

Alameda County Water District

Proposed 2023 Rates & Charges

Public Hearing
February 9, 2023

Presenters: Jon Wunderlich, Director of Finance & Administration
Sydney Oam, Financial Analysis Supervisor
Laura Hidas, Director of Water Resources
Ethan Burch, Administrative Analyst

Presentation Overview

- About ACWD
- Rate Hearing and Rate Setting Process
- Why are Rate Increases Necessary?
- What is ACWD Doing to be Efficient and Control Costs?
- Financial Plan Review
- Proposed Water Rates & Charges
- Drought Update and Related Rates Proposal
- Miscellaneous Rates and Charges
- How Can I Save Money?
- Protest Procedures and Status
- Recommendations

About ACWD

- Founded 1914
- Public agency that **does not make a profit**
- ~345,000 population served
- ~87,000 service connections
- Services:
 - 24 x 7 x 365 water service, operation, regulatory compliance, and emergency response
 - Fire protection water supply/storage
 - Watershed and groundwater resources management and protection
 - Customer service
 - Community education and awareness
 - Water conservation assistance
 - Federal, state, and regional engagement
- 244 budgeted positions

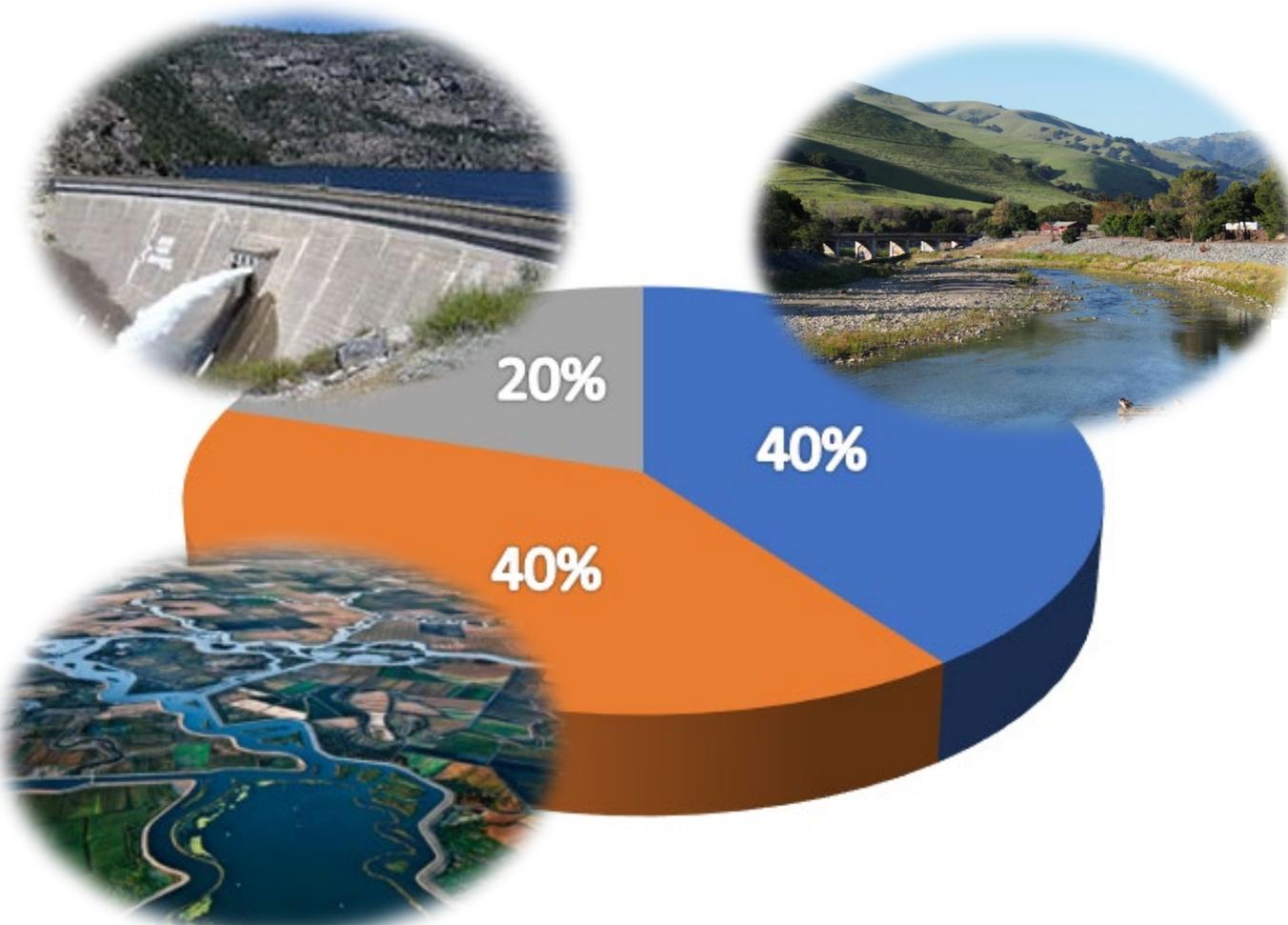
It is the mission of the Alameda County Water District to provide a reliable supply of high-quality water at a reasonable price to our customers.



