

WHEREAS, Staff, General Counsel, and the Board have reviewed and provided suggested updates as shown in the Attachment, here-in referenced and incorporated;

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

1. Update District Regulations 122, 123, 130 and 132 as shown in Attachments.

* * * * *

I certify that the foregoing is a true and complete copy of a resolution duly adopted by the Board of Directors of Diablo Water District at a regular meeting thereof, held on September 23, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DATED:

Kait Knight, Secretary

DIABLO WATER DISTRICT

REGULATION NO. 122

ANTI-NEPOTISM

Section I. Purpose:

- A. It is the policy of the District to seek the best possible candidates through appropriate search procedures. The District seeks to eliminate or limit even the appearance of impropriety where possible. As such, the District has adopted the following policy regarding application or hiring of employee relatives.

Section II. Definition of Terms.

For the purpose of the District's policies, the following definitions shall apply:

- A. Relative - For purposes of this Section, "relative" ~~shall mean~~s a spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sibling, step-sibling, sibling-in-law, child, step-child, child-in-law, legal ward, niece, nephew, grandchild, or grandparent.
- B. Current Employee - For purposes of this Section, "current employee" means a person who is presently a District employee or member of the District's Board of Directors. Current employee ~~shall mean~~s all types of District employees, including but not limited to regular employees, part-time employees, temporary employees, student interns, rehired annuitants, or contract workers.
- C. Applicant - For purposes of this Section, an "applicant" is a person who applies for any type of employment position at the District and is not a current employee.

Section III. Nepotism - Rules for Applicants

- A. Disclosure - Each applicant is required to disclose the identity of any relative who is a current employee. An applicant's failure to disclose a relative who is a current employee may result in the rejection of the applicant or future disciplinary action against the applicant after employment, up to and including termination.
- B. Prohibited Hiring
 - 1. Relatives of current employees shall not be hired into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute direct or indirect supervision:
 - (a) Occupying a position in an employee's direct line of supervision; or
 - (b) Functional supervision, such as a lead-worker, ~~crew leader,~~ or ~~shift~~ supervisor; or
 - (c) Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and disciplinary actions.
 - 2. Relatives of current employees shall not be hired into positions in which one relative may work in a capacity which would allow a current employee to evaluate or control the terms, conditions or performance circumstances of employment of a relative.

3. Relatives of current employees shall not be hired into any position in which the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees.

C. Nepotism – Determination

1. The District's Human Resources Manager~~Administrative Analyst shall will~~ review each applicant who is a relative of a current employee to determine whether hiring the applicant would result in any of the prohibited situations.
2. If, in the opinion of the Human Resources Manager~~Administrative Analyst finds~~ ~~that~~ any of those situations exists, then the applicant may be rejected, or may be considered for employment in an open position, if any, that does not present the above situations.

Section IV. Nepotism - Rules for Current Employees

- A. Current employees shall not participate, directly or indirectly, in the recruitment or selection process for a position for which a relative is an applicant.
- B. Current employees having hiring powers or authority to recommend hires shall not, either directly or indirectly, seek to influence or assist in the hiring of any relative to any position within the District.
- C. Current employees shall not participate or interfere in, or otherwise attempt to influence, any personnel actions affecting ~~their~~his or her relative including, but not limited to, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and/or disciplinary actions.

Section V. Nepotism - Prohibited Job Assignments

- A. Relatives of current employees shall not be promoted, assigned, or transferred into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute direct or indirect supervision:
1. Occupying a position in an employee's direct line of supervision; or
 2. Functional supervision, such as a lead-worker, ~~crew leader~~, or ~~shift~~ supervisor;
or
 3. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and/or disciplinary actions; or
 4. Participating in decision-making or management that would allow evaluation or control of the terms, conditions, or performance of the employment.
- B. Relatives of current employees shall not be promoted, assigned or transferred into any position where the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees.

~~Section II.~~ Section VI. Nepotism - Change of Status.

- A. If a relationship (marriage, domestic partner or persons involved in a romantic relationship) arises after employees are hired that falls within the restrictions of this Procedure, the affected employees will be required to cooperate with the Department Head and/or the General Manager to determine the best course of

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action for immediately resolving the potential incompatibility, inappropriate conduct, or appearance of favoritism such a relationship creates.

- B. Such action could include a transfer, reassignment and/or other possible options.
- C. The District will take into account the preferences of the affected employees; and if voluntary compliance by the affected employees is not achieved in a timely manner, only then will the District implement ~~non-disciplinary~~ reassignment, transfer, demotion or other action, including but not limited to termination of employment.

~~Section III.~~ Section VII. Nepotism - Appeal of Decisions.

- A. Current employees affected by the application of these rules may appeal the action in writing to the ~~Human Resources Manager~~ Administrative Analyst within ten (10) days of the action.
- B. The ~~Human Resources Manager~~ Administrative Analyst ~~shall will~~ review hear the current employee's concerns and issue a written decision within twenty (20) calendar days of receipt of the appeal.
- C. A current employee who is dissatisfied with the ~~Human Resources Manager's~~ Administrative Analyst's decision may appeal to the General Manager within five (5) business days of notification of the ~~Administrative Analyst's~~ determination.
- D. The General Manager shall hear the current employee's concerns and issue a written decision within twenty (20) calendar days of receipt of the appeal.

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E. The decision of the General Manager is final.

Diablo Water District Regulation No. 122 Anti-Nepotism



Section 1. Purpose

- a. It is the policy of the District to seek the best possible candidates through appropriate search procedures. The District seeks to eliminate or limit even the appearance of impropriety where possible. As such, the District has adopted the following policy regarding the application or hiring of employee relatives.

Section 2. Definition of Terms

- a. For the purpose of the District's policies, the following definitions shall apply:
 - Relative: For purposes of this Section, "relative" means a spouse, domestic partner, parent, parent-in-law, stepparent, legal guardian, sibling, stepsibling, sibling-in-law, child, stepchild, child-in-law, legal ward, niece, nephew, grandchild, or grandparent.
 - Current Employee: For purposes of this Section, "current employee" means a person who is presently a District employee or member of the District's Board of Directors. "Current employee" means all types of District employees, including but not limited to regular employees, part-time employees, temporary employees, student interns, rehired annuitants, or contract workers.
 - Applicant: For purposes of this Section, an "applicant" is a person who applies for any type of employment position at the District and is not a current employee.

Section 3. Nepotism: Rules for Applicants

- a. Disclosure: Each applicant is required to disclose the identity of any relative who is a current employee. An applicant's failure to disclose a relative who is a current employee may result in the rejection of the applicant or future disciplinary action against the applicant after employment, up to and including termination.
- b. Prohibited Hiring
 - Relatives of current employees shall not be hired into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following

Diablo Water District

Regulation No. 122

Anti-Nepotism



roles, undertaken on a regular, acting, overtime, or other basis, shall constitute direct or indirect supervision:

- i. Occupying a position in an employee's direct line of supervision; or
 - ii. Functional supervision, such as a leadworker or supervisor; or
 - iii. Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and disciplinary actions.
- Relatives of current employees shall not be hired into positions in which one relative may work in a capacity which would allow a current employee to evaluate or control the terms, conditions or performance circumstances of employment of a relative.
 - Relatives of current employees shall not be hired into any position in which the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees.

c. Nepotism: Determination

- The District's Human Resources Manager will review each applicant who is a relative of a current employee to determine whether hiring the applicant would result in any of the prohibited situations.
- If, in the opinion of the Human Resources Manager, any of those situations exist, then the applicant may be rejected or may be considered for employment in an open position, if any, that does not present the above situations.

Section 4. Nepotism: Rules for Current Employees

- a. Current employees shall not participate, directly or indirectly, in the recruitment or selection process for a position for which a relative is an applicant.
- b. Current employees who have hiring powers or authority to recommend hires shall not, either directly or indirectly, seek to influence or assist in the hiring of any relative to any position within the District.

**Diablo Water District
Regulation No. 122
Anti-Nepotism**



-
- c. Current employees shall not participate or interfere in, or otherwise attempt to influence, any personnel actions affecting their relative including, but not limited to, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and/or disciplinary actions.

Section 5. Nepotism: Prohibited Job Assignments

- a. Relatives of current employees shall not be promoted, assigned, or transferred into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis, shall constitute direct or indirect supervision:
- Occupying a position in an employee's direct line of supervision; or
 - Functional supervision, such as a leadworker or supervisor; or
 - Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of salary increases, evaluations, and/or disciplinary actions; or
 - Participating in decision-making or management that would allow evaluation or control of the terms, conditions, or performance of the employment.
- b. Relatives of current employees shall not be promoted, assigned or transferred into any position where the employment of such relatives has the potential for adversely impacting the supervision, safety, security, or morale of other employees.

Section 6. Nepotism - Change of Status

- a. If a relationship (marriage, domestic partner or persons involved in a romantic relationship) arises after employees are hired that falls within the restrictions of this Regulation, the affected employees will be required to cooperate with the Department Head and/or the General Manager to determine the best course of action for immediately resolving the potential incompatibility, inappropriate conduct, or appearance of favoritism such a relationship creates.

**Diablo Water District
Regulation No. 122
Anti-Nepotism**



- b. Such action could include a transfer, reassignment and/or other possible options.
- c. The District will take into account the preferences of the affected employees, and if voluntary compliance by the affected employees is not achieved in a timely manner, only then will the District implement reassignment, transfer, demotion or other action, including but not limited to termination of employment.

Section 7. Nepotism: Appeal of Decisions

- a. Current employees affected by the application of these rules may appeal the action in writing to the Human Resources Manager within ten (10) days of the action.
- b. The Human Resources Manager will review the current employee's concerns and issue a written decision within twenty (20) calendar days of receipt of the appeal.
- c. A current employee who is dissatisfied with the Human Resources Manager's decision may appeal to the General Manager within five (5) business days of notification of the determination.
- d. The General Manager shall hear the current employees' concerns and issue a written decision within twenty (20) calendar days of receipt of the appeal.
- e. The decision of the General Manager is final.

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. ~~The 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~~the 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~~the 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~~the 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~~the 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~~The 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.

D. 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.

⁶Methylenedioxymethamphetamine (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 liver 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	
		AM	AM
		FROM	PM TO PM
OBSERVED PERSONAL BEHAVIOR (CHECK ALL APPROPRIATE ITEMS)			
BREATH: (Odor of alcoholic beverage)	☐ Strong ☐ None	☐ Faint	☐ Moderate
EYES:	☐ Bloodshot ☐ Clear ☐ Dilated Pupils	☐ Glassy ☐ Heavy Eyelids	☐ Normal ☐ Fixed Pupils
SPEECH:	☐ Confused ☐ Slurred ☐ Stuttering ☐ Not Understandable	☐ Mumbling ☐ Good ☐ Cotton Mouthed	☐ Thick Tongued ☐ Fair ☐ Mush Mouthed
ATTITUDE:	☐ Excited ☐ Indifferent ☐ Carefree ☐ Cooperative	☐ Combative ☐ Talkative ☐ Cocky ☐ Profane	☐ Hilarious ☐ Insulting ☐ Sleepy ☐ Polite
UNUSUAL ACTION:	☐ Hiccoughing ☐ Fighting ☐ Other:	☐ Belching ☐ Crying	☐ Vomiting ☐ Laughing
BALANCE:	☐ Falling ☐ Swaying	☐ Needs Support ☐ Other:	☐ Wobbling
WALKING:	☐ Falling ☐ Swaying	☐ Staggering	☐ Stumbling
TURNING:	☐ Falling ☐ Swaying	☐ Staggering ☐ Hesitant	☐ Stumbling
ANY OTHER UNUSUAL ACTIONS OR STATEMENTS:			

SIGNS OR COMPLAINTS OF ILLNESS OR INJURY:

MANAGER'S OPINION

EFFECTS OF ALCOHOL/DRUG INTOXICATION	☐ NONE ☐ EXTREME	☐ SLIGHT	☐ OBVIOUS	
OPERATION OF EQUIPMENT	☐ YES ☐ 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 G - (Continued)

Reason the ALCOHOL test was not conducted within 2 hours of the accident.

Update this statement if no test conducted within 8 hours.

Reason the DRUG test was not conducted within 32 hours of the accident.

Manager Name: _____

Manager Signature: _____

Date: _____

Testing Clinic Location: _____

Date Arrived At Clinic: _____ **Time:** _____

APPENDIX H

**DRUG AND ALCOHOL TESTING PROGRAM
ACKNOWLEDGMENT FORM**

I, _____, have received a copy, read and understand ~~Diablo Waterthe~~ 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 1. Purpose

- 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. The 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 workforce 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:
 - The dangers and effects of drug and/or alcohol abuse in the workplace (See Appendix B – “Alcohol and Drug Effects”).
 - The District’s policy of maintaining a drug-free workplace.
 - Information on available drug and/or alcohol counseling, rehabilitation, and employee assistance programs.
 - Consequences that may be imposed upon employees for drug abuse violations.
- d. Any drug and alcohol testing required by the 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 to helping its employees with admitted substance abuse problems to overcome these problems and encourages the use of treatment and rehabilitation when possible.

Section 2. Acronyms

CEAP	Certified Employee Assistance Professional
DER	Designated Employer Representative

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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 3. 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 4. Applicability

- a. Under the 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 the 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.

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- 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 5. 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 6. Prohibited Substances

- a. Prohibited substances covered under this policy:
 - Alcoholic beverages of any kind. Alcohol is defined as the intoxicating agent in beverage alcohol.
 - 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 7. 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, coworkers, 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.

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- 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 coworkers 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 8. Prohibited Conduct

- a. As a Drug-Free Workplace, the 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 9. Prohibited Conduct Outside 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.
 - 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.
 - 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.

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- 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 substance-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 10. 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 11. 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 from 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.

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- d. Employees who admit to alcohol misuse or controlled substance 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 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:
 - The employees' admission cannot be made during their on-duty time. It must occur prior to the employee's reporting for duty on any particular day.
 - The employee's admission cannot be made in an attempt to avoid a required drug and/or alcohol test.
 - The employee is to be removed from safety-sensitive functions, including driving.
 - 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:
 - i. Prior to returning to safety-sensitive functions, the employee will be required to provide a negative drug and/or alcohol test result, and
 - ii. 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. The District will adhere to the following terms, in accordance with its policy:
 - 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.
 - An employee who self-identifies under this program will be given reasonable time to obtain the required assessment and assistance.

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- An employee who complies with all requirements and the SAP's recommendations for assistance will be permitted to return to duty.
 - 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 12. Testing for Prohibited Substances

a. Reasonable Suspicion Testing:

- A drug and/or alcohol test must be conducted when a Manager has reasonable suspicion that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.
- 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.
- 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.
- A written record must be made of the observations leading to an alcohol or controlled substance 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 substance tests are released, whichever is earlier.

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- Reasonable suspicion testing may be based upon, among other things:
 - i. Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug.
 - ii. A pattern of abnormal conduct or erratic behavior.
 - iii. 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.
 - iv. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
 - v. Physical signs and symptoms consistent with prohibited substance use.
 - vi. Occurrence of a serious or potentially serious accident that may have been caused by human error.
 - vii. 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.”)
 - 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”).
 - i. 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

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threshold concentration levels are listed in the “Controlled Substance (Drug) Test” Definition Section of this policy (See Appendix A – “Definitions”).

- ii. 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:

- 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”).
- As soon as it is 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:
 - i. Who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
 - ii. Who receives a citation within eight (8) hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 1. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 2. 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.
- 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:

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- i. Who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
- ii. 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:
 1. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 2. 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.

d. 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
Human Fatality	Yes	Yes
	No	Yes
Bodily Injury and Immediate Medical Treatment Away from the Scene	Yes	Yes
	No	No
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
	No	No

- 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

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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.

- If a post-accident-controlled substance 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.
- 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.
- 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.
- 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.
- 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.

e. **Manager Training**

- 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.

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Section 13. 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 14. 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 15. 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 16. 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.