Your Water Sources

Typical Water Supplies

- Alameda Creek Watershed (local)
- State Water Project (imported)
- San Francisco PUC (imported)



About this Public Hearing

- At the December 8, 2022 meeting, the ACWD Board set February 9, 2023, at 6:00 p.m. as the date and time for a public hearing and authorized staff to mail Proposition 218 notifications
- In addition to mailing notice to all customers and property owners, notices of the public hearing were posted on the District's website, social media outlets, local newspapers, and local city halls and libraries
- Staff has performed a number of different public outreach efforts including two community meetings in January 2023: one held in person and one held virtually

ACWD Rate Setting Process

Held **4** public financial workshops
May 2022 to September 2022

Updated our long-range expenditure forecasts and modeling

Analyzed water demand and projected revenues

Calculated rates needed to meet the cost of service

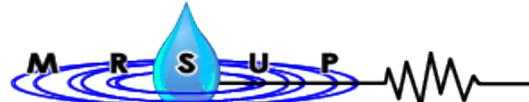
Evaluated rate structure options and drought surcharge rates

Why Are Rate Increases Necessary?

Multiple factors create pressure on rates:

- **Increasing labor costs** – current union contract includes a 3.25% cost-of-living increase each year in 2022 and 2023 and 3.14% in 2024
- **Capital projects** – fund significant water supply and water quality initiatives, including Los Vaqueros Reservoir Expansion, Delta Conveyance, Alameda Creek watershed preservation and protection, and new water treatment facility to remove PFAS from water
- Increasing environmental and water quality **regulations**
- Increasing costs for **water purchases** from SFPUC
- **Meeting debt covenants** and **maintaining sufficient reserves** and ACWD's excellent AAA bond rating

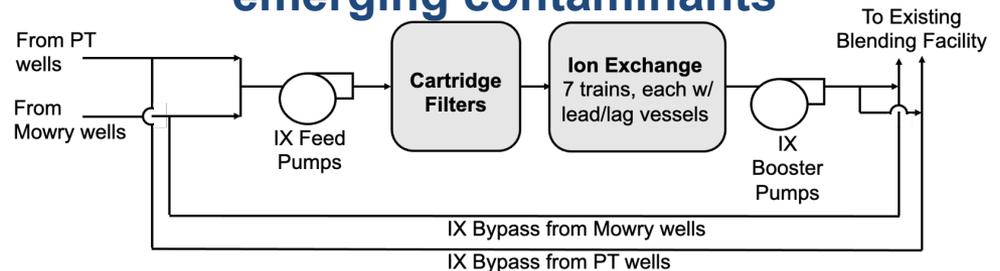
Capital Projects Funded by Rate Dollars



M R S U P
Main Renewal and Seismic Upgrade Program



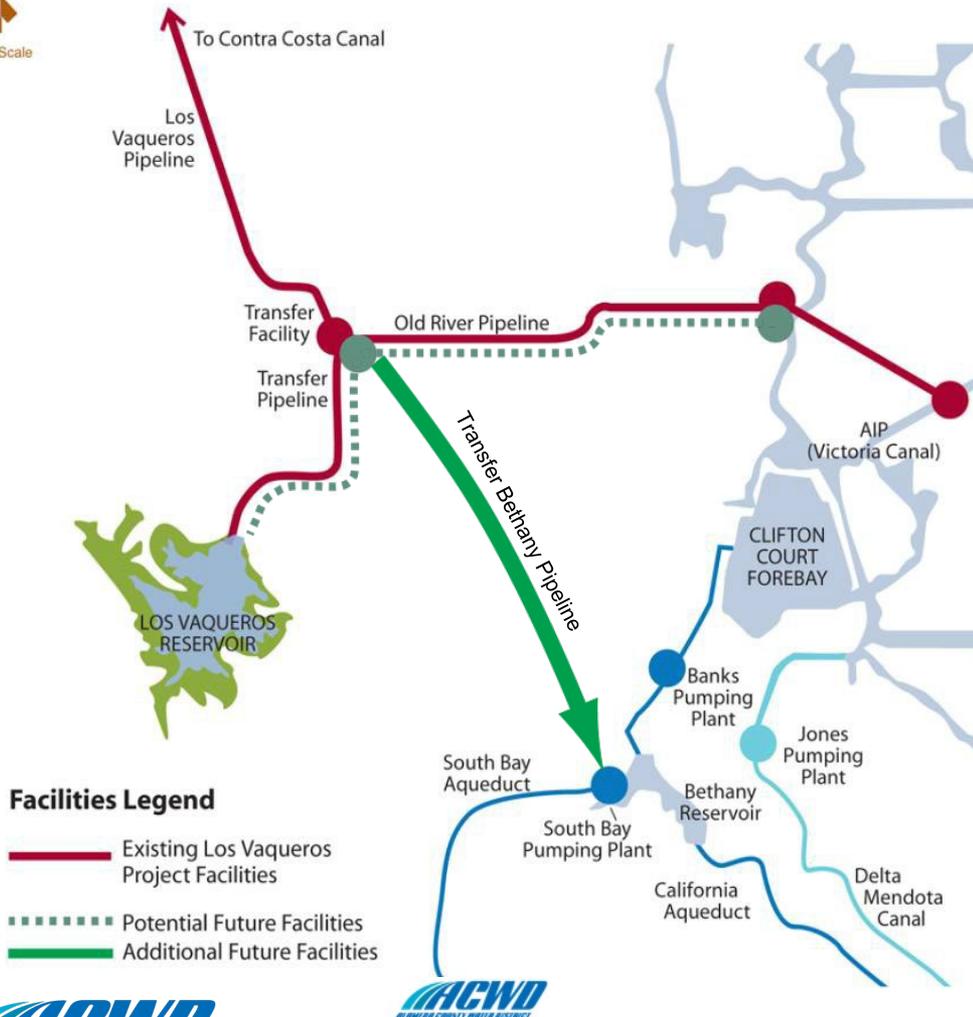
New water treatment to address emerging contaminants



Rates Support Water Supply Reliability



Not to Scale



Facilities Legend

- Existing Los Vaqueros Project Facilities
- - - - - Potential Future Facilities
- Additional Future Facilities



Public Hearing, February 9, 2023

Los Vaqueros Expansion Project (LVE)

- Location
 - Adjacent to State Water Project
 - South of Delta yet “Upstream” of ACWD
- Provides emergency resiliency for Delta outage
- Potential to capture Delta surpluses
- Could provide more operational flexibility
- Facilitate easy transfers to and from any and all LVE partners and sources of water

What is ACWD Doing to be Efficient and Control Costs?