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Section 17. 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:
- Positive Controlled Substance and/or Alcohol Test:
 - i. 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 are 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 18. 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 after returning to duty.
- b. They will not be permitted to perform any work until they:
- No longer use controlled substances;
 - Test negative for use of controlled substances;
 - Are medically re-certified as being “drug-free”;
 - Continue to participate in any drug rehabilitation program of aftercare required by District;

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- 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 19. Follow-up Testing

- a. After the return-to-duty test, employees will be subject to unannounced follow-up testing. A SAP 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 20. Recordkeeping

- a. Maintenance of Records:
 - 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:
 - i. One Year: Records of negative and cancelled controlled substances test results and alcohol test results with a concentration of less than 0.02.

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- ii. Two Years: Records relating to alcohol and controlled substance collection process.
 - iii. Five Years: The following records will be maintained for a minimum of five years:
 - 1. Alcohol results indicate an alcohol concentration of 0.02 or greater.
 - 2. Records of verified positive controlled substances test results.
 - 3. Documentation of refusals to take required alcohol and/or controlled substances tests.
 - 4. Driver evaluation and referrals.
 - 5. A copy of each annual calendar year summary.
- b. Confidentiality:
- 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:
 - i. The employee who was tested or other individuals designated in writing by that employee;
 - ii. The Medical Review Officer; or
 - iii. Individuals who need the records or information to:
 - 1. Properly supervise or assign the employee;
 - 2. Determine, or assist in determining, what action the District should take in response to the test results; or
 - 3. 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

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is a major operating policy of the District and we expect the full cooperation of all employees in maintaining our drug-free workplace.

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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**

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APPENDIX A

DEFINITIONS

- a. **Alcohol** means the intoxicating agent in beverage alcohol.
- b. **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.
- c. **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.
- d. **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.
- e. **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.
- f. **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.
- g. **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

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confirmation drug test is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independently 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	Benzoyllecgonine	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

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		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.

⁶Methylenedioxymethamphetamine (MDMA).

⁷Methylenedioxyamphetamine (MDA).

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

- h. **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.
- i. **Evidential Breath Testing Device (EBT)** means the device to be used for breath alcohol testing.
- j. **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.
- k. **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.
- l. **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.

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- m. **Post-Accident Alcohol and/or Controlled Substance Testing** is testing performed on all employees following an accident involving a motor vehicle where:
- The accident involved a fatality; or
 - The driver receives a citation under state or local law for a moving traffic violation arising from an accident that involved:
 - i. Injury requiring medical treatment away from the scene; or
 - ii. one or more vehicles having to be towed from the scene.
- n. **Pre-Employment Controlled Substance Testing** is conducted before applicants begin work but after an offer to hire.
- o. **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 in this policy.
- p. **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.)
- q. **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.
- r. **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.

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APPENDIX B

ALCOHOL AND DRUG EFFECTS

The California Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.) requires that the District provide 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 a 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

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Social Issues

- 2/3 of all homicides are committed by people who drink prior to the crime.
- 2 - 3% of the driving population is 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 seven (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.

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- **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.

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- **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, and 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 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.

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- 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.

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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 and 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 increase the 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 AIDS when sharing needles.
- Increased pain tolerance. As a result, people may more severely injure themselves and fail to seek medical attention as needed.

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- 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

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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, it can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- Not common in the 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 and 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.

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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.

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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: www.dea.gov.

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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: FROM TO (AM/PM) <i>circle one</i>

OBSERVED PERSONAL BEHAVIOR (CHECK ALL APPROPRIATE ITEMS)

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

ANY OTHER UNUSUAL ACTIONS OR STATEMENTS:

SIGNS OR COMPLAINTS OF ILLNESS OR INJURY:

MANAGER'S OPINION

EFFECTS OF ALCOHOL/DRUG INTOXICATION	☐ NONE ☐ SLIGHT ☐ OBVIOUS ☐ EXTREME
OPERATION OF EQUIPMENT	☐ YES ☐ NO COMMENTS:
ADDITIONAL COMMENTS	

Reasonable Suspicion Test Refused Yes ☐ No ☐ Date _____ Time _____

Reasonable Suspicion Test Performed Yes ☐ No ☐ Date _____ Time _____

Clinic: _____

Manager: _____ Manager Signature _____ Date _____ Time _____

Witness: _____ Witness Signature _____ Date _____ Time _____

(if available and trained in Reasonable Suspicion)

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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

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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**.

**Diablo Water District
Regulation No. 123
Drug and Alcohol Policy**



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.

Reason the ALCOHOL test was not conducted within 2 hours of the accident.

Update this statement if no test is conducted within 8 hours.

Reason the DRUG test was not conducted within 32 hours of the accident.

Manager Name: _____

Manager Signature: _____

Date: _____

Testing Clinic Location: _____

Date Arrived At Clinic: _____ **Time:** _____

**Diablo Water District
Regulation No. 123
Drug and Alcohol Policy**



APPENDIX H

**DRUG AND ALCOHOL TESTING PROGRAM
ACKNOWLEDGMENT FORM**

I, _____, have received a copy, read and understand the 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. 130

REMOTE WORK

Section I. Purpose.

- A. The primary purpose of this policy is to establish a formal telecommuting procedure that:
 - 1. Increases continuity of business operations.
 - 2. Adds resiliency to the District's ability to respond to and implement emergency operations.
 - 3. Maintains or increases the efficiency of the District.
 - 4. Reduces absenteeism.
 - 5. Improves employee health, wellness and morale.
 - 6. Reduces greenhouse gas emissions.

Section II. Eligibility.

- A. Eligible employees and types of work will be determined by the General Manager and will be based on maintaining the operational needs of the District.
- B. During times of emergencies that require social distancing or safe alternative work locations, additional employees may become eligible at the General Manager's discretion.

- C. Employees who are not meeting performance and productivity expectations, or that are not responsive during their scheduled shift will have their remote work eligibility rescinded.

Section III. Work Hours.

- A. Except during times of an emergency, work hours will remain as normally scheduled.

Section IV. Worksite and Equipment.

- A. The employee must designate a work area suitable for performing District business. Telecommuting employees must work in an environment that allows them to perform their duties safely, efficiently, and confidentially.
- B. Employee will self-certify the adequacy and safety of their work environment on the District provided checklist.
- C. All furniture, internet, telephone, ~~fax~~ and ergonomic adjustments to make the worksite similar to the District's onsite workstations is the financial responsibility of the employee.
- D. The employee must protect District documents, equipment, software, and supplies from possible theft, damage, and loss. The employee may be responsible for the replacement or repair of District equipment, software, or supplies.

Section V. General Terms and Conditions.

- A. ~~Compensation~~Salary, benefits, work status, and disciplinary process remain unchanged as a result of working remotely.

- B. Requests for overtime and leaves of absence(s) will continue to follow normal District approval processes.
- C. Employees must comply with all District rules, regulations, policies, agreements and procedures.
- D. Employee must comply with all Federal, State and local laws, including Fair Labor Standards Act (FLSA) and Health Insurance Portability and Accountability Act (HIPAA), and applicable labor laws.
- E. Work location must have liability coverage (~~homeowners~~homeowners' insurance or ~~renters~~renters' insurance) or general liability if working from a business co-work facility.
- F. The employee must return all external phone calls and emails within 24 hours. Internal phone calls and emails require a quicker response and must be responded to in a timely manner, as to not impact the regular operations of the District.

Diablo Water District

Regulation No. 130

Remote Work



Section 1. Purpose

- a. The primary purpose of this policy is to establish a formal telecommuting procedure that:
 - Increases continuity of business operations.
 - Adds resiliency to the District's ability to respond to and implement emergency operations.
 - Maintains or increases the efficiency of the District.
 - Reduces absenteeism.
 - Improves employee health, wellness and morale.
 - Reduces greenhouse gas emissions.
 - It is the policy of the District to seek the best possible candidates through appropriate search procedures. The District seeks to eliminate or limit even the appearance of impropriety where possible. As such, the District has adopted the following policy regarding the application or hiring of employee relatives.

Section 2. Eligibility

- a. Eligible employees and types of work will be determined by the General Manager and will be based on maintaining the operational needs of the District.
- b. During times of emergencies that require social distancing or safe alternative work locations, additional employees may become eligible at the General Manager's discretion.
- c. Employees who are not meeting performance and productivity expectations, or that are not responsive during their scheduled shift will have their remote work eligibility rescinded.

Section 3. Work Hours

- a. Except during times of an emergency, work hours will remain as normally scheduled.

**Diablo Water District
Regulation No. 130
Remote Work**



Section 4. Worksite and Equipment

- a. The employee must designate a work area suitable for performing District business. Telecommuting employees must work in an environment that allows them to perform their duties safely, efficiently, and confidentially.
- b. Employees will self-certify the adequacy and safety of their work environment on the District provided checklist.
- c. All furniture, internet, telephone, and ergonomic adjustments to make the worksite similar to the District's onsite workstations is the financial responsibility of the employee.
- d. The employee must protect District documents, equipment, software, and supplies from possible theft, damage, and loss. The employee may be responsible for the replacement or repair of District equipment, software, or supplies.

Section 5. General Terms and Conditions

- a. Compensation, benefits, work status, and disciplinary process remain unchanged as a result of working remotely.
- b. Requests for overtime and leaves of absence(s) will continue to follow normal District approval processes.
- c. Employees must comply with all District rules, regulations, policies, agreements and procedures.
- d. Employees must comply with all Federal, State and local laws, including Fair Labor Standards Act (FLSA) and Health Insurance Portability and Accountability Act (HIPAA), and applicable labor laws.
- e. Work location must have liability coverage (homeowners' insurance or renters' insurance) or general liability if working from a business co-work facility.
- f. The employee must return all external phone calls and emails within 24 hours. Internal phone calls and emails require a quicker response and must be responded to in a timely manner, as to not impact the regular operations of the District.

DIABLO WATER DISTRICT

REGULATION NO. 132

DIVERSITY, EQUITY, AND INCLUSION POLICY

Section I. Purpose

- A. Diablo Water District (District) is committed to fostering, cultivating, and preserving a culture of Diversity, Equity, and Inclusion (DEI).– The DEI Policy promotes the consideration of diversity, equity, and inclusion in the development and delivery of District internal and external policies, programs, and services.– We know that having a diverse team working in an inclusive and equity-driven environment will help employees succeed and result in excellent customer service. –The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities, and talent that our employees invest in their work represents a significant part of not only our culture but enhances the delivery of the District’s services as well.

Section II. Definitions

- A. An understanding of what DEI means to the District is of paramount importance. As used in this regulation:
1. DIVERSITY is all the ways in which people differ, which can include differences in age, color, disability, ethnicity, family/marital status,

gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make people unique.

2. EQUITY is fair treatment, access, opportunity, and advancement for all people such that one's identity cannot predict outcome or success.
3. INCLUSION is when a variety of people can provide have input on decisions. ~~power, a voice and decision-making authority.~~

Section III. District Policy

- A. Incorporating DEI into the workplace instills a feeling that our differences are valued and respected. ~~—Diablo Water~~ The District is committed to utilizing the principles of DEI to guide its employment and customer policies and practices. ~~–~~ To underscore the importance of DEI to the District, both managers and staff will receive routine and relevant training focused on DEI principles and the elimination of bias and barriers. ~~–~~ Employment practices – from recruitment to retention – will be informed by the principles of DEI. ~~reflects inclusion during work, at work functions on or off the worksite, and at all other District sponsored and participatory events.~~

Section IV. Personal Responsibility

- A. All District employees, irrespective of position, have a responsibility to treat others with dignity and respect. Employees are expected to exhibit conduct

that reflects inclusion ~~during work,~~ at work ~~functions on or off the worksite,~~ and at all other District-sponsored and participatory events.

Section V. Corrective and Disciplinary Action

- A. Employees who believe they have been subjected to behavior that conflicts with this policy shall seek assistance from a ~~managersupervisor~~ or ~~Human Resourcesan HR representative~~. —Failure to behave ~~inclusively and~~ consistent with the DEI principles identified in the policy may result in discipline up to, and including, termination.

Section VI. Distribution

- A. A copy of this regulation shall be delivered to each employee of the District.

Diablo Water District Regulation No. 132 Diversity, Equity and Inclusion Policy



Section 1. Purpose

- a. Diablo Water District (District) is committed to fostering, cultivating, and preserving a culture of Diversity, Equity, and Inclusion (DEI). The DEI Policy promotes the consideration of diversity, equity, and inclusion in the development and delivery of District internal and external policies, programs, and services. We know that having a diverse team working in an inclusive and equity-driven environment will help employees succeed and results in excellent customer service. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities, and talent that our employees invest in their work represents a significant part of not only our culture but enhances the delivery of the District's services as well.

Section 2. Definitions

- a. An understanding of what DEI means to the District is of paramount importance. As used in this regulation:
 - DIVERSITY is all the ways in which people differ, which can include differences in age, color, disability, ethnicity, family/marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make people unique.
 - EQUITY is fair treatment, access, opportunity, and advancement for all people such that one's identity cannot predict outcome or success.
 - INCLUSION is when a variety of people can provide input on decisions.

Section 3. District Policy

- a. Incorporating DEI into the workplace instills a feeling that our differences are valued and respected. The District is committed to utilizing the principles of DEI to guide its employment and customer policies and practices. To underscore the importance of DEI to the District,

**Diablo Water District
Regulation No. 132
Diversity, Equity and Inclusion Policy**



both Managers and staff will receive routine and relevant training focused on DEI principles and the elimination of bias and barriers. Employment practices – from recruitment to retention – will be informed by the principles of DEI.

Section 4. Personal Responsibility

- a. All District employees, irrespective of position, have a responsibility to treat others with dignity and respect. Employees are expected to exhibit conduct that reflects inclusion at work and at all other District-sponsored and participatory events.

Section 5. Corrective and Disciplinary Action

- a. Employees who believe they have been subjected to behavior that conflicts with this policy shall seek assistance from a Manager or Human Resources. Failure to behave consistently with the DEI principles identified in the policy may result in discipline up to, and including, termination.

Section 6. Distribution

- a. A copy of this regulation shall be delivered to each employee of the District.

DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 4



TO: Each Director

FROM: Jennifer McCoy, Finance & Accounting Manager

SUBJECT: Financial Reports.

Items included for discussion:

- Warrant Register Number:
 - 2026-8
 - ACH and Wire Transactions – August 2026
- Payable items \$125,000 or more, explained in more detail:
 - None – Late August check run was delayed to beginning of September
- Monthly Financial Statements
 - June 2026 **Final** Report
 - July 2026 Report

RECOMMENDATION:

Approve warrant register 2026-8, ACH wire transactions for August 2026 and Monthly Financial Reports for June and July 2026.

Jennifer McCoy

Jennifer McCoy
Finance & Accounting Manager

Attachments: Warrant Register 2026-8
ACH and Wire Transactions for August 2026
Monthly Financial Reports for June and July 2026



DIABLO WATER DISTRICT
Warrant Register 2026 - 8
September 23, 2026



<u>Check Numbers</u>	<u>Detail</u>	<u>Amount</u>
August AP Check 1144	See Detail Check Register	47,435.59
August Utility Billing Refund Checks 1145 - 1169	See Detail Check Register	8,039.90
August AP Checks 1170 - 1215	See Detail Check Register	321,528.26
Payroll Direct Deposit Employees	August Payroll Direct Deposit	260,634.98
Payroll Checks 1216 - 1217	See Detail Check Register	8,229.72
Payroll Direct Deposit Employees	August Payroll Direct Deposit - DB Final	4,870.45
August AP Check 1218	See Detail Check Register	42,640.19
TOTAL WARRANTS		693,379.09

The foregoing Accounts Payable Warrants 1144 through 1218, payroll for August 2026, 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



Diablo Water District, CA

Check Register

Packet: APPKT01123 - BILL BRANDT FORD 8-5-26 LP

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: FIVE STAR AP-FIVE STAR AP Bank						
BILLBRANDT	BILL BRANDT FORD	08/05/2026	Regular	0.00	47,435.59	1144

Bank Code FIVE STAR AP Summary				
Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	47,435.59
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
	1	1	0.00	47,435.59



Diablo Water District, CA

Refund Check Register

Refund Check Detail

UBPKT08113 - August 2026 Refunds

Account	Name	Date	Check #	Amount	Code	Receipt	Amount	Type
013-06827-03	COOK, MARLA AND BRANIN	8/10/2026	1145	157.63			157.63	Refund
013-06880-03	SANDERS, SCOTT AND DEBBIE	8/10/2026	1146	94.09			94.09	Refund
099-07978-19	CORP., CAPRA ENVIRONMENTAL SERVICES	8/10/2026	1147	970.28			970.28	Refund
099-08869-18	DEL BARBA RANCH	8/10/2026	1148	712.55			712.55	Refund
099-10049-15	DISCOVERY BUILDERS, INC.	8/10/2026	1149	1,071.31			1071.31	Refund
101-08119-02	LAPOINTE, RICHARD	8/10/2026	1150	88.65			88.65	Refund
102-02610-07	SANTAELLA-TORRES, JOSHUA	8/10/2026	1151	172.73			172.73	Refund
104-03927-03	WHEATLEY, GABRIELLE AND GAWAIN	8/10/2026	1152	186.63			186.63	Refund
105-06266-02	DEGRANO, MAUREEN	8/10/2026	1153	136.87			136.87	Refund
108-00906-12	NORTH STATE FINANCIAL, INC	8/10/2026	1154	191.31			191.31	Refund
110-01012-06	GALLI, ZACHARY AND MAREY	8/10/2026	1155	179.01			179.01	Refund
112-01237-04	FERNANDES, SUSAN	8/10/2026	1156	55.88			55.88	Refund
112-02266-07	SITU, WEICHENG	8/10/2026	1157	65.10			65.10	Refund
118-04328-01	PORTER, LINDSEY GRIGGS	8/10/2026	1158	144.69			144.69	Refund
119-01482-03	COSTA, MARK	8/10/2026	1159	179.01			179.01	Refund
121-02065-04	JOHNSON, ANNALYSE	8/10/2026	1160	91.31			91.31	Refund
121-03497-01	VILLALOBOS, DERICK	8/10/2026	1161	2,746.23			2746.23	Refund
122-05803-05	HOUSE HACK	8/10/2026	1162	26.53			26.53	Refund
122-06141-09	PIQUERO, JAMES AND MEAGHAN	8/10/2026	1163	129.54			129.54	Refund
123-07576-07	LEMUS, JULIA TORRES	8/10/2026	1164	160.96			160.96	Refund
124-10132-07	NGUYEN, HOA	8/10/2026	1165	78.28			78.28	Refund
125-00473-04	CAPOTE, AARON TORRES AND AUTUMN	8/10/2026	1166	113.50			113.50	Refund
125-01270-06	MOORE, AHMAD	8/10/2026	1167	105.83			105.83	Refund
134-10182-02	TROMERHAUSER, STEPHANIE	8/10/2026	1168	117.14			117.14	Refund
138-12868-03	MEDRANO, MELIZZA	8/10/2026	1169	64.84			64.84	Refund
Total Refunds: 25			Total Refunded Amount:	8,039.90				

Revenue Code Summary

Revenue Code	Amount
996 - Unapplied Credits	8039.90
Revenue Total:	8039.90



Diablo Water District, CA

Packet: APPKT01139 - AUGUST 2026 WARRANTS 8-10-26

Check Register

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: FIVE STAR AP-FIVE STAR AP Bank						
ACWAINSR	ACWA JOINT POWERS	08/10/2026	Regular	0.00	5,956.19	1170
ALTAFENCE	ALTA FENCE CO, INC.	08/10/2026	Regular	0.00	112.00	1171
ALTAMONT	ALTAMONT LANDSCAPE INC	08/10/2026	Regular	0.00	1,969.00	1172
AMAZON	AMAZON CAPITAL SERVICES	08/10/2026	Regular	0.00	3,997.86	1173
	Void	08/10/2026	Regular	0.00	0.00	1174
	Void	08/10/2026	Regular	0.00	0.00	1175
AWWA	AMERICAN WATER WORKS ASSOCIA	08/10/2026	Regular	0.00	347.00	1176
AQUA	AQUA METRIC	08/10/2026	Regular	0.00	12,767.84	1177
AT&T	AT&T	08/10/2026	Regular	0.00	216.94	1178
BAVCO	BAVCO	08/10/2026	Regular	0.00	9,483.00	1179
BIGBOY	BIG BOY WRAPS	08/10/2026	Regular	0.00	5,246.05	1180
BWPRESS	BRENTWOOD PRESS & PUBLISH	08/10/2026	Regular	0.00	1,199.00	1181
CALSTAR	CAL STAR SYSTEMS SUPPLY	08/10/2026	Regular	0.00	15,111.90	1182
	Void	08/10/2026	Regular	0.00	0.00	1183
CDM01	CDM SMITH	08/10/2026	Regular	0.00	49,648.21	1184
	Void	08/10/2026	Regular	0.00	0.00	1185
CITYOFBW	CITY OF BRENTWOOD	08/10/2026	Regular	0.00	1,573.90	1186
CCWD-RB	CONTRA COSTA WATER DIST	08/10/2026	Regular	0.00	14,190.82	1187
COMCOLO1	CREDIT CONSULTING SER INC	08/10/2026	Regular	0.00	25.05	1188
CYPRESS SQUARE	CYPRESS SQUARE COMMERCIAL, LLC	08/10/2026	Regular	0.00	13,175.00	1189
BOWERS01	DANNY BOWERS	08/10/2026	Regular	0.00	255.18	1190
DATA INSTINCTS	DATA INSTINCTS	08/10/2026	Regular	0.00	9,357.50	1191
EBERT	EBERT ENTERPRISES, INC	08/10/2026	Regular	0.00	9,128.62	1192
ECLIPSEMAP	ECLIPSE MAPPING AND GIS	08/10/2026	Regular	0.00	12,354.19	1193
ELLIS	ELLIS & ELLIS SIGN SYSTEMS	08/10/2026	Regular	0.00	324.08	1194
ENVIROSY	ENVIRONMENTAL SYSTEMS RESEAR	08/10/2026	Regular	0.00	12,200.00	1195
GRAINGER	GRAINGER	08/10/2026	Regular	0.00	214.99	1196
HILLCHEM	HILL BROTHERS CHEMICAL CO	08/10/2026	Regular	0.00	1,151.66	1197
INSIGHT	INSIGHT PUBLIC SECTOR, INC	08/10/2026	Regular	0.00	272.82	1198
LUHDORFF	LUHDORFF & SCALMANINI,	08/10/2026	Regular	0.00	340.00	1199
SPEEDE	MARIA SPEEDE	08/10/2026	Regular	0.00	767.00	1200
MCCAULEY	MCCAULEY AGRICULTURAL & PEST S	08/10/2026	Regular	0.00	300.00	1201
OAKDISPO	MT DIABLO	08/10/2026	Regular	0.00	548.60	1202
OKLYACE	OAKLEY ACE HARDWARE	08/10/2026	Regular	0.00	2,731.83	1203
	Void	08/10/2026	Regular	0.00	0.00	1204
	Void	08/10/2026	Regular	0.00	0.00	1205
	Void	08/10/2026	Regular	0.00	0.00	1206
	Void	08/10/2026	Regular	0.00	0.00	1207
PUMP REPAIR	PUMP REPAIR SERVICE CO.	08/10/2026	Regular	0.00	44,457.75	1208
PURPOSE BUILT	PURPOSE BUILT TRADE CO	08/10/2026	Regular	0.00	429.53	1209
QUADIENT LEASING	QUADIENT LEASING USA, INC	08/10/2026	Regular	0.00	599.56	1210
QXO	QXO - BARNSCO	08/10/2026	Regular	0.00	12,450.00	1211
SONORAF	SONORA FORD	08/10/2026	Regular	0.00	70,511.38	1212
STAPLES	STAPLES CREDIT PLAN	08/10/2026	Regular	0.00	455.57	1213
UNDERGR1	UNDERGROUND SERVICE ALERT of N	08/10/2026	Regular	0.00	2,483.24	1214

Check Register

Packet: APPKT01139-AUGUST 2026 WARRANTS 8-10-26

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
PVS01	UNIVAR USA INC	08/10/2026	Regular	0.00	5,175.00	1215

Bank Code FIVE STAR AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	54	38	0.00	321,528.26
Manual Checks	0	0	0.00	0.00
Voided Checks	0	8	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	54	46	0.00	321,528.26



Diablo Water District, CA

Payroll Check Register

Checks

Pay Period: 7/27/2026-8/26/2026

Packet: PYPKT00673 - AUGUST 2026 PAYROLL 8-27-26 LP

Payroll Set: Payroll Set 01 - 01

Employee	Employee #	Check Type	Date	Amount	Number
CARRANZA GUTIERREZ, EDU	C93	Regular	08/31/2026	7,875.32	1216
TIERNAN, MARILYN M	T57	Regular	08/31/2026	354.40	1217



Diablo Water District, CA

Payroll Check Register

Direct Deposits

Pay Period: 7/27/2026-8/26/2026

Packet: PYPKT00673 - AUGUST 2026 PAYROLL 8-27-26 LP

Payroll Set: Payroll Set 01 - 01

Employee	Employee #	Date	Amount	Number
ALVARADO, HECTOR A	A85	08/31/2026	150.00	31
ALVARADO, HECTOR A	A85	08/31/2026	6,020.35	31
ALVARADO, HECTOR A	A85	08/31/2026	685.59	31
BIEGLER, DAMIEN	B00	08/31/2026	7,085.00	32
CRAWFORD, CHAD D	C09	08/31/2026	4,906.23	33
COZART, LORI	C74	08/31/2026	5,210.23	34
CASTILLO, JORDAN	C94	08/31/2026	5,704.41	35
DEJESUS, HUNTER J	D10	08/31/2026	8,339.84	36
FORD, WILLOW	F01	08/31/2026	500.00	37
FORD, WILLOW	F01	08/31/2026	6,625.00	37
GONZALEZ, JORGE R	G17	08/31/2026	15,390.81	38
GROOVER, MATTHEW J	G21	08/31/2026	7,712.88	39
GONZALES, SOPHIA M	G91	08/31/2026	11,955.40	40
HERRERA, JOHN P	H02	08/31/2026	8,613.27	41
KOVALICK, JOSEPH A	K01	08/31/2026	461.75	42
KNIGHT, KATHLEEN M	K24	08/31/2026	12,929.78	43
McCOY, JENNIFER	L21	08/31/2026	15,008.88	44
LIRA, MICHAEL	L28	08/31/2026	15,531.43	45
LEYBA, SANDRA	L85	08/31/2026	9,863.97	46
MENDOZA MENDOZA, ATANACIO	M20	08/31/2026	11,293.27	47
MILINA, CHERI	M21	08/31/2026	9,320.22	48
MUELRAETH, DANIEL B	M22	08/31/2026	19,053.44	49
MOATS, CONAN R	M74	08/31/2026	277.05	50
PADILLA, GINO L	P02	08/31/2026	11,383.35	51
PLOWMAN, SHELBY	P24	08/31/2026	6,097.28	52
POSADA, LAUREN A	P89	08/31/2026	9,552.25	53
BALESTERI, REBECCA	R20	08/31/2026	8,416.29	54
ROMERO, LUIS J	R22	08/31/2026	10,170.98	55
ROSALES, PAOLA	R94	08/31/2026	6,653.51	56
SORIANO, TATIANA S	S01	08/31/2026	1,677.64	57
SEGER, PAUL S	S65	08/31/2026	507.92	58
SHAW, JASON R	S74	08/31/2026	323.22	59
VELAZQUEZ, CAMILO R	V01	08/31/2026	9,105.76	60
WEAVER, WAYNE A	W27	08/31/2026	14,107.98	61



Diablo Water District, CA

Payroll Check Register Report Summary

Pay Period: 7/27/2026-8/26/2026

Packet: PYPKT00673 - AUGUST 2026 PAYROLL 8-27-26 LP
Payroll Set: Payroll Set 01 - 01

Type	Count	Amount
Regular Checks	2	8,229.72
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	34	260,634.98
Total	36	268,864.70



Diablo Water District, CA

Payroll Check Register Checks

Pay Period: 8/27/2026-8/28/2026

Packet: PYPKT00675 - DB - FINAL CHECK 8-27-26 LP
Payroll Set: Payroll Set 01 - 01

Employee	Employee #	Check Type	Date	Amount	Number
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*** No Checks Created In This Packet ***



Diablo Water District, CA

Payroll Check Register

Direct Deposits

Pay Period: 8/27/2026-8/28/2026

Packet: PYPKT00675 - DB - FINAL CHECK 8-27-26 LP

Payroll Set: Payroll Set 01 - 01

Employee	Employee #	Date	Amount	Number
BIEGLER, DAMIEN	B00	08/31/2026	4,870.45	62



Diablo Water District, CA

Payroll Check Register

Report Summary

Pay Period: 8/27/2026-8/28/2026

Packet: PYPKT00675 - DB - FINAL CHECK 8-27-26 LP

Payroll Set: Payroll Set 01 - 01

Type	Count	Amount
Regular Checks	0	0.00
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	1	4,870.45
Total	1	4,870.45



Diablo Water District, CA

Check Register

Packet: APPKT01149 - PO342 2024 F-150 LIGHTNING 8-31-26 LP

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: FIVE STAR AP-FIVE STAR AP Bank						
JAMES FORD	JAMES FORD, INC	08/31/2026	Regular	0.00	42,640.19	1218

Bank Code FIVE STAR AP Summary				
Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	42,640.19
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
	1	1	0.00	42,640.19

DIABLO WATER DISTRICT
Banking Activity for August 2026
September 23, 2026



TRANSACTION TYPE	DATE	PAYABLE TO	DESCRIPTION	AMOUNT
Electronic Debit	08/03/26	Global Payments	Credit Card Processing Fees - Open Edge (July 2026)	17,315.50
Electronic Debit	08/06/26	CalPERS	SIP 457 Deferred Comp - July 2026 Payroll Deductions	7,503.53
Electronic Debit	08/06/26	CalPERS	CalPERS Retirement Contributions - July 2026 Payroll	62,678.14
Electronic Debit	08/06/26	State of Idaho	State of Idaho Withholding - July 2026 Payroll Deduction	549.00
Electronic Debit	08/10/26	Lincoln Financial	SIP 457 Deferred Comp - July 2026 Payroll Deductions	4,260.14
Electronic Debit	08/31/26	IRS	August 2026 Payroll Taxes (Fed/Medi/SS)	109,845.32
Electronic Debit	08/31/26	DWD Direct Deposit	Payroll August 2026 - Direct Deposit (See Warrant Reg)	260,634.98
Electronic Debit	08/31/26	DWD Direct Deposit	Payroll August 2026 - DB Final (See Warrant Reg)	4,870.45
Electronic Debit	08/31/26	State EDD	State Withholding - August 2026 Payroll	22,097.92
Electronic Debit	08/31/26	State of Idaho	State of Idaho Withholding - August 2026 Payroll Deduction	646.00
TOTAL ACTIVITY				490,400.98

The above Banking Transactions for August 2026 were given to the Board of Directors for their review
as part of the September 23, 2026 Board Meeting.