- Long-Standing Practices
 - Managing water supplies to maximize use of lowest-cost water
 - Refinancing existing debt to lower debt service costs
 - Partnering with other agencies to execute joint projects to reduce costs and community impacts
 - Teaming with other agencies to secure lower prices on necessary chemicals
- New Initiatives
 - Implementing Advanced Metering Infrastructure (AMI) to provide customers better tools to track their water use, improve metering accuracy, and to provide long-term operational savings
 - Increasing energy efficiency and installing solar facilities to reduce power costs
 - Lowering costs related to our vehicle fleet by transitioning to a leasing program



What is ACWD Doing to be Efficient and Control Costs?

Leveraging grants & external funding:

- Secured significant funding from grants and partnerships with other agencies:
 - Received **\$23.9 million** in grants and reimbursements over the past three years primarily for mandated projects in Alameda Creek
 - Estimate receiving an additional **\$9.6 million** in grants and reimbursements over the next three years for various capital projects and programs
- Maintaining excellent bond ratings and may strategically use debt for a share of the capital project costs to help manage cash flow and spread costs out over time
 - Achieved **\$2 million** in savings in 2022 by refinancing existing debt



Alameda County Water District

Financial Plan Review

Financial Planning Model

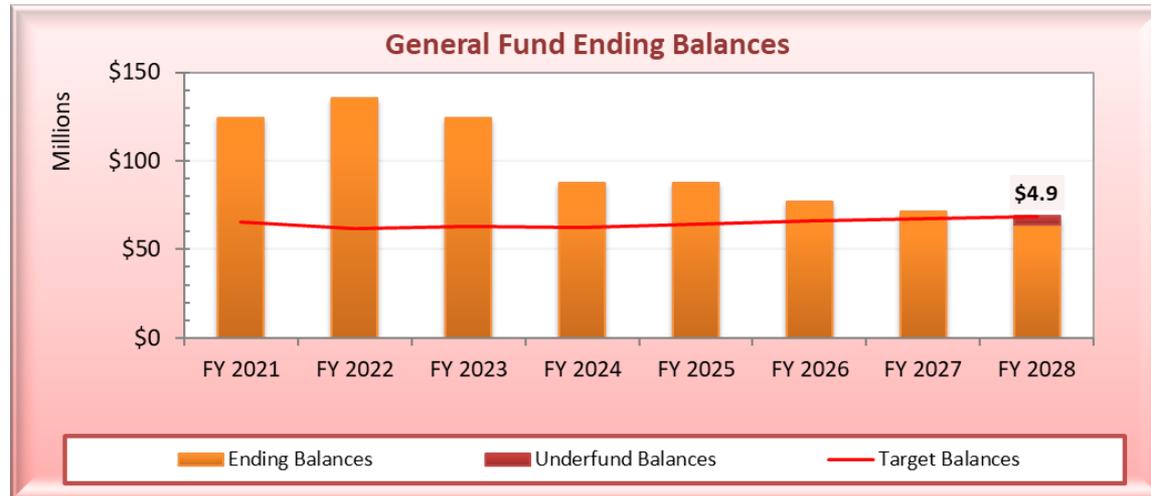
Current Assumptions

- Amended Fiscal Year 2022/23 Budget
- Projected billed demands based on conservation targets and modest drought rebound
- Labor and benefit costs consistent with labor contracts
- Contributions for pension and retiree health benefits remain on target for full funding by June 2032
- SFPUC wholesale water rate increases include 15.9% increase effective July 1, 2022
- Fully fund the approved capital program, plus added costs for 6 MGD PFAS project to make it compatible with a future upsizing
- Debt issuance in Fiscal Year 2024/2025 to help fund capital program
- Water revenue adjustments: Proposed 4% increase effective March 1, 2023; 4% increase effective March 1, 2024
- Assumed future annual rate increases of 3%
- Assumes drought surcharges end June 30, 2023

Charts from Financial Planning Model with Current Assumptions:

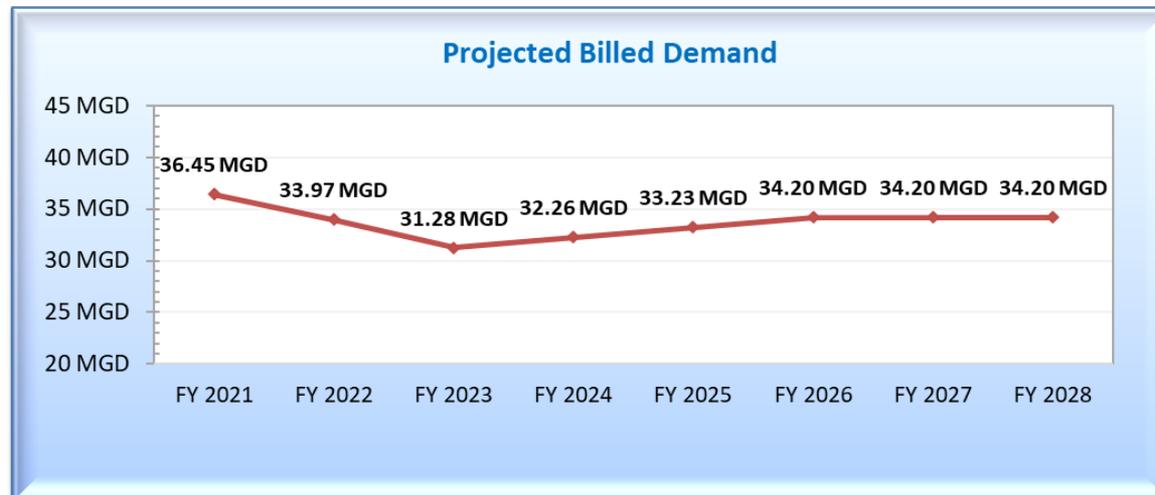
4% Increase Effective March 1, 2023 and March 1, 2024