Jennifer McCoy

Jennifer McCoy
Finance & Accounting Manager

9/1/2026

Date

DIABLO WATER DISTRICT
MONTHLY FINANCIAL REPORT
FOR PERIOD JUNE 1, 2026 TO JUNE 30, 2026



Balance as of May 31, 2026	<u>\$24,634,906.95</u>
Receipts, June 2026	
Operating	1,680,364.89
Non-Operating (MERA, Admin, Inspection & Eng Fees & Contract Services)	198,042.74
Facilities Reserve	666,792.17
Interest	
General	18,271.75
MERA	1,412.26
Facilities Reserve	10,432.28
Investment activity (+ or -)	(32,497.63)
Disbursements, June 2026	
Operating	(1,735,002.32)
Facilities Reserve	(312,757.77)
Quarterly Bank Analysis Charges	0.00
Balance as of June 30, 2026	<u>\$25,129,965.32</u>

FUNDS		AMOUNT
(as of close of business on June 30, 2026)		
District General Fund		8,164,168.79
Restricted funds		
2019 Series Held in Trust by US Bank		0.00
2022 Loan Project Funds - LAIF Account		0.00
2026 Series Held in Trust by US Bank		5,566,433.94
Facilities Reserve (AB-1600 Requirements)		6,328,269.44
Designated Funds		
Rate Stabilization Fund (Target \$1M)		1,000,000.00
Reserve Fund - Capital Reserve (Target \$2M by 2027)		2,000,000.00
Reserve Fund - Emergency Reserve (Target \$3M by 2033)		0.00
Main Extension Reimbursement (MERA)		875,985.65
Knightsen Well System (M25)		45,176.15
Willow Park Marnia Well System (M27)		109,312.60
Customer Deposits		381,275.00
Developer Admin, Inspection & Eng Deposit Totals		61,886.00
Current Active Projects	\$ 52,828.45	
Archived Projects	\$ (6,740.04)	
Projects on Hold	\$ 83,406.06	
Closing out Projects	\$ (67,608.47)	
Subdivision #4990 Phase 3 Bond Deposit		300,000.00
51 Carol Lane Performance Bond		105,000.00
Substandard Street Deposit		
Future Relocation of Bethel Island Road Offsite Waterline		192,000.00
District's Portion of Investment		457.75
TOTAL		<u>\$25,129,965.32</u>

DIABLO WATER DISTRICT
MONTHLY FINANCIAL REPORT
FOR PERIOD JUNE 1, 2026 TO JUNE 30, 2026
PAGE 2

INVESTMENTS/BANK ACCOUNTS
(as of close of business on June 30, 2026)

INSTITUTION	PAR VALUE	RATE OF INTEREST	MARKET VALUE
California Local Agency Investment Fund *		3.816	8,930,753.36
BMO, General Checking Account *			2,287,574.11
Five Star Bank - General Operating Account			1,501,993.48
US Bank - 298466000 <i>Held US Bank</i> - Value with Interest Earnings/COP 2026			5,566,433.94
US Bank 298466001 (Green Bonds) Project Fund - Series 2026	5,551,890.92	Varies	
US Bank 298466002 (Green Bonds) Cost of Issuance Fund - Series 2026	-	Varies	
MBS RMB-028036 <i>Held Bank of New York</i> - Value with Interest Earnings			6,843,210.43
MD 09/14/26 146102BC1 Carter Bank & Trust Martinsville VA/CD	240,000.00	3.95	
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/CD	220,000.00	4.40	
MD 02/26/27 560390-DB-9 Maine Community Bk Biddeford ME/CD	249,000.00	3.85	
MD 05/18/27 14042RRF0 Capital One Natl Assn Mclean VA/CD	230,000.00	3.20	
MD 07/12/27 898812-AP-7 Tucson Fed Cr Un Ariz SH CTF - Callable Monthly	151,000.00	4.00	
MD 09/27/27 02007G3R2 Ally BK Sandy Utah/CD	245,000.00	3.75	
MD 10/01/27 Goldman Sachs BK USA New York/CD	245,000.00	3.40	
MD 11/22/27 Workers Federal Credit Union Littleton/MA SH/CD	249,000.00	4.10	
MD 04/10/28 549104-H6-7 Luana Svgs Bk Iowa/CD	240,000.00	3.95	
MD 06/05/28 02589A-HK-1 American Express Natl BK Brokered Intl/CD	244,000.00	4.20	
MD 11/30/28 91282CJN2 United States Treasury NTS	880,000.00	4.38	
MD 05/07/29 05584C-X3-5 BNY Mellon N A Instl/CD	245,000.00	3.85	
MD 05/18/29 564759TN8 Manufacturers & Traders TR CO Buffalo NY/CD	200,000.00	4.00	
MD 11/30/29 91282CMA6 United States Treasury NTS	880,000.00	4.13	
MD 09/25/30 856288CZ6 State BK India New York N Y/CD	245,000.00	3.75	
MD 09/30/30 00435JB1 Access BaK Omaha NEB/CD	249,000.00	3.50	
MD 10/22/30 61778EHA2 Morgan Stanley BK N A Salt Lake City Utah/CD	245,000.00	3.75	
MD 12/24/30 61776NK93 Morgan Stanley Private BK Natk Assn Pur N.Y./CD	245,000.00	3.85	
MD 01/31/31 91282CJX0 United States Treasury NTS	880,000.00	4.00	
MD 07/28/31 795451EN9 Sallie Mae BK Salt Lake City Utah/CD / Callable 7/28/26	245,000.00	3.90	
Multibank Interest, Money Management Fund	59,578.31		

TOTAL	<u>\$25,129,965.32</u>
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* 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 JUNE 1, 2026 TO JUNE 30, 2026
PAGE 3

HELD IN TRUST BY DIABLO WATER DISTRICT
For Board of Directors Information Only
(as of close of business on June 30, 2026)

INSTITUTION	RATE OF INTEREST	MARKET VALUE
Lincoln National, Deferred Compensation (Quarterly)	Varies	1,734,741.47
CERBT Funds (Quarterly)	11.702% year/year	1,415,701.83
TOTAL		<u>\$3,150,443.30</u>

Deferred Compensation (Lincoln National) 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.

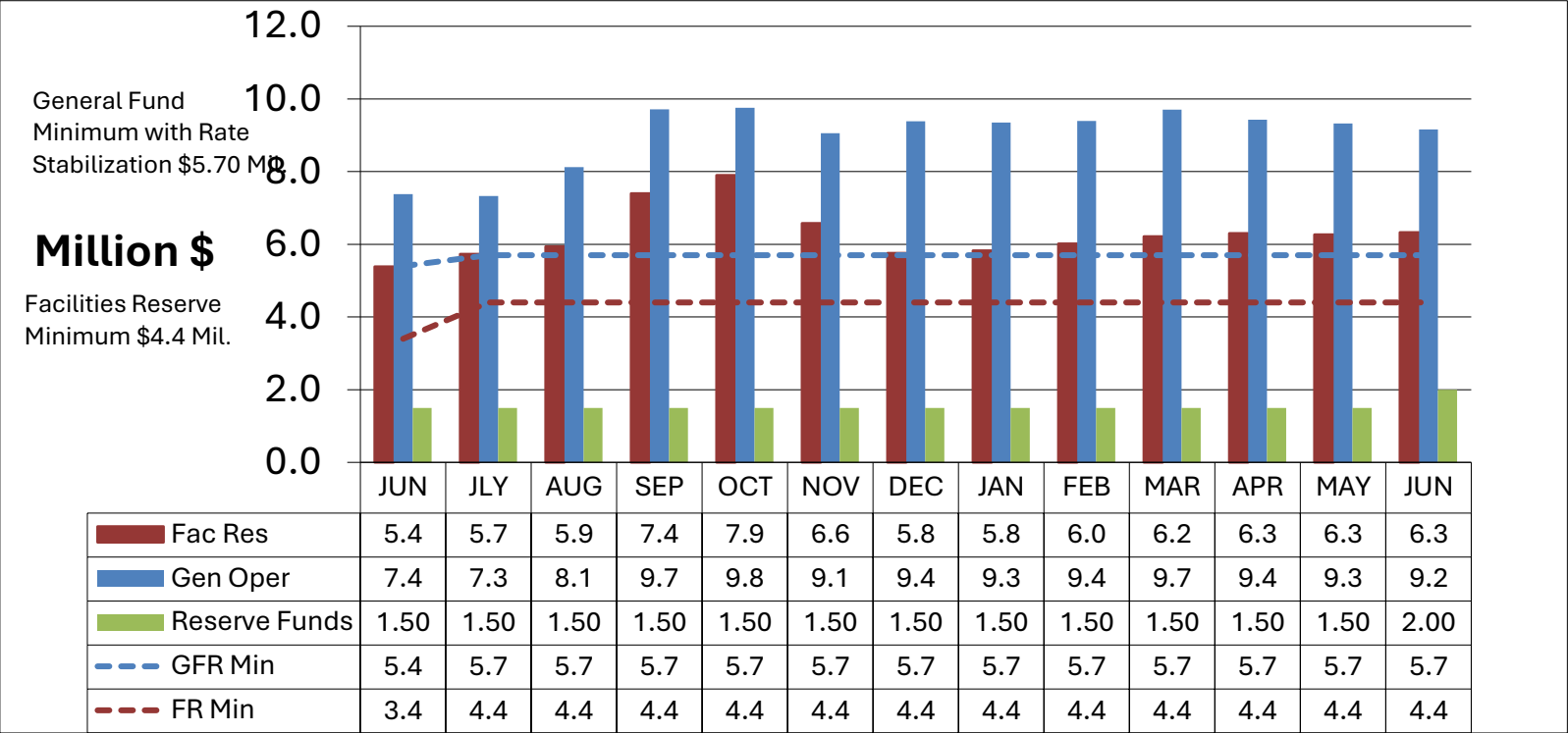
CERBT Funds - California Employers' Retiree Trust Fund is administered by CalPERS. The interest earned on the District's balance in this Trust Fund is used to pay the Diablo Water District portion of retiree medical benefit premiums. If requested by the District, CalPERS reimburses the District each 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 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	(39,069.38)	23,078.60	28,715.67
FY 25/26 (as of June)	(12,184.69)	28,645.17	45,176.15

<u>Willow Park (M27)</u>	<u>Expenses</u>	<u>Income</u>	<u>Total Fund Balance</u>
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	(51,218.06)	81,817.89	43,291.72
FY 25/26 (as of June)	(21,889.18)	87,910.06	109,312.60

DIABLO WATER DISTRICT FUNDS AVAILABLE 2025 - 2026



DIABLO WATER DISTRICT
MONTHLY FINANCIAL REPORT
 FOR PERIOD JULY 1, 2026 TO JULY 31, 2026



Balance as of June 30, 2026	<u>\$25,129,965.32</u>
Receipts, July 2026	
Operating	2,505,447.45
Non-Operating (MERA, Admin, Inspection & Eng Fees & Contract Services)	102,604.79
Facilities Reserve	1,620,041.00
Interest	
General	73,572.72
MERA	5,694.05
Facilities Reserve	41,134.78
Investment activity (+ or -)	21,060.28
Disbursements, July 2026	
Operating	(2,290,807.76)
Facilities Reserve	(207,605.03)
Quarterly Bank Analysis Charges	(2,822.74)
Balance as of July 31, 2026	<u>\$26,998,284.86</u>

FUNDS		
(as of close of business on July 31, 2026)		AMOUNT
District General Fund		8,580,676.25
Restricted funds		
2019 Series Held in Trust by US Bank		0.00
2022 Loan Project Funds - LAIF Account		0.00
2026 Series Held in Trust by US Bank		5,580,695.13
Facilities Reserve (AB-1600 Requirements)		7,781,840.19
Designated Funds		
Rate Stabilization Fund (Target \$1M)		1,000,000.00
Reserve Fund - Capital Reserve (Target \$2M by 2027)		2,000,000.00
Reserve Fund - Emergency Reserve (Target \$3M by 2033)		0.00
Main Extension Reimbursement (MERA)		861,509.17
Knightsen Well System (M25)		47,610.58
Willow Park Marnia Well System (M27)		107,551.56
Customer Deposits		384,545.00
Developer Admin, Inspection & Eng Deposit Totals		56,399.23
Current Active Projects	\$ 35,984.10	
Archived Projects	\$ 14,052.64	
Projects on Hold	\$ 70,762.41	
Closing out Projects	\$ (64,399.92)	
Subdivision #4990 Phase 3 Bond Deposit		300,000.00
51 Carol Lane Performance Bond		105,000.00
Substandard Street Deposit		
Future Relocation of Bethel Island Road Offsite Waterline		192,000.00
District's Portion of Investment		457.75

TOTAL	<u>\$26,998,284.86</u>
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DIABLO WATER DISTRICT
MONTHLY FINANCIAL REPORT
FOR PERIOD JULY 1, 2026 TO JULY 31, 2026
PAGE 2

INVESTMENTS/BANK ACCOUNTS
(as of close of business on July 31, 2026)

INSTITUTION	PAR VALUE	RATE OF INTEREST	MARKET VALUE
California Local Agency Investment Fund *		3.840	8,959,742.36
BMO, General Checking Account *			2,683,276.07
Five Star Bank - General Operating Account			2,924,561.78
US Bank - 298466000 <i>Held US Bank</i> - Value with Interest Earnings/COP 2026			5,580,695.13
US Bank 298466001 (Green Bonds) Project Fund - Series 2026	5,580,640.86	Varies	
US Bank 298466002 (Green Bonds) Certificate Payment Fund - Series 2026	54.27	Varies	
MBS RMB-028036 <i>Held Bank of New York</i> - Value with Interest Earnings			6,850,009.52
MD 09/14/26 146102BC1 Carter Bank & Trust Martinsville VA/CD	240,000.00	3.95	
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/CD	220,000.00	4.40	
MD 02/26/27 560390-DB-9 Maine Community Bk Biddeford ME/CD	249,000.00	3.85	
MD 05/18/27 14042RRF0 Capital One Natl Assn Mclean VA/CD	230,000.00	3.20	
MD 07/12/27 898812-AP-7 Tucson Fed Cr Un Ariz SH CTF - Callable Monthly	151,000.00	4.00	
MD 09/27/27 02007G3R2 Ally BK Sandy Utah/CD	245,000.00	3.75	
MD 10/01/27 Goldman Sachs BK USA New York/CD	245,000.00	3.40	
MD 11/22/27 Workers Federal Credit Union Littleton/MA SH/CD	249,000.00	4.10	
MD 04/10/28 549104-H6-7 Luana Svgs Bk Iowa/CD	240,000.00	3.95	
MD 06/05/28 02589A-HK-1 American Express Natl BK Brokered Intl/CD	244,000.00	4.20	
MD 11/30/28 91282CJN2 United States Treasury NTS	880,000.00	4.38	
MD 05/07/29 05584C-X3-5 BNY Mellon N A Instl/CD	245,000.00	3.85	
MD 05/18/29 564759TN8 Manufacturers & Traders TR CO Buffalo NY/CD	200,000.00	4.00	
MD 11/30/29 91282CMA6 United States Treasury NTS	880,000.00	4.13	
MD 09/25/30 856288CZ6 State BK India New York N Y/CD	245,000.00	3.75	
MD 09/30/30 00435JB1 Access BaK Omaha NEB/CD	249,000.00	3.50	
MD 10/22/30 61778EHA2 Morgan Stanley BK N A Salt Lake City Utah/CD	245,000.00	3.75	
MD 12/24/30 61776NK93 Morgan Stanley Private BK Natk Assn Pur N.Y./CD	245,000.00	3.85	
MD 01/31/31 91282CJX0 United States Treasury NTS	880,000.00	4.00	
MD 07/28/31 795451EN9 Sallie Mae BK Salt Lake City Utah/CD / Callable 7/28/26	245,000.00	3.90	
Multibank Interest, Money Management Fund	85,539.05		

TOTAL	<u>\$26,998,284.86</u>
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* 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 JULY 1, 2026 TO JULY 31, 2026
PAGE 3

HELD IN TRUST BY DIABLO WATER DISTRICT
For Board of Directors Information Only
(as of close of business on July 31, 2026)

INSTITUTION	RATE OF INTEREST	MARKET VALUE
Lincoln National, Deferred Compensation (Quarterly)	Varies	1,734,741.47
CERBT Funds (Quarterly)	11.702% year/year	1,415,701.83
TOTAL		<u>\$3,150,443.30</u>

Deferred Compensation (Lincoln National) 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.