- Low balance of \$63.9 million in Fiscal Year ending 2028 (\$4.9 million below reserve target)



“FY” means “Fiscal Year ending”

- Projected billed demand based on conservation target and modest drought rebound

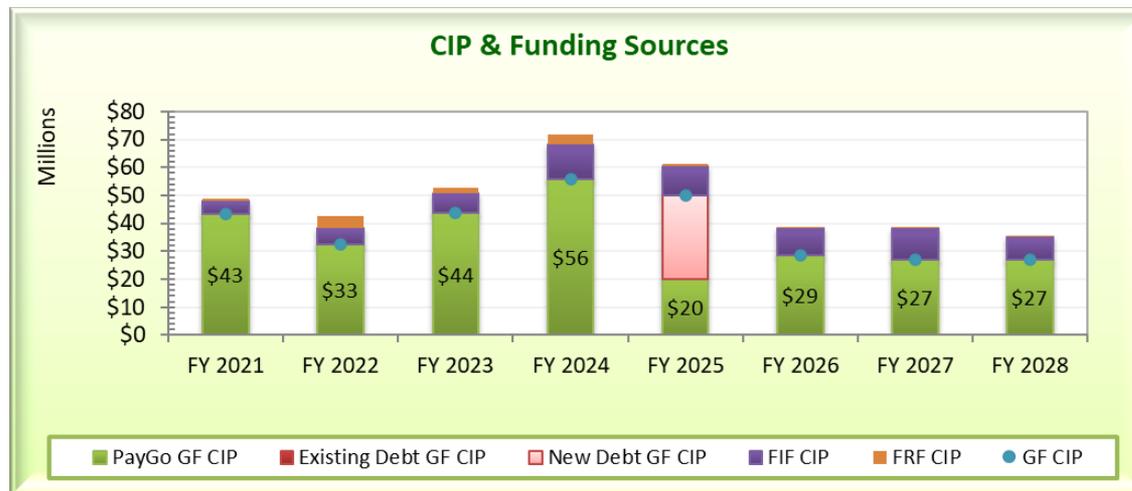
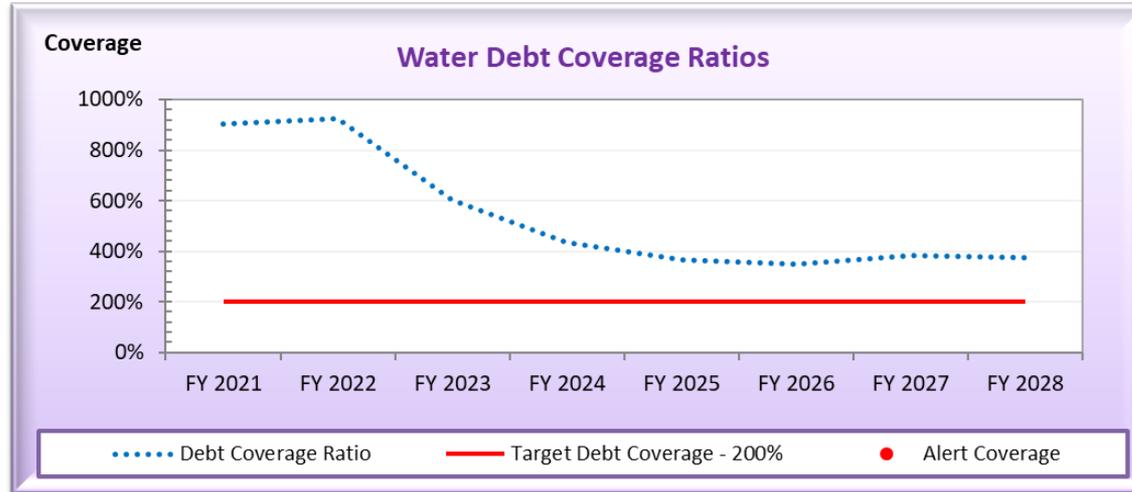


“MGD” means “million gallons per day”

Charts from Financial Planning Model with Current Assumptions:

4% Increase Effective March 1, 2023 and March 1, 2024

- Low year debt coverage ratio at 348% in Fiscal Year ending 2026
- PayGo General Fund CIP totals \$203 million for Fiscal Year ending 2023 through Fiscal Year ending 2028
- Assumed \$30 million debt issuance in Fiscal Year ending 2025



“FY” means “Fiscal Year ending”

“PayGo” means “pay as you go”

“GF” means “General Fund”