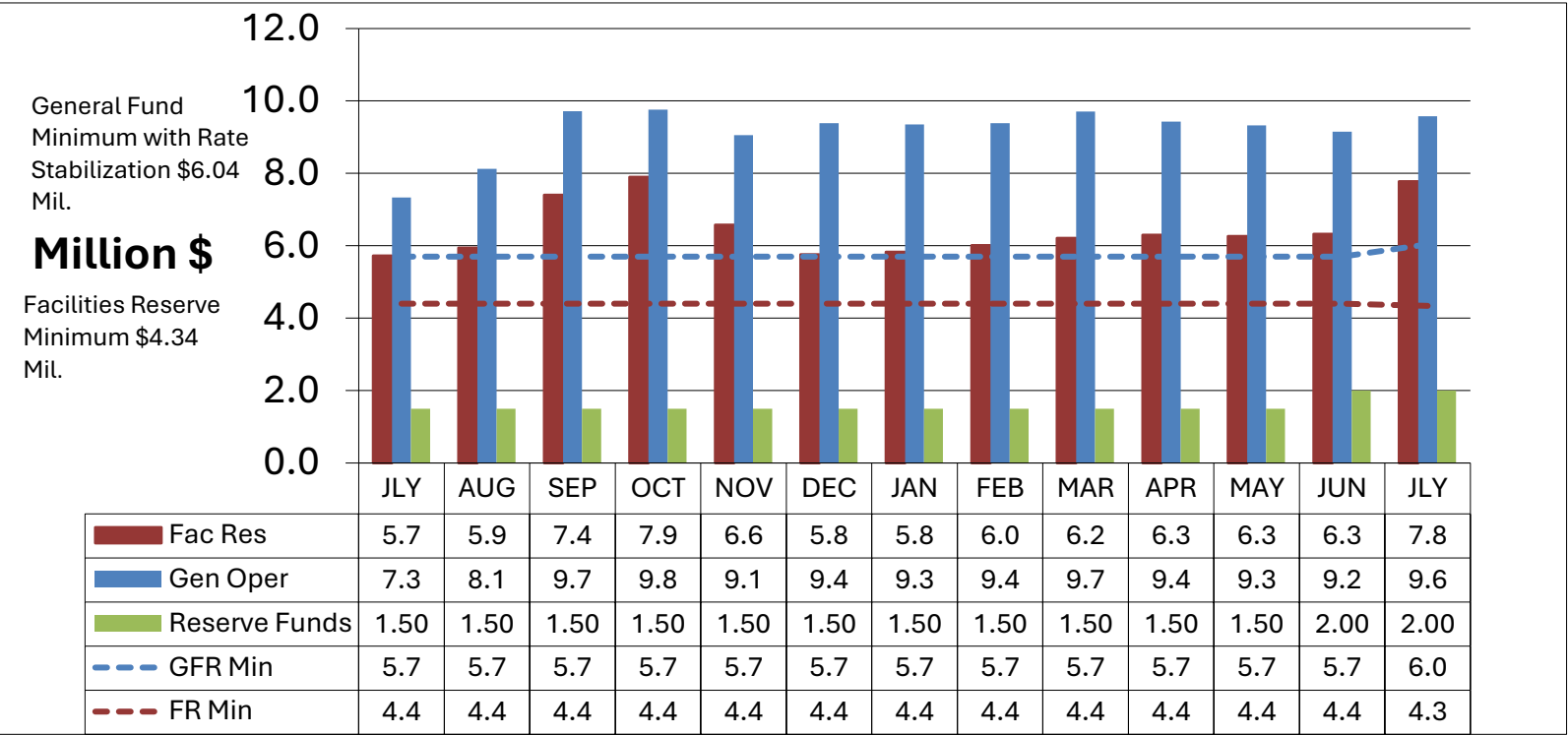
CERBT Funds - California Employers' Retiree Trust Fund is administered by CalPERS. The interest earned on the District's balance in this Trust Fund is used to pay the Diablo Water District portion of retiree medical benefit premiums. If requested by the District, CalPERS reimburses the District each 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 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	(39,069.38)	23,078.60	28,715.67
FY 25/26	(12,184.69)	28,645.17	45,176.15
FY 26/27 (as of July)	(750.95)	3,185.38	47,610.58

<u>Willow Park (M27)</u>	<u>Expenses</u>	<u>Income</u>	<u>Total Fund Balance</u>
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	(51,218.06)	81,817.89	43,291.72
FY 25/26	(21,889.18)	87,910.06	109,312.60
FY 26/27 (as of July)	(2,471.59)	710.55	107,551.56

DIABLO WATER DISTRICT FUNDS AVAILABLE 2026 - 2027



DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 5



TO: Each Director

FROM: Dan Muelrath, General Manager

SUBJECT: EPA Recycled Water Subaward Agreement.

The District has been working with Ironhouse Sanitary District since 2019 to increase the use of recycled water in our joint service areas.

Milestones to date

2019	SWRCB grant for Feasibility Study to expand recycled water network
2021	Completion of Feasibility Study
2022	Awarded EPA Grant (ISD as lead and District as partner)
2022 – 23	Feasibility Study Addendum reviewing Direct Potable Reuse
2023 – 24	RW public opinion surveys
2026	ISD executed EPA Grant Agreement
Now	ISD and District executing subaward agreement

The subaward agreement is required by the EPA as they will only enter into an agreement with a single agency (ISD), but ISD is allowed to pass-through funds to partner agencies to carry out a portion of an approved federal grant project. EPA advised ISD to update the scope of their agreement after initial award and subaward agreements are in place. The subaward agreement provides language to allow the District and ISD to modify the scope to match the following.

Task 1: Grant Administration (ISD)

- Management of project scope, schedule, budget, compliance, and reporting requirements.
- Preparation and submission of quarterly reports to the EPA.

Task 2: Demonstration Gardens and Booster Facility (ISD)

- Development of educational recycled water demonstration gardens featuring native landscaping and water conservation elements.
- Design and construction of a recycled water booster facility and associated irrigation infrastructure to serve the ISD and District demonstration gardens.

DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 5



Task 3: Subrecipient Activities (District)

- Update of the Recycled Water Feasibility Study, including evaluation of alternatives, costs, benefits, and implementation considerations.
- Identification of prioritized recycled water projects and future reuse opportunities.
- Public outreach and partner engagement, including surveys, interviews, and educational initiatives.
- Development of public outreach recommendations based on community feedback.
- Preparation of environmental and cultural resource documentation to support project permitting and regulatory compliance.
- Development of planning and preliminary design documents for future recycled water infrastructure projects.
- Initial project construction (pending future approval by the District Board and fund availability).

Subject to final project scoping, the current allocation of the \$3,000,000 in grant funds is:

- ISD: \$1,000,000
- District: \$2,000,000

RECOMMENDATION:

Authorize the General Manager to execute the Subaward Agreement, substantially in the form presented, between Ironhouse Sanitary District and Diablo Water District.

Dan Muerlath

Dan Muelrath
General Manager

**SUBAWARD AGREEMENT
BETWEEN
IRONHOUSE SANITARY DISTRICT AND DIABLO WATER DISTRICT**

THIS SUBAWARD AGREEMENT (“Agreement”) is made and entered into by and between IRONHOUSE SANITARY DISTRICT, a California sanitary district (“Ironhouse”), and DIABLO WATER DISTRICT, a California water district (the “Subrecipient”).

RECITALS

WHEREAS, the U.S. Environmental Protection Agency (“EPA”) will award and administer water infrastructure projects identified as Congressionally Directed Spending (CDS) and Community Project Funding (CPF) items in Appropriations Acts. For Fiscal Year (FY) 2022, the Consolidated Appropriations Act (P.L. 117-103) (“Act”) includes \$841,405,095 in the State and Tribal Assistance Grants (STAG) account for 483 drinking water, wastewater, stormwater infrastructure, and water quality protection projects; and

WHEREAS, Ironhouse received a three-million-dollar grant (“Award”) for Recycled Water projects pursuant to the Act; and

WHEREAS, the Award consists of work to be completed by Ironhouse, as well as work to be completed by the Subrecipient; and

WHEREAS, Ironhouse intends to provide financial assistance to the Subrecipient to complete work associated with the Oakley and Bethel Island Community Recycled Water Project (“Project”); and

WHEREAS, Ironhouse desires to set forth the terms by which Ironhouse will distribute EPA funds to the Subrecipient in accordance with the requirements of the Award, as further detailed in this Agreement.

NOW, THEREFORE, Ironhouse and Subrecipient agree as follows:

SECTION I.

A. Title and Description. The title of the project subject to the Award is the Oakley and Bethel Island Community Recycled Water Project, defined as the Project. The Project will be implemented through a comprehensive and integrated approach that incorporates the development of a demonstration garden to showcase sustainable irrigation practices, and the construction of a pressurized booster facility to ensure efficient water distribution, to be completed by Ironhouse. The Project will also include a feasibility study update, public awareness about recycled water, permitting support, and advancing the planning and design of a state-of-the-art advanced water treatment design center to support long-term innovation and operational excellence, to be completed by Subrecipient (“Subrecipient Project”).

B. Anticipated EPA Scope Amendment. The Parties acknowledge that they

anticipate requesting that EPA amend the Grant Agreement and associated workplan to revise the Subrecipient Project scope to include education and outreach, a recycled-water feasibility study, planning and design of recycled-water systems, and specified initial construction activities (the “Proposed Expanded Scope”).

The Proposed Expanded Scope is not included in the Subrecipient Project and shall not be effective under this Agreement unless and until: (i) EPA has provided all required written approvals, including approval of the revised scope, workplan, budget, and any required Grant Agreement amendment; (ii) EPA has completed or confirmed the adequacy of all environmental review and other cross-cutting compliance required for the Proposed Expanded Scope; and (iii) Ironhouse and Subrecipient have executed a written amendment to this Agreement establishing the final approved scope, budget, cost-share allocation, schedule, deliverables, and applicable compliance responsibilities.

Before satisfaction of the conditions stated above, Subrecipient shall have no obligation to perform, procure, contract for, or incur costs associated with the Proposed Expanded Scope. Any such activities undertaken by Subrecipient before the conditions are satisfied are undertaken only pursuant to a separate written authorization executed by both Parties and only to the extent that the costs are expressly determined allowable by EPA.

No amendment approving the Proposed Expanded Scope shall increase Subrecipient’s required non-Federal match, total financial commitment, or obligations to perform work beyond the amounts stated in Section II.A, unless Subrecipient expressly approves the increase in a written amendment executed by its authorized representative.

SECTION II. Federal Requirements.

A. Federal Award Identification.

1. Subrecipient Name. The name of the Subrecipient is the Diablo Water District, which matches the registered name in the System for Award Management (SAM).
2. Subrecipient’s “Unique Entity Identifier”. The Subrecipient’s unique entity identifier in SAM is [REDACTED].
3. Federal Award Identification Number (FAIN). The FAIN for the Project is 97T02201.
4. EPA Award Date. The Award was included in the Act, which was signed into law on March 15, 2022. EPA and Ironhouse will or have entered into a grant agreement signed by the EPA Award Official and Ironhouse on May 18, 2026 (“Grant Agreement”).
5. Subaward Period of Performance Start and End Date. The Project start date is October 1, 2022 and the end date is September 30, 2027.

6. Amount of EPA Funds Obligated under the Initial Subaward. The total amount of EPA funds obligated under the initial Subaward to the Subrecipient is one million nine-hundred thirty-three thousand two hundred sixty-nine dollars (\$1,933,269) (“Subaward Amount”). Subrecipient must provide a twenty percent non-federal match to receive the full award amount, which equals four hundred sixty-thousand and seventy dollars (“\$460,070”) (“Subrecipient Match”). Subrecipient shall not be responsible for providing any services or work in excess of the Subaward Amount and Subrecipient Match, or two million three hundred ninety-three thousand three hundred thirty-nine Dollars (\$2,393,339).
7. Total or Cumulative Amount of EPA Funds Obligated to Subrecipient. The total amount of EPA funds obligated to the Subrecipient under the initial Subaward, plus any subsequent funded amendments, is the Subaward Amount. Subrecipient shall not be responsible for providing any services or work in excess of the Subaward Amount and Subrecipient Match, or two million three hundred ninety-three thousand three hundred thirty-nine Dollars (\$2,393,339).
8. Total Amount of the Award to Ironhouse. The total amount of the Award for the Project is three million dollars (\$3,000,000.00).
9. Federal Award Project Description. The Project is listed as the “STAG-Drinking Water SRF, CA, Ironhouse Sanitary District for Recycled Water Project” on the Community Grants Program, Final Implementation Guidance dated October 2022.
10. Identifying and Contact Information.
 - a. Federal Awarding Agency – EPA.
 - b. Pass-Through Entity – Ironhouse Sanitary District. The Contact information for Ironhouse’s awarding official for the Subaward is Dan Muelrath, Diablo Water District General Manager.
11. Catalog of Federal Domestic Assistance (CFDA) Information. The CFDA Number and Name used to support the Award are 66.202 Congressionally Mandated Projects.
12. Indirect Cost Rate for Ironhouse’s Federal Award. The indirect cost is \$18,495.

- B. Subrecipient Compliance with EPA Terms and Conditions. Subrecipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/system/files/documents/2023->

[09/fy_2023_epa_general_terms_and_conditions_effective_october_1_2023_or_later.pdf](#), which are incorporated herein by reference. Subrecipient shall also comply with all terms, assurances and certifications made a part of the Grant Agreement, incorporated herein by reference, and the terms, conditions, or restrictions cited throughout the EPA Community Grants Final Implementation Guidance dated October 2022, incorporated herein by reference (“Implementation Guidance”). These requirements include, without limitation, the following:

1. Flow Down Requirements. Subrecipient shall comply with all “flow down” requirements imposed on Ironhouse by the EPA to ensure that the Subaward is used in accordance with Federal statutes, regulations and the terms of the Grant. The Subrecipient is accountable to Ironhouse for compliance with all Federal requirements. These requirements include, among others, the following requirements set forth in EPA’s template Subaward agreement:
 - a. Title VI of the Civil Rights Act and other Federal statutes and regulations prohibiting discrimination in Federal financial assistance programs, as applicable.
 - b. Reporting Subawards and Executive Compensation under Federal Funding Accountability and Transparency Act (FFATA) set forth in the General Condition of Ironhouse’s agreement with EPA entitled “Reporting Subawards and Executive Compensation.”
 - c. Limitations on individual consultant fees as set forth in 2 CFR 1500.9 and the General Condition of Ironhouse’s agreement with EPA entitled “Consultant Fee Cap.”
 - d. EPA’s prohibition on paying management fees as set forth in General Condition of Ironhouse’s agreement with EPA entitled “Management Fees.”
 - e. The Procurement Standards in 2 CFR Part 200 including those requiring competition when the Subrecipient acquires goods and services from contractors (including consultants).
2. Project Specific Requirements. Subrecipient shall comply with the following terms and conditions set forth in the Implementation Guidance.
 - a. Environmental Review. NEPA and other relevant applicable statutes and Executive Orders, such as the Endangered Species Act (ESA) and potentially California Environmental Quality Act (CEQA), apply to the Project. The applicable NEPA regulations are the Council of Environmental Quality’s (CEQ) implementing regulations at 40 CFR Parts 1500-1508 and EPA’s NEPA regulations at 40 CFR Part 6. In accordance with EPA’s NEPA regulations,

EPA must complete the NEPA process before issuing a grant award for construction activities. NEPA and other cross-cutting Federal requirements that apply to the Project (i.e., the approval and/or funding of work beyond the conceptual design point) cannot be delegated. Although EPA may fund Ironhouse or Subrecipient's development of an Environmental Information Document (EID) or other analysis for cross cutting authorities or executive orders in order to provide supporting information, EPA has the legal obligation to make the NEPA related decision, to issue the NEPA documents, to sign NEPA determinations, and to fulfill other cross-cutting Federal requirements before approving or paying for design and/or construction. Therefore, EPA grant funds cannot be used to prepare a federal document, such as an Environmental Assessment (EA) or Environmental Impact Statement (EIS). When both EPA and another Federal agency are funding the same project, the agencies may negotiate an agreement for one to be the lead agency for performing grant oversight and management activities, including those related to NEPA and other cross-cutting Federal requirements. The lead agency can be the one that is providing the most funds for the project, or the agency that provided the initial funds for the project. The regulations at 40 CFR 1501.7(c) provide the factors listed in order of descending importance to determine the lead agency designation. If an EIS is required on a joint or related Federal action, EPA may serve as a co-lead or request to be a cooperating agency. In addition, EPA may adopt another Federal agency's EIS or EA. EPA may adopt another Federal agency's EA and use it as a basis for its Finding of No Significant Impact (FONSI), provided EPA has independently reviewed the EA and agrees with the analysis and circulates the FONSI and attached EA for the requisite 30-day comment period. Recipients with CWSRF or DWSRF co-funded projects for which a State Environmental Review Process (SERP) has been completed can submit the completed state analysis for EPA review. EPA will review the SERP document and will incorporate by reference any pertinent part of that document into EPA's environmental document. EPA will request additional information from the recipient if necessary for EPA to conduct its own environmental analysis. Each federal agency has its own regulations pertaining to the NEPA environmental review process. Recipients with projects that have undergone an environmental review by another federal agency may submit documents pertaining to another federal agency's analysis for EPA review. EPA will independently review these documents to determine if the proposed actions is substantially the same and if it meets the standards of an adequate EIS, EA, or Categorical Exclusion (CATEX) determination. If so, EPA may adopt the federal EIS, EA, or CATEX determination, pursuant to 40 CFR 1506.3. If EPA is

unable to adopt the federal EIS, EA, or CATEX determination, EPA will conduct its own environmental review and incorporate by reference any pertinent part of the agency's environmental document. EPA will request additional information from the recipient if necessary for EPA to conduct its own environmental review. For design and construction projects for which another federal agency has not completed a NEPA review and projects that CWSRF or DWSRF do not co-fund and/or have not undergone a SERP, recipients will determine whether to request a CATEX from EPA or to prepare and submit an EID in order to proceed with a NEPA review. Subrecipient and Ironhouse have coordinated on the environment review for the Project, including the Subrecipient Project.

- Ironhouse has completed a Section 106 of the National Historic Preservation Action and its implementing regulations, 36 CFR Part 800.
 - Ironhouse initiated a 30-day consultation with the California State Historic Preservation Officer (SHPO) to seek concurrence on the No Historic Properties Affected for the Undertaking. The SHPO did not respond during their 30-day consultation review period, therefore, Ironhouse assumes inferred concurrence from SHPO. The Undertaking will result in No Historic Properties Affected.
- b. Procurement. In general, all procurement transactions for professional engineering services and construction contractors for the Project must be conducted in a manner that includes and promotes fair and open competition from an adequate number of qualified sources. 2 CFR 200.320 details the specific methods of procurement to be followed and the circumstances under which each method can be used. Subrecipient must have and use documented procurement procedures, consistent with State, local or tribal laws and regulation as well as Federal laws and regulations in accordance with 2 CFR 200.317 – 2 CFR 200.327. In accordance with 2 CFR 200.325, Subrecipient must provide Ironhouse and EPA with technical specifications on proposed procurements when requested by EPA, including when pre-award costs are being considered for eligibility. In addition, upon request by EPA's Grants Management Office (GMO) under 2 CFR 200.325 or 2 CFR 200.337 to Ironhouse or Subrecipient, Subrecipient must provide procurement documents to EPA for pre-procurement review when EPA is concerned that the grantee's procurement procedures or practices do not comply with federal procurement requirements, including but not limited to procurements that do not comply with competition requirements. As

provided in 2 CFR 200.332(d) and the terms of conditions of the Award, Ironhouse will be responsible for monitoring Subrecipient compliance with procurement requirements in 2 CFR Parts 200 and 1500. EPA's GMO may also request that Ironhouse provide EPA with information regarding Subrecipient compliance with these requirements. Subrecipient shall ensure compliance with the above regulations and provide Ironhouse with information to provide EPA as requested by EPA or Ironhouse.

Subrecipient shall follow its own documented procurement procedures, which reflect applicable State and local laws and the Federal requirements identified in this Agreement.

- c. Selection of Architects and Engineers (projects inclusive of CWSRF-eligible activities). Projects consisting of CWSRF-eligible activities, irrespective of whether such projects are co-funded with CWSRF funding, must comply with the procurement processes for architectural and engineering (A/E) services as identified in 40 U.S.C. 1101 et seq., or an equivalent State requirement. Where equivalent State requirements are complied with, the source of the requirement (e.g., existing State legislation or regulation, etc.) must be stated, and the Governor of the State must provide a certification to accompany the grant application that the State's A/E procurement requirements are equivalent to 40 U.S.C. 1101 et seq. In lieu of a certification from the Governor, the Attorney General's certification submitted with each grant application may include the A/E certification. Subrecipient shall ensure compliance with these provisions.
- d. EPA's Disadvantaged Business Enterprise (DBE) Program. EPA's DBE Program applies to all EPA Assistance Agreements and requires recipients who procure goods and/or services to: employ the good faith efforts, document their efforts, and maintain DBE forms and other documentation from the prime contractor. Subrecipient is required to seek and encouraged to utilize disadvantaged business enterprises (DBEs) for their procurement needs under this Agreement and the Subaward. Subrecipient must ensure that their contracts contain the following term and condition: "The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in termination of this contract or other legally available remedies." Subrecipient shall also comply with all other DBE requirements are identified in 40 CFR Part 33.

- e. Davis-Bacon Act (DBA). The DBA requires that all contractors and subcontractors performing construction, alteration, and repair (including painting and decorating) work under federal contracts in excess of \$2,000, pay their laborers and mechanics not less than the prevailing wage and fringe benefits for the geographic location. DBA requirements may be extended to federal financial assistance programs by the terms of other statutes (referred to as Davis-Bacon and Related Acts (DBRA)) establishing or funding the programs. The Act provides those federal requirements that would apply to a CWSRF or DWSRF project grant recipient shall apply to a grantee receiving a Community Grant. Consequently, the Act extends DBRA provisions applicable to state revolving fund projects to the Community Grants, including the Project, Award and Subaward. Clean Water Act (CWA) Sec. 513 applies DBA requirements to projects for treatment works. DBA requirements apply to all laborers and mechanics employed by contractors and subcontractors with job duties that are physical and manual in nature including: laborers and mechanics, watchmen or guards (under certain conditions), and working foremen (under certain conditions). The term laborer or mechanic does not include workers whose duties are primarily administrative, executive, or clerical, rather than manual. Requirements only apply to construction at the “site of the work,” which has generally been defined as the physical place where the construction occurs. Work conducted off-site is generally not covered. EPA’s Interim Davis-Bacon Act Guidance provides additional information on requirements and compliance. Subrecipient shall comply with these DBA requirements.
- f. Build America, Buy America (BABA). BABA states that: “[N]one of the funds made available for a Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.” Project means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States. This law applies to all Federal financial assistance as defined in section 2 CFR 200.1, whether funded through the Infrastructure Investment and Jobs Act (IIJA) or not. New awards, including the Grant and Subaward, made on or after May 14, 2022, must comply with BABA requirements. Subrecipient shall ensure that procurement plans comply with BABA requirements prior to grants being awarded.
- g. American Iron and Steel (AIS). The AIS provision requires recipients to use iron and steel products that are produced in the United States for the construction, alteration, maintenance, or repair

of a public water system or treatment works. AIS requirements correspond to a subset of BABA requirements, therefore recipients in compliance with BABA are in compliance with AIS. EPA provides information and guidance on AIS compliance and implementation, any applicable waivers, as well as a step-by-step process for requesting waivers and the circumstances under which waivers may be granted. Subrecipient shall comply with the AIS.

- h. Federal Cross-cutting Requirements/Other Applicable Federal Laws. Subrecipient must comply with Federal cross-cutting requirements as well as other applicable Federal laws. These requirements may include but are not limited to:
 - Environmental Authorities: Archeological and Historic Preservation Act, Pub. L. 93- 291, as amended; Clean Air Act, Pub. L. 95-95, as amended; Clean Water Act, Titles III, IV and V, Pub. L. 92-500, as amended; Coastal Barrier Resources Act, Pub. L. 97-348; Coastal Zone Management Act, Pub. L. 92-583, as amended; Endangered Species Act, Pub. L. 93-205, as amended; Environmental Justice, Executive Order 12898; Flood Plain Management, Executive Order 11988, as amended by Executive Order 12148; Protection of Wetlands, Executive Order 11990, as amended by Executive Order 12608; Farmland Protection Policy Act, Pub. L. 97-98; Fish and Wildlife Coordination Act, Pub. L. 85- 624, as amended; Magnuson-Stevens Fishery Conservation and Management Act, Pub. L. 94-265; National Environmental Policy Act, Pub. L. 91-190; National Historic Preservation Act, Pub. L. 89-655, as amended; Safe Drinking Water Act, Pub. L. 93-523, as amended; Wild and Scenic Rivers Act, Pub. L. 90-54, as amended
 - Economic and Miscellaneous Authorities: OSHA Worker Health and Safety Standards; Contract Work Hours and Safety Standards Act, Pub. L. 91-54; Debarment and Suspension, Executive Order 12549; Demonstration Cities and Metropolitan Development Act, Pub. L. 89 -754, as amended, and Executive Order 12372; Drug Free Workplace Act, Pub. L. 100-690; Copeland “Anti-kickback” Act, Pub. L. 73-324; Government Neutrality Toward Contractor's Labor Relations, Executive Order 13202, as amended by Executive Order 13208; New Restrictions on Lobbying, Section 319 of Pub. L. 101-121; Prohibitions relating to violations of the Clean Water Act or Clean Air Act with respect to Federal contracts, grants, or loans under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, and Executive Order 11738; Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 16 | Page • Civil Rights, Nondiscrimination, Equal Employment Opportunity Authorities: Age Discrimination

Act, Pub. L. 94-135; Equal Employment Opportunity, Executive Order 11246; Section 13 of the Clean Water Act, Pub. L. 92-500; Section 504 of the Rehabilitation Act, Pub. L. 93-112, supplemented by Executive Orders 11914 and 11250; Title VI of the Civil Rights Act, Pub. L. 88-352; o Under Title VI of the Civil Rights Act, EPA has a responsibility to ensure that federal funds are not being used to subsidize discrimination based on race, color, or national origin. This prohibition against discrimination under Title VI has been a statutory mandate since 1964, and EPA has had Title VI regulations since 1973. EPA's nondiscrimination regulations prohibit recipients of EPA financial assistance from taking actions in their programs or activities that are intentionally discriminatory and/or have a discriminatory effect based on race, color, national origin (including limited English proficiency), age, disability, or sex.

- Disadvantaged Business Enterprise Authorities: EPA's FY 1993 Appropriations Act, Pub. L. 102-389; Section 129 of the Small Business Administration Reauthorization and Amendment Act, Pub. L. 100-590; Small, Minority and Women Owned Business Enterprises, Executive Orders 11625, 12138 and 12432.

3. Cost Share Requirements. The Act requires each Community Grant recipient to provide a cost share from nonfederal sources unless the recipient is approved for a cost share waiver by EPA. For the Project, the cost share amount is 20 percent of the total Award. All contributions toward cost share should be included in the grant budget and must be categorized in the appropriate grant budget category. The source of the cost share must be included in the workplan and payment requests. EPA may pay 80 percent of costs shown on approved payment requests up to the approved federal funding amount. Subrecipient shall contribute at least 20 percent of the costs of the Project subject to the Subaward in accordance with the requirements of the Implementation Guidance.

C. Additional Requirements.

1. Subrecipient shall comply with those Federal requirements that are expressly applicable to subrecipients under 2 CFR Part 200, 2 CFR Part 1500, 40 CFR Part 33, the EPA General Terms and Conditions, and the EPA Community Grants Final Implementation Guidance, to the extent such requirements relate to the Subrecipient Project, and shall coordinate with Ironhouse on all requirements related to the Subaward.
2. Subrecipient shall ensure that its insurance policies cover any and all work under the Subrecipient Project and require any consultants or contractors to maintain insurance as required by Subrecipient's standard contract

requirements. Ironhouse acknowledges that the EPA Award does not prescribe specific insurance types or limits for subrecipients. Subrecipient shall require its consultants or contractors for work under the Subrecipient Project to name Ironhouse as an additional insured on all required policies.

In order to receive funds pursuant to the Subaward, Subrecipient shall provide Ironhouse with all required information pursuant to the Implementation Guidance to submit a payment request to EPA. Ironhouse shall transfer any funds received from EPA to the Subrecipient after Ironhouse reviews to ensure compliance with the terms of this Agreement. Within thirty (30) days after receipt of a complete invoice and required supporting documentation from Subrecipient, Ironhouse shall either (a) remit payment of all undisputed amounts, subject to Ironhouse's receipt of corresponding EPA funds, or (b) provide written notice specifying any disputed items. Ironhouse shall use commercially reasonable efforts to submit timely payment requests to EPA that include properly documented Subrecipient costs.

Subrecipient acknowledges that Ironhouse is funded on a reimbursement basis by EPA, and Ironhouse's payment obligation is conditioned upon its receipt of EPA funds.

Subaward Performance Reporting

Subawards establish a financial assistance relationship under which the subrecipient's employees and contractors implement programs and projects to accomplish the goals and objectives of the grant. Subrecipients are subject to the same federal requirements as the pass-through entity. (For more details, see General Terms and Conditions 8. Establishing and Managing Subawards, applicable provisions of 2CFR Part 200, the EPA's Subaward Policy). The recipient must report on its subaward monitoring activities under 2 CFR 200.332(d). Examples of items that must be reported if the pass-through entity has the information available are:

- (1) Summaries of results of reviews of financial and programmatic reports.
- (2) Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
- (3) Environmental results the subrecipient achieved.
- (4) Summaries of audit findings and related pass-through entity management decisions.
- (5) Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR200.332(f) 2 CFR 200.208 and the 2 CFR Part 200.339 Remedies for Noncompliance.

A. Subrecipient Project Records.

1. Project Records. Subrecipient is responsible for maintaining an official on-site Subaward project file containing all financial records in accordance with generally accepted accounting principals, including without limitation, financial statements and reports, programmatic reports including information on environmental results, audit findings, backup and supporting documentation; executed copy of Subaward agreement; quality assurance documentation; correspondence relating to the Subaward; programmatic reviews; copies of change amendments; site-visit reports; audit reports; closeout documents and checklists; any technical and administrative records, and any books or brochures of the Subrecipient, its subcontractors (or vendors) relating to this Subaward. Access to these files and records are subject to audit and inspection by Ironhouse, its auditors, the Comptroller General of the United States and/or EPA. Subrecipient is required to provide access to Subaward documents, papers, other records and books including records of its contractors and subcontractors related to the Award in order for Ironhouse, EPA and their auditors to make audits, examinations, excerpts, and transcripts and to verify compliance with 2 CFR 200.331 as well as 2 CFR Part 200, Subpart D, and Post Federal Award Requirements for Financial and Program Management in accordance with the requirements of 2 CFR Part 200, Subpart F, Audit Requirements and 2 CFR 200.336. Subrecipient and Ironhouse shall each be responsible for their own audit costs, which may be treated as allowable administrative costs under this Agreement, to the extent consistent with 2 CFR Part 200.
2. Retention Requirements for Grant Records. Project records must be maintained for a period of three (3) years after the project closes and the Final Financial Report has been made. If any litigation, claim or audit is started before the expiration of the three (3) year period, the records must be kept until all litigation, claims, or audit findings involving the project are closed. In the event that an audit has not been completed prior to the closeout of the Subaward, EPA retains the right to recover ineligible costs after fully considering the recommendations on disallowed costs resulting from the audit. If EPA determines that any Subrecipient costs are unallowable, Ironhouse shall promptly notify Subrecipient and provide the basis for such determination.
3. Copyrighted Material and Data. In accordance with 2 CFR 200.315, EPA has the right to reproduce, publish, use and authorize others to reproduce, -publish and use copyrighted-works or other data developed under this assistance agreement for Federal purposes. Rights to inventions made for the Project are subject to federal patent and licensing regulations, which are codified at Title 37 CFR Part 401 and Title 35 USC, Sections 200.212 and 2 CFR 200.448 (Intellectual Property).