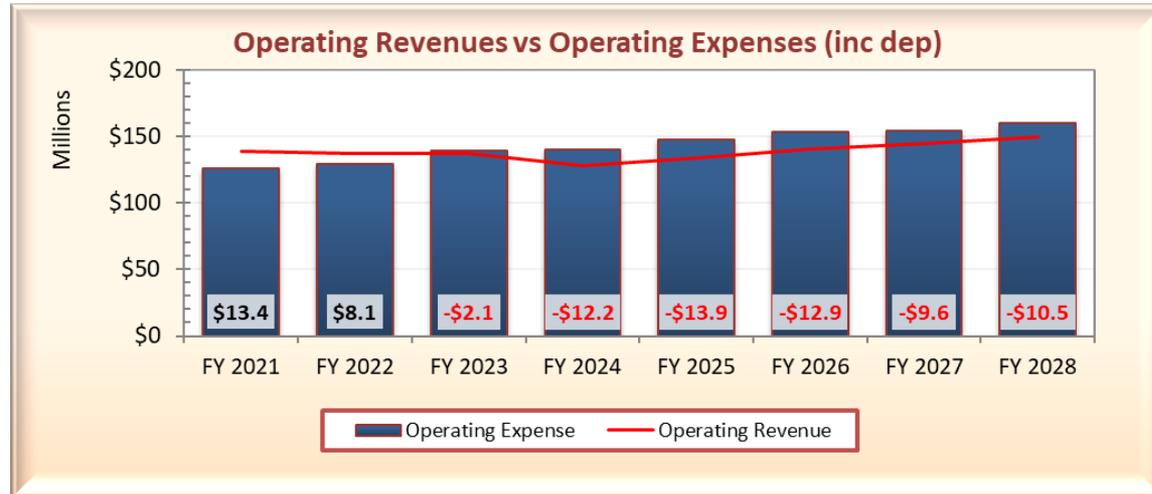
“CIP” means “Capital Improvement Program”



Charts from Financial Planning Model with Current Assumptions:

4% Increase Effective March 1, 2023 and March 1, 2024

- District relies on non-operating revenues to cover operating expenses



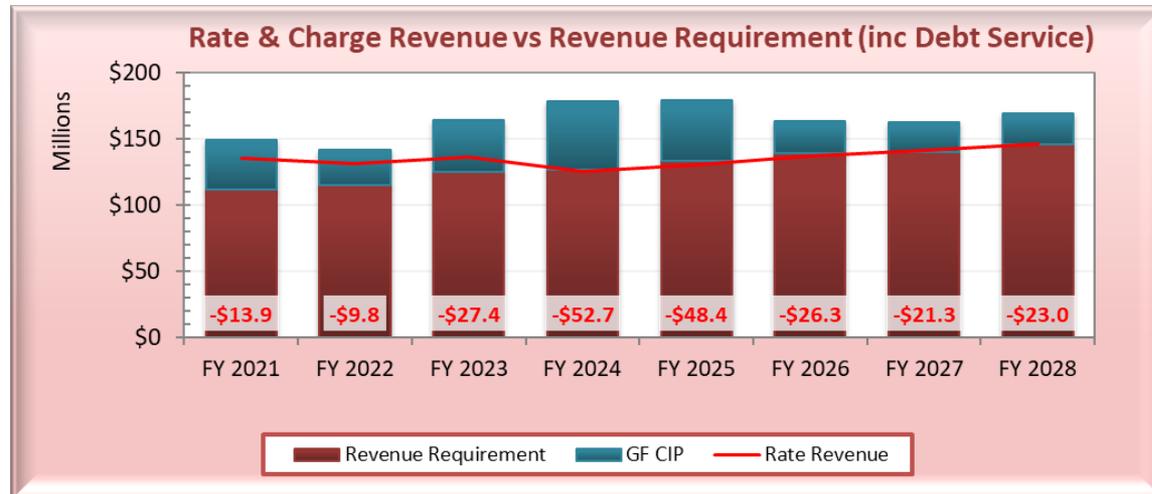
“FY” means “Fiscal Year ending”

“dep” means “depreciation”

“GF” means “General Fund”