- C. Project Close-Out. In accordance with 2 CFR 200.343, closeout is the systematic process by which EPA determines that Ironhouse has all the required workplan activities under the Award and confirms that applicable financial and administrative requirements as described in 2 CFR 200.344 have been met upon completion of the Project. Before a final invoice can be paid to Subrecipient, Ironhouse must certify that all technical reports and/or deliverables have been received and the Subrecipient has fulfilled its obligations under the Subaward.
1. Submitting the Closeout Packet. Within sixty (60) calendar days after completing the Project, the Subrecipient must submit its closeout packet containing all financial and performance progress reports along with other reports required by the terms and conditions of the Subaward Agreement, including but not limited to a (a) Closeout Checklist; (b) Final Invoice; (c) Final Project Performance Report; (d) Final Project Financial Report; (e) Final MBE/WBE Report: EPA 5700-52A; (f) Project deliverables; (g) Lobbying and Litigation Certification: EPA Form 5700-53; (h) certification and release of any unliquidated/unobligated project funds; and (i) any other reports or documents required by EPA.
 2. Final Closeout Letter. Ironhouse will send a final letter to the Subrecipient giving notification that the Subaward and this Agreement have been closed out.
- D. Additional Requirements. The following terms and conditions apply to the extent that they do not conflict with applicable Federal laws, statutes, regulations and policies.
1. Indemnification.
 - i. Ironhouse Indemnity to Subrecipient. Ironhouse shall defend, indemnify, and hold Subrecipient and its respective members, elected and appointed directors, officers, employees, consultants, and agents harmless from any and all liability, actions, claims, costs, and expenses, including attorneys' fees, caused by the willful misconduct or negligence of Ironhouse, its officers, directors, consultants, agents, or employees in Ironhouse's performance under this Agreement, except to the extent caused directly or indirectly by the negligent acts, errors, or omissions of Subrecipient, its officers, agents, or employees.
 - ii. Subrecipient Indemnity to Ironhouse. Subrecipient shall defend, indemnify, and hold Ironhouse and its members, elected and appointed directors, officers, employees, consultants and agents harmless from any and all liability, actions, claims, costs, and expenses, including attorneys' fees, caused by the willful misconduct or negligence of Subrecipient, its officers, directors, consultants, agents, or employees in Subrecipient's performance under this Agreement, except to the extent caused directly or

indirectly by the negligent acts, errors, or omissions of Ironhouse, its officers, agents, or employees.

- C. Breach. Noncompliance by Subrecipient with any applicable provision of this Agreement, including but not limited to applicable reporting requirements, or the Subaward, shall constitute a breach of this Agreement. Ironhouse, in its reasonable, good-faith discretion, may terminate Subrecipient's participation for breach of this Agreement. The waiver by either party of a breach of any provision in this Local Project Sponsor Agreement by the other, or by the State with regard to the Grant Agreement, shall not operate or be construed as a waiver of any subsequent breach.
- D. Dispute Resolution. The parties to this Agreement shall meet promptly to address any dispute that may arise and make a good faith effort to negotiate a resolution. The use by any party of any remedy specified herein for the enforcement of this Agreement is not exclusive and shall not deprive any party of, or limit the application of, any other remedy provided by law.
- E. Governing Law. This Agreement, its construction, and all work performed under it shall be governed by the laws of the State of California, except for its choice of laws principles. Venue shall be proper only in the Superior Court of Contra Costa County, except as otherwise required by law.
- F. Severability. If any provision of this Agreement is held invalid or unenforceable by a court of final jurisdiction, all other provisions of this Agreement shall remain valid and in force and be construed in such a manner so as to affect the original intent of the parties to the maximum extent possible.
- G. Amendment.
 - 1. Amendment to Grant Agreement. Any amendment to the Grant Agreement will thereafter apply in full to this Agreement. If an amendment to the Grant Agreement conflicts with the content in this Agreement, the Agreement shall be amended to remedy such conflicts.
 - 2. Amendment to Agreement. This Agreement may be changed only by a written amendment duly signed by both parties to this Agreement. Ironhouse shall not agree to any modification of the Award that materially affects the Subrecipient Project scope, schedule, budget, or compliance obligations without Subrecipient's prior written consent, which shall not be unreasonably withheld. Any such Award modification shall be reflected in a written amendment to this Agreement.

- H. Entire Agreement. This Agreement is the complete and exclusive statement of understanding between the parties, and supersedes any and all previous understandings or agreements, whether written or oral, and all communications between the parties relating to the subject matter of this Agreement.
- I. Termination.
1. Any breach of this Agreement may result in termination at the sole discretion of Ironhouse. Ironhouse, in its sole discretion, may provide a period to cure any breach not to exceed thirty (30) days.
 2. Any breach by Subrecipient of this Agreement or the terms of the Grant Agreement, or termination of the Grant Agreement by the State, or termination of this Agreement by Ironhouse as a result of a breach, or termination of this Agreement for any reason, may result in the withholding of funds by the State or demand for repayment of funds previously disbursed by Ironhouse to Subrecipient. Subrecipient will indemnify and hold harmless as provided for in Section III(A)(2) in this Agreement in the event of termination or breach.
 3. The provisions in this Agreement regarding indemnity, insurance and any ongoing obligations to EPA shall survive termination of this Agreement and shall remain in force through the later of the termination date of the Grant Agreement or when grant closeout activities are completed.
- J. Successors and Assigns. This Agreement and all of its provisions shall apply to and bind the successors and assigns of each and every party to this Agreement. Subrecipient shall not assign its rights or delegate their duties under this Agreement. Any attempted assignment or delegation shall be null and void and constitute a breach of this Agreement.
- K. Priority of Documents. The provisions of the Grant Agreement and any EPA regulations, including the Implementation Guidance, shall prevail over provisions of this Agreement, excepting Subrecipient's indemnification obligations to Ironhouse.
- L. Counterpart Signatures. This Agreement may be executed in counterparts, each of which shall be deemed to be an original but all of which taken together shall constitute one and the same Agreement. Signatures may be exchanged electronically, such as through use of Portable Document Format (PDF), or through the use of DocuSign or similar technology, with the same effect as original, wet signatures.

IN WITNESS THEREOF, this Agreement has been executed by the parties hereto:

IRONHOUSE SANITARY DISTRICT

By: Jean-Marc Petit, General Manager

Dated: _____

DIABLO WATER DISTRICT

By: Dan Muelrath, General Manager

Dated: _____

DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 6



TO: Each Director

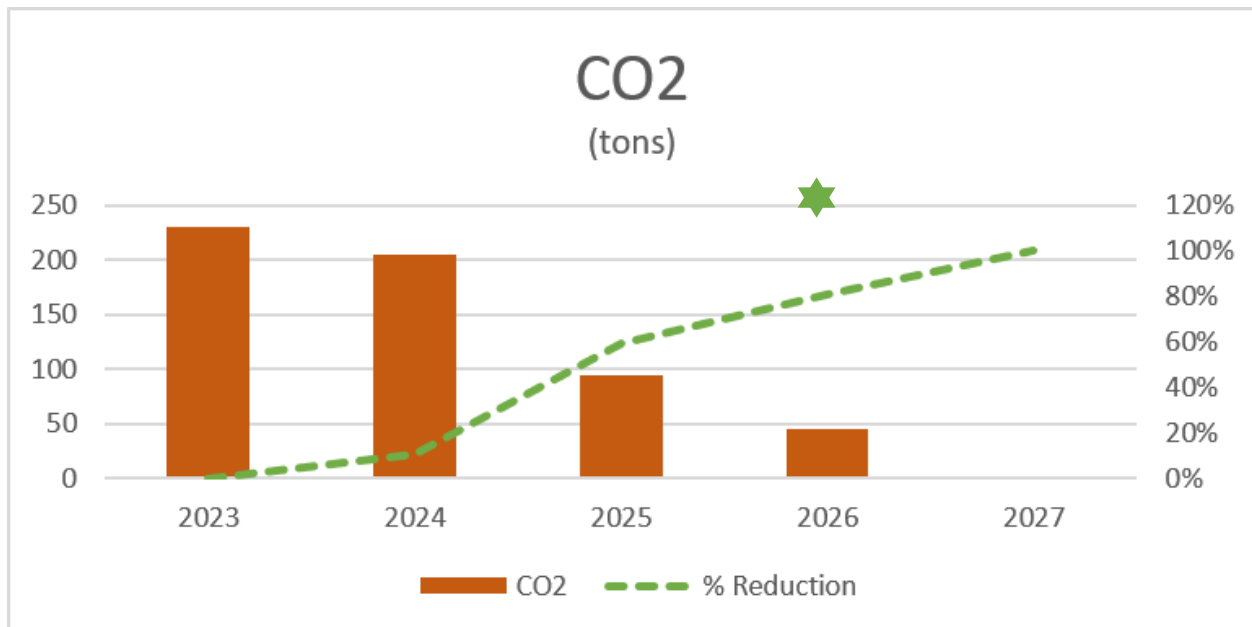
FROM: Dan Muelrath, General Manager

SUBJECT: Carbon Neutrality Update.

The District has been on a pathway to carbon neutrality since the target date of December 31, 2027 was established in 2021 via District Regulation 11 Carbon Neutrality.

Accomplishments to date include but are not limited to:

- All purchased power is 100% renewable energy from MCE
- Conversion of diesel vehicles and equipment to renewable diesel
- Conversion of all light-duty trucks to electric
- LED light conversions
- Installation of solar at:
 - Office (operating)
 - Corporation yard (operating)
 - R2/3 (awaiting final inspection from PG&E)
- Gas heater at office scheduled for replacement in current budget year
- Bethel Island reservoir and pump station being designed with solar offset



DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 6



The District remains on track to be carbon neutral by the end of 2027. This event will mark the first known water district to achieve carbon neutrality, not just in energy consumption, but across its entire operations.

RECOMMENDATION:

Receive.

Dan Muerlath

Dan Muelrath
General Manager



DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 7



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 = 145,000 AF – 90.6% full (92.5% last month).
 - Total Water Demand.
 - Local Well Production.

RECOMMENDATION:

Receive.

Dan Muelrath

Dan Muelrath
General Manager

Attachments: Statewide Reservoir Conditions
Total Water Demand
Local Well Production



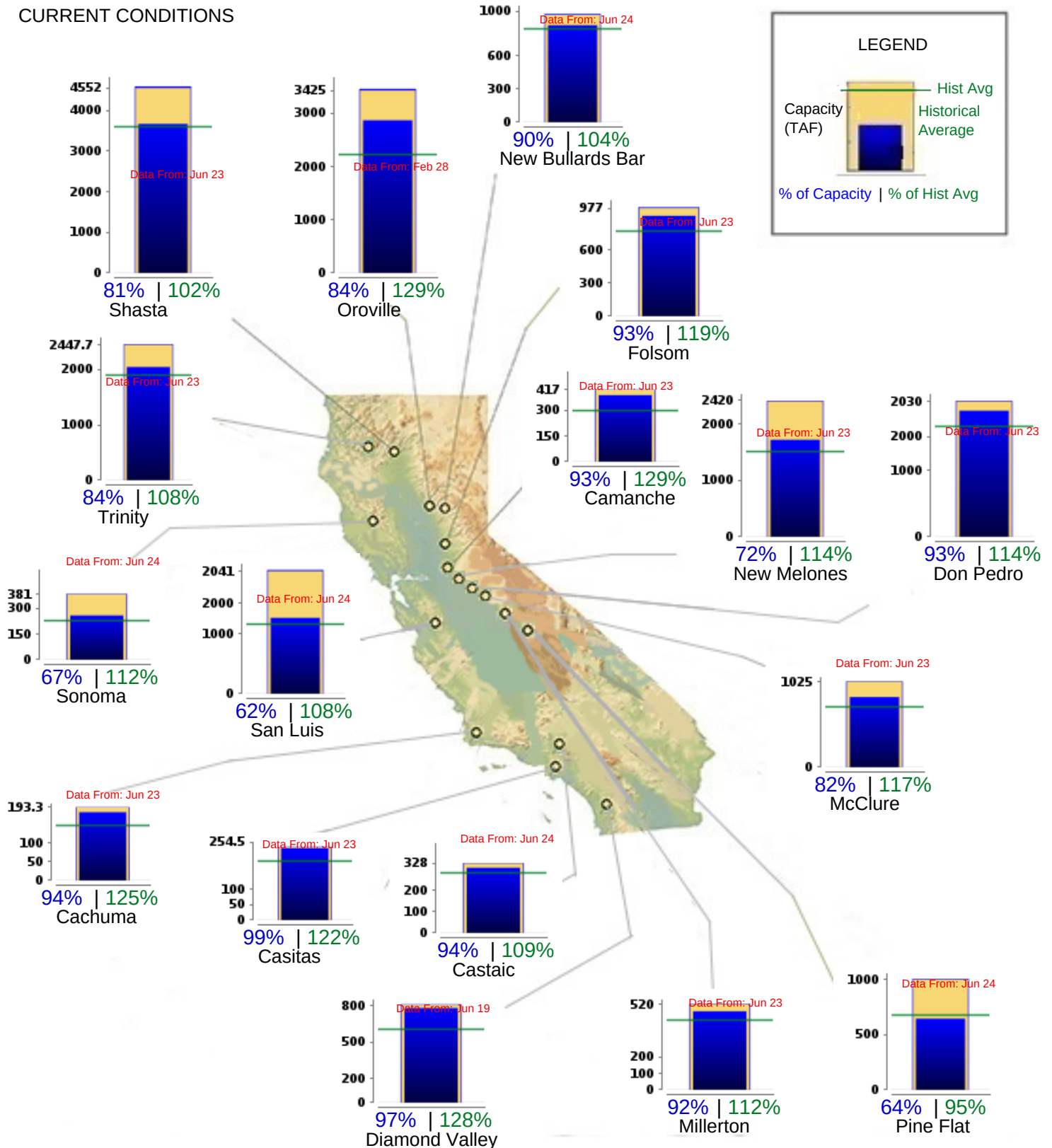


CURRENT RESERVOIR CONDITIONS

CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS

Midnight - September 14, 2026

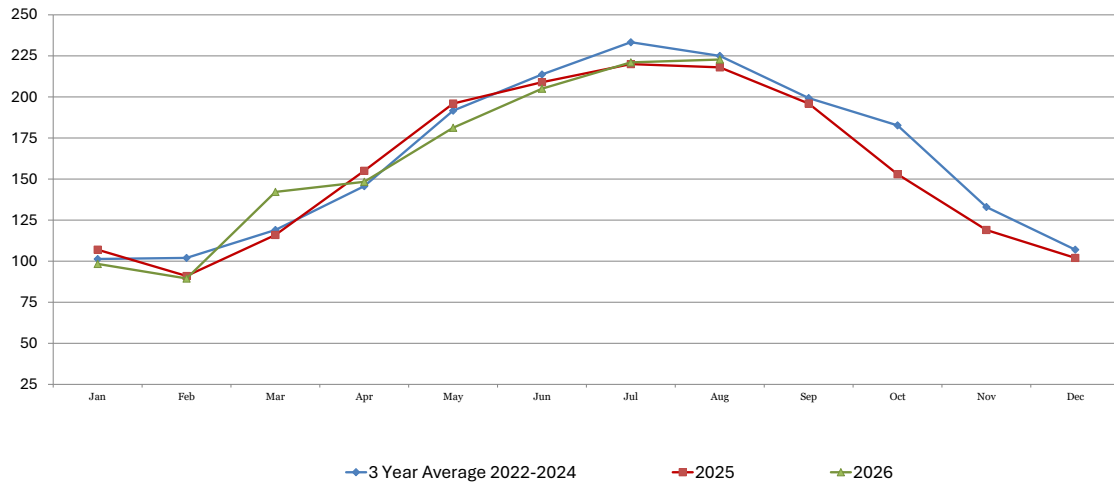
CURRENT CONDITIONS



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	101	102	119	146	192	214	233	225	199	183	133	107	163
2025 Usage	107	91	116	155	196	209	220	218	196	153	119	102	157
2026 Usage	98	89	142	148	181	205	221	223	0	0	0	0	164
% Reduction (+/-)	8.8%	1.7%	-18.4%	4.5%	8.1%	1.9%	-0.5%	-2.1%					0.5%
Connections 2026 vs. 2025	1.2%	1.1%	1.3%	1.2%	1.2%	1.4%	1.4%	1.4%					1.3%