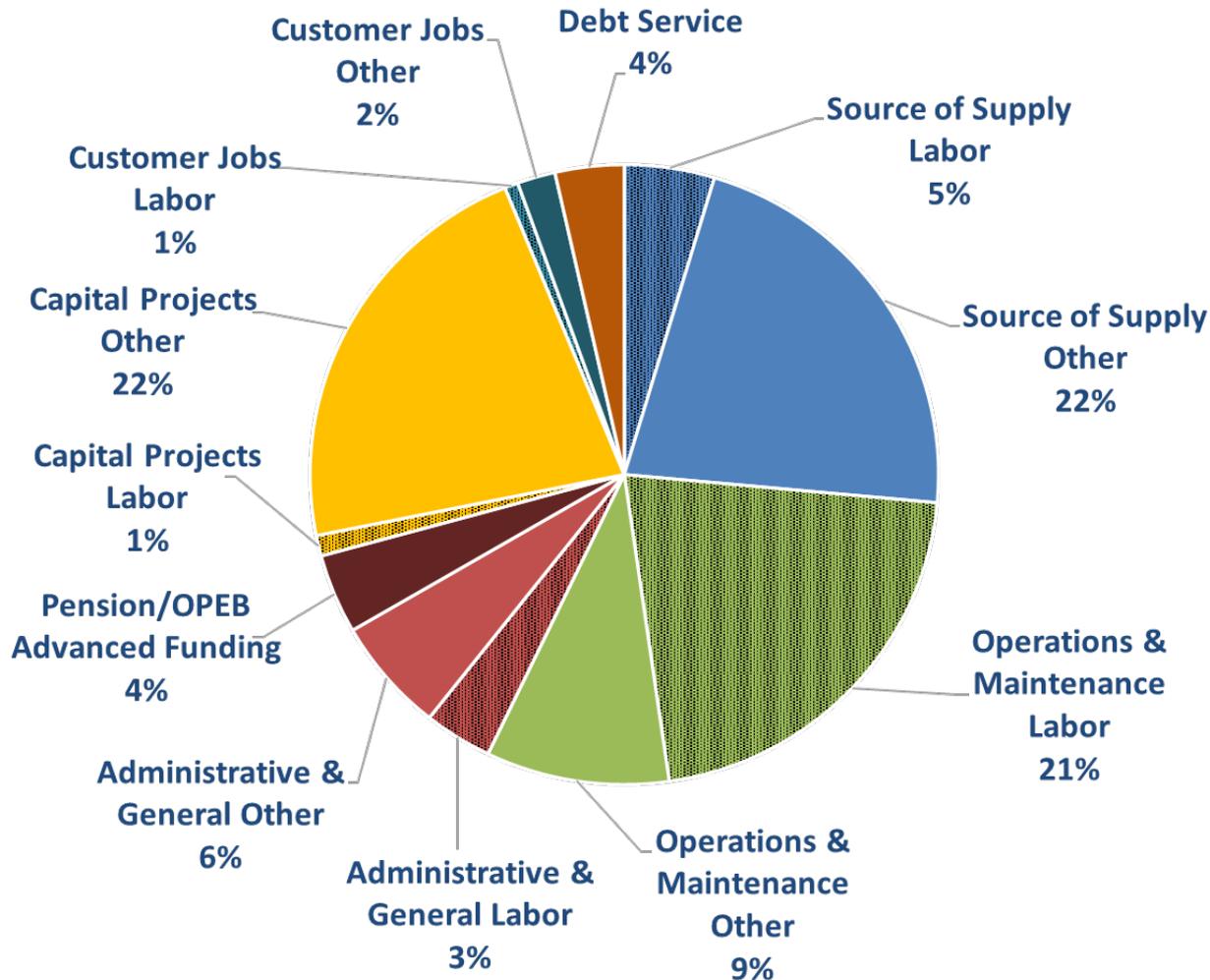
“CIP” means “Capital Improvement Program”

- District relies on other funding sources, including property taxes and accumulated reserves, in addition to water rate and charge revenue



District Budget Overview

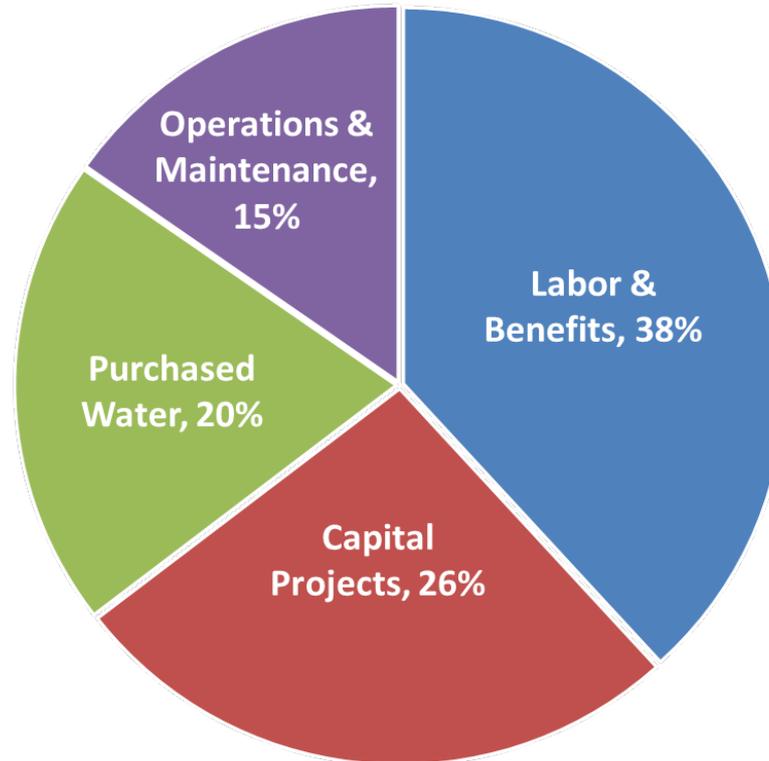
Fiscal Year 2022/23 Budget – General Fund
\$168.2 million



Facilities Connection Charges (FCC):
District received \$9.8 million in FCC revenues in Fiscal Year 2021/22 – \$6.4 million pays for growth-related capital projects and \$3.4 million pays for capital projects that refurbish or replace facilities. Received \$5.9 million so far in Fiscal Year 2022/23

Where is the Money Going?

Cost Increase Component



Proposed rate increase would generate about \$5.0 million annually allocated to employee compensation, capital projects, water purchases, and operations & maintenance

Alameda County Water District

Proposed Rates & Charges

Proposed Water Rates & Charges

- Bimonthly Service Charges for each size of water meter

Meter Size	Current Effective March 1, 2022 Service Charges	Proposed Effective March 1, 2023 Service Charges (4% Increase)	Proposed Effective March 1, 2024 Service Charges (4% Increase)
5/8 & 3/4-inch	\$58.94	\$61.30	\$63.75
1-inch	\$94.18	\$97.95	\$101.87
1 ½-inch	\$182.25	\$189.54	\$197.12
2-inch	\$287.95	\$299.47	\$311.45
3-inch	\$622.64	\$647.55	\$673.45
4-inch	\$1,115.87	\$1,160.50	\$1,206.92
6-inch	\$2,824.56	\$2,937.54	\$3,055.04
8-inch	\$4,938.41	\$5,135.95	\$5,341.38
10-inch	\$7,404.57	\$7,700.75	\$8,008.78

Proposed Water Rates & Charges (cont.)

- Water Consumption Charge Rates

	Current Effective March 1, 2022 Commodity Rate	Proposed Effective March 1, 2023 Commodity Rate (4% Increase)	Proposed Effective March 1, 2024 Commodity Rate (4% Increase)
Inside District	\$4.596/unit	\$4.78/unit	\$4.97/unit
Outside District	\$5.253/unit	\$5.46/unit	\$5.68/unit

One “unit” is equal to 100 cubic feet (or 748 gallons) of water

Proposed Water Rates & Charges (cont.)

- Private Fire Service Rates – to recover costs associated with private fire service capacity

Fire Service Diameter	Current Effective March 1, 2022 Private Fire Service Rates	Proposed Effective March 1, 2023 Private Fire Service Rates (4% Increase)	Proposed Effective March 1, 2024 Private Fire Service Rates (4% Increase)
3/4-inch	\$7.93	\$8.25	\$8.58
1-inch	\$8.12	\$8.44	\$8.78
2-inch	\$9.97	\$10.37	\$10.78
4-inch	\$21.46	\$22.32	\$23.21
6-inch	\$47.57	\$49.47	\$51.45
8-inch	\$92.59	\$96.29	\$100.15
10-inch	\$160.32	\$166.73	\$173.40
12-inch	\$254.19	\$264.36	\$274.93

Proposed Water Rates & Charges (cont.)

- Drought Surcharges that only apply during a declared water shortage emergency (currently: Stage 2a)

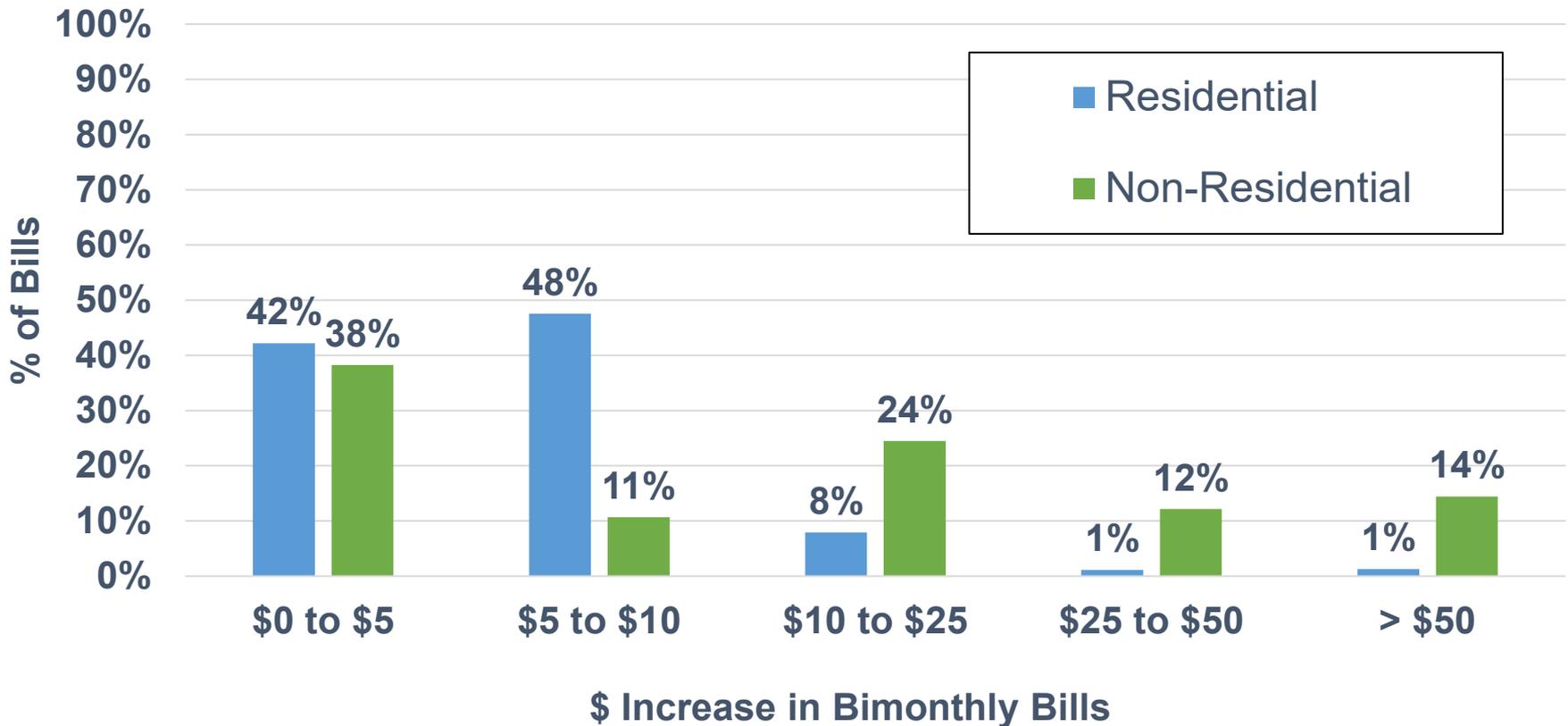
Water Shortage Contingency Plan Stage	Reduction in Water Demand	Projected Water Sales (Acre-feet)	Current Unit Drought Surcharge	Proposed Effective March 1, 2023 Unit Drought Surcharge	Proposed Effective March 1, 2024 Unit Drought Surcharge	Proposed Effective March 1, 2023 Commodity Rate Per Stage*	Proposed Effective March 1, 2024 Commodity Rate Per Stage*
0	0%	39,226	\$0.00	\$0.00	\$0.00	\$4.78	\$4.97
1	10%	35,303	\$0.50	\$0.52	\$0.54	\$5.30	\$5.51
2a	15%	33,342	\$0.79	\$0.82	\$0.85	\$5.60	\$5.82
2b	20%	31,381	\$1.12	\$1.16	\$1.21	\$5.94	\$6.18
3a	25%	29,419	\$1.49	\$1.55	\$1.61	\$6.33	\$6.58
3b	30%	27,458	\$1.92	\$2.00	\$2.08	\$6.78	\$7.05
4	40%	23,536	\$3.00	\$3.12	\$3.25	\$7.90	\$8.22
5	50%	19,613	\$4.44	\$4.62	\$4.81	\$9.40	\$9.78
6	60%	15,690	\$5.85	\$6.90	\$7.18	\$11.68	\$12.15