WELL WATER BLENDED INTO DISTRIBUTION SYSTEM
MILLION GALLONS(MG)

[illegible]

WELL WATER BLENDED INTO DISTRIBUTION SYSTEM
MILLION GALLONS(MG)

	<u>Jul-25</u>	<u>Aug-25</u>	<u>Sep-25</u>	<u>Oct-25</u>	<u>Nov-25</u>	<u>Dec-25</u>	<u>Jan-26</u>	<u>Feb-26</u>	<u>Mar-26</u>	<u>Apr-26</u>	<u>May-26</u>	<u>Jun-26</u>
1	1.102	1.031	1.102	0.894	0.603	0.573	0.525	0.511	0.522	0.838	0.895	1.074
2	1.054	0.964	1.008	0.954	0.753	0.583	0.451	0.559	0.544	0.671	0.845	0.999
3	1.100	0.989	1.016	0.611	0.713	0.458	0.554	0.527	0.565	0.845	0.706	1.099
4	1.008	0.954	1.025	0.841	0.818	0.577	0.446	0.499	0.548	0.798	0.973	1.081
5	0.846	0.652	0.992	0.793	0.651	0.541	0.531	0.544	0.583	0.818	0.751	0.983
6	1.087	1.053	0.990	0.905	0.655	0.549	0.502	0.528	0.519	0.863	0.798	1.069
7	1.044	1.087	0.900	0.858	0.726	0.505	0.468	0.517	0.560	0.856	0.923	0.947
8	0.782	1.000	1.038	0.973	0.723	0.641	0.512	0.553	0.688	0.965	0.897	1.088
9	1.101	0.986	0.965	0.893	0.661	0.479	0.453	0.555	0.670	0.858	0.895	1.019
10	1.067	0.901	1.013	0.865	0.740	0.524	0.494	0.574	0.690	0.819	0.830	1.104
11	1.032	1.103	0.968	0.847	0.829	0.548	0.522	0.452	0.690	0.656	0.941	1.092
12	1.015	1.101	0.994	0.806	0.701	0.517	0.549	0.478	0.697	0.613	0.962	0.959
13	0.959	1.012	0.962	0.934	0.647	0.516	0.451	0.514	1.089	0.729	0.942	1.029
14	1.101	1.037	0.854	0.684	0.578	0.525	0.542	0.412	0.745	0.725	0.959	0.994
15	1.079	1.034	1.101	0.660	0.564	0.555	0.460	0.557	0.692	0.784	1.013	0.982
16	0.989	0.996	0.996	0.645	0.607	0.512	0.554	0.478	0.924	0.762	0.932	0.989
17	1.022	0.960	1.096	0.639	0.554	0.581	0.456	0.516	0.745	0.863	0.893	1.031
18	1.077	1.101	0.965	0.695	0.594	0.467	0.582	0.445	0.851	0.766	1.099	0.951
19	0.816	0.954	1.098	0.622	0.599	0.611	0.447	0.372	0.397	0.798	0.905	1.022
20	1.045	1.101	0.858	0.723	0.471	0.412	0.591	0.546	1.098	0.821	1.065	0.992
21	1.072	1.124	0.929	0.715	0.515	0.560	0.509	0.426	0.567	0.638	0.997	0.981
22	0.934	1.101	1.093	0.829	0.583	0.534	0.583	0.517	0.886	0.652	1.054	1.003
23	1.065	0.979	0.931	0.640	0.465	0.450	0.515	0.514	0.930	0.690	0.977	0.997
24	0.983	0.961	1.081	0.740	0.621	0.541	0.476	0.458	0.661	0.731	0.875	1.007
25	1.063	1.034	0.872	0.683	0.538	0.554	0.515	0.508	0.923	0.702	1.003	0.944
26	0.971	1.005	0.895	0.629	0.562	0.507	0.510	0.495	0.859	0.657	1.051	1.035
27	0.930	1.030	0.988	0.739	0.603	0.485	0.521	0.500	0.860	0.822	0.877	0.969
28	1.101	0.965	0.784	0.719	0.573	0.538	0.506	0.556	0.828	0.822	0.886	0.984
29	0.956	1.076	0.944	0.730	0.564	0.525	0.497		0.783	0.855	0.816	1.051
30	1.100	0.985	0.941	0.718	0.595	0.506	0.512		1.034	0.863	0.947	0.965
31	1.056	0.926		0.476		0.492	0.525		0.582		0.869	

TOTAL	31.5551	31.2006	29.3971	23.4568	18.8073	16.3670	15.7567	14.1110	22.7297	23.2770	28.5780	30.4377
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Jul-25 to Jan-26 at \$2960.00/MG 166.5406 MG

Feb-26 to Jun-26 at \$3080.00/MG 119.1334 MG

GRAND TOTAL: 285.6740 MG

FY 25/26	SAVINGS	\$ 859,890.90
FY 24/25	SAVINGS	\$ 811,494.05
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)

DATE	GLEN PARK	STONECREEK
09/01/26	0.5018	0.0000
09/02/26	0.5146	0.0128
09/03/26	0.4956	0.0000
09/04/26	0.5136	0.0168
09/05/26	0.5123	0.0000
09/06/26	0.5036	0.0000
09/07/26	0.5439	0.0000
09/08/26	0.5224	0.0000
09/09/26	0.5143	0.0188
09/10/26	0.5218	0.0000
09/11/26	0.5320	0.0186
09/12/26	0.5088	0.0000
09/13/26	0.4759	0.0000
09/14/26		
09/15/26		
09/16/26		
09/17/26		
09/18/26		
09/19/26		
09/20/26		
09/21/26		
09/22/26		
09/23/26		
09/24/26		
09/25/26		
09/26/26		
09/27/26		
09/28/26		
09/29/26		
09/30/26		
Totals	6.6606	0.0670
Combined Totals		6.7276

DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 8



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

Attachment: Construction List



Development Status Report

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



Project Description	Location	Developer/ Applicant	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
Elm Lane Apartments	Elm Lane, Oakley	Anton Development	Multi-Family	One 4" Domestic and One 1 1/2" Irrigation	Finalizing Paperwork for Final Acceptance	Board Approved	--	99%
9426 - Delta Coves Marina - Fire Services	West Wind Place, Bethel Island	DMB Development Inc.	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	Pulte Homes	Subdivision/Condos	64 Services (1" for fire sprinklers) and Two 1 1/2" Irrigation Services	Punchlist Items Complete: Awaiting As- Builts	Board Approved	--	98%
CIP 280	Laurel Rd at O' Hara	City of Oakley	Road Widening	1 Irrigation Connection	Waiting for As-Builts	FIA Not Required- only 1 service	--	98%
9307 - Summer Lake North- Backbone	North of E. Cypress Road; East of Bethel Island Road	DeNova Homes	Subdivision	Backbone Infrastructure for Future Subdivisions; Services for Irrigation	Finalizing Punchlist Items	Board Approved	RW, GWMW, CN	97%
9615 Machado Lane - Cosetti Property	APNs 033-190-003 & 033-190-004	Meritage Homes	Subdivision	76 Lots (1" services for fire sprinklers)	Awaiting As-Builts and Close Out Docs	Board Approved	--	98%
9616 Summer Lake North Phase 1 Village 1	North of E. Cypress Road; East of Bethel Island Road	DeNova Homes	Subdivision	88 Lots (1" services for fire sprinklers)	Punchlist complete; waiting for As-Builts and GWMW installation	Board Approved	RW, GWMW, CN	97%

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)

Updated 9/14/2026

Development Status Report

Project Description	Location	Developer/ Applicant	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	DeNova Homes	Subdivision	52 Lots (1" services for fire sprinklers)	Punchlist complete; waiting for As-Builts	Board Approved	RW, CN	98%
9619 Summer Lake North Phase 1 Village 4	North of E. Cypress Road; East of Bethel Island Road	DeNova Homes	Subdivision	63 Lots (1" services for fire sprinklers)	Punchlist complete; waiting for As-Builts	Board Approved	RW, CN	98%
Oakley Shops at Laurel Field	Laurel Rd at O' Hara	Regency Centers	Commercial/Safeway	1-1.5", 1-2", 1-3" domestic services; 1-1.5" irrigation service; 2-8" fire services	Completing GIS files	Board Approved	--	97%
8760 - Stonewood 1B	West of Rose Ave; south of Longhorn Way; North of Carpenter Road	Seeno Homes	Subdivision	133 Lots (1" services for fire sprinklers)	Awaiting GIS files and Record Drawings	Board Approved	GWMW	97%
9622 Summer Lake North Phase 1 Village 7	North of E. Cypress Road; East of Bethel Island Road	DeNova Homes	Subdivision	86 Lots (1" services for fire sprinklers)	Awaiting GIS files, Record Drawings, and installation of GWMW	Board Approved	RW, GWMW, CN	97%
9614 Sellers Avenue	South of E. Cypress Road; West of Sellers Avenue	Meritage Homes	Subdivision	77 Lots (1" services for fire sprinklers)	Waiting for GIS and As-Builts	Board Approved	--	97%
Emerson Ranch Commercial - Phase 1	Cypress Road at Sellers Avenue	Au Energy, LLC	Commercial	One 2" domestic, one 1" irrigation, and one 8" fire services	Awaiting completion of final paperwork	Board Approved	--	99%
8787 Rosewood Subdivision	4073 Rose Avenue, Oakley	Discovery Builders, INC	Subdivision	61 Lots (1" services for fire sprinklers)	Punchlist items complete. Awaiting GIS files and updated Record Drawings	Board Approved	--	95%

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	Developer/ Applicant	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
9557 Burroughs Property	E. Cypress Road & Knightsen Avenue	KB Homes	Subdivision	208 Lots (1" services for fire sprinklers)	Continuing to Work on Disinfection and Bac-T Testing	Board Approved	GWMW	85%
CIP 247	E. Cypress Road, East of Knightsen Avenue	City of Oakley	Road Widening/ Realignment	1 Irrigation Connection and Extension of 20" Waterline	Tie-ins Complete; Starting On Punchlist Items	FIA Planned for Upcoming Board Meeting	--	85%
9618 Summer Lake North Phase 1 Village 3	North of E. Cypress Road; East of Bethel Island Road	DeNova Homes	Subdivision	54 Lots (1" services for fire sprinklers)	Construction Underway	Board Approved	RW, CN	60%
9621 Summer Lake North Phase 1 Village 6	North of E. Cypress Road; East of Bethel Island Road	DeNova Homes	Subdivision	55 Lots (1" services for fire sprinklers)	Tie-ins Complete; Needing to Start Punchlist Items	Board Approved	RW, CN	85%
Live Oak Industrial Park	Live Oak Avenue; between Main St and Oakley Rd	Live Oak Investors, LLC	Industrial Facilities; 8 buildings	8 Buildings (4-1" potable services; 1-1" irrigation service; 1-8" fire service)	Developing Punchlist Items; awaiting GIS and Record Drawings	Board Approved	--	90%
CIP 310	E. Cypress Road, Canal Crossing to Jersey Island Rd	City of Oakley	Road Widening/ Realignment	No Connections	Construction Underway	Future Board Meeting	--	75%
CIP 302	E. Cypress Road, East of Jersey Island Rd	City of Oakley	Road Widening/ Realignment	No Connections	Construction Underway	Future Board Meeting	--	50%
9620 Summer Lake North Phase 1 Village 5	North of E. Cypress Road; East of Bethel Island Road	DeNova Homes	Subdivision	79 Lots (1" services for fire sprinklers)	Waiting for Project Start Date	Board Approved	RW, 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)

Updated 9/14/2026

Development Status Report

Project Description	Location	Developer/ Applicant	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
8803 - Brownstone (Clyde Miles Construction)	Brownstone Road, Oakley	Clyde Miles Construction	Subdivision	50 Lots (1" services for fire sprinklers)	Waiting to start Submittal Review	Board Approved	GWMW	0%
6013 - BIRPS Bethel Island Res. & Pump Station	Delta Coves Project, Bethel Island	SDC Delta Coves	Reservoir & Pump Station for Delta Coves	No Connections	Under Design and DWD Plan Review	Future Board Meeting	CN	0%
637 Brownstone Road	APN 034-170-006; Brownstone Rd; east of O'Hara Ave.	Discovery Builders, INC	Subdivision	Pending	On Hold	Future Board Meeting	--	0%
6610 - Spinnaker Cove	Cypress Road to Sandmound Blvd	Woehrle Development	Subdivision	Pending	Planning Stage	Future Board Meeting	--	0%
8807 - Villa Grove	2080 O'Hara Avenue	Discovery Homes	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)	Forecast Land Investments, LLC	Subdivision	34 Lots (1" services for fire sprinklers)	City Planning Stage	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	West Coast Home Builds	Subdivision	31 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	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)

Updated 9/14/2026

Development Status Report

Project Description	Location	Developer/ Applicant	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
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%
9404 - Leshner 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	Henghou Group	Subdivision	10 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	Future Board Meeting	--	0%
9534 - Stonewood 5	West of Rose Ave; south of Longhorn Way' North of Carpenter Road	Discovery Builders, INC	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	Oakley Road Partners, LLC	Subdivision	22 Lots (1" services for fire sprinklers)	City Planning Stage/On Hold	Future Board Meeting	--	0%
9579 Honey/Creekside Subdivision	463 & 560 Honey Lane	Nuvera Homes	Subdivision	57 Lots (1" services for fire sprinklers)	Under DWD Plan Review	Future Board Meeting	GWMW	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%

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)

Updated 9/14/2026

Development Status Report

Project Description	Location	Developer/ Applicant	Type of Project	Number and Size of Connections	Project Status	FIA Status	Additional Notes (see footer for detail)	Percent Facilities Installation Complete
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	City of Oakley	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	Edgemont Station LLC	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)	Matthew Rasuli	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
September 23, 2026 Board Meeting
Item Number 9



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
September 23, 2026 Board Meeting
Item Number 10



TO: Each Director

FROM: Dan Muelrath, General Manager

SUBJECT: Directors' Reports.

Representative assignments verbal reports:

Monthly:

- City of Oakley – Director Tiernan
- Ironhouse Sanitary District – President Seger
- Contra Costa Water District – Director Tiernan
- City of Oakley Planning Commission – Director Moats

As needed:

- ECWMA – President Seger
- ACWA JPIA – Director Moats
- SGMA – President Seger
- CCSDA – Director Shaw

Ad hoc reports:

- Report as needed

Other:

- Report as needed

RECOMMENDATION:

Discuss.

Dan Muelrath

Dan Muelrath
General Manager



DIABLO WATER DISTRICT
September 23, 2026 Board Meeting
Item Number 11



TO: Each Director

FROM: Dan Muelrath, General Manager

SUBJECT: Future Board Meetings and Agenda Items.

October 28, 2026 - 6:30 pm	
Intertie Agreements	Action
Operations Regulations Updates	Action
HR Items (final regulation updates, and adding two new job descriptions)	Action
Recycled Water Feasibility Study Update	Discussion
November 18, 2026 (Special) - 2:30 pm	
Contra Costa Special District Association Overview	Presentation
2026 Facilities Plan Update	Discussion
November 25, 2026 (Regular) CANCELLED	
December 9, 2026 (Special) - 2:30 pm	
Oath of Office for Directors Elected in Election	Action
Officer and Representation Assignments	Action
Acceptance of Annual Audit	Action
GFOA Distinguished Budget Award Presentation (<i>if awarded</i>)	Action
Other Items	Future Date
Cross-Connection Control Plan Update	Once Approved by State