*Outside District Customers should add the drought surcharge to their base rate

Customer Impacts of Proposed Rates

Service & Commodity Charges

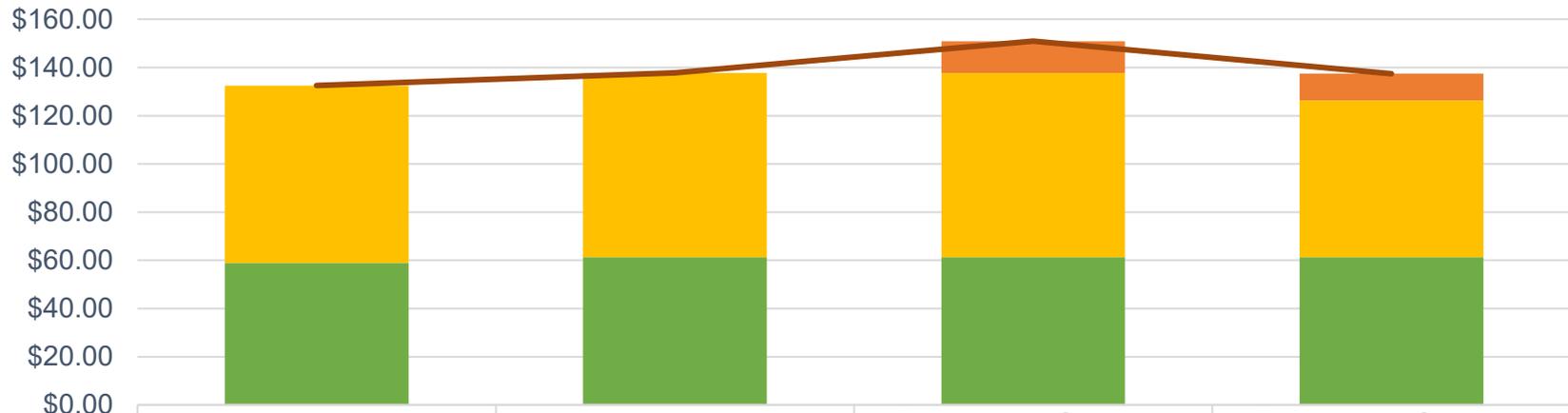
Customer Impacts



Drought Surcharges Customer Impact

- Current drought surcharges are based on conservation target of 15%

Sample Single Family Residential Bimonthly Bill with Stage 2a Drought Surcharge

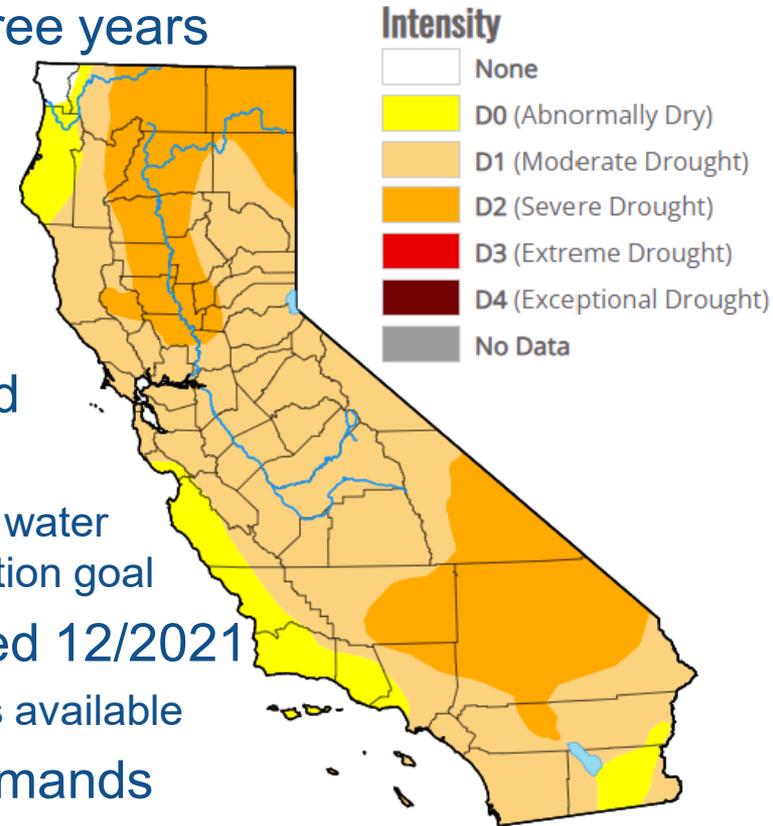


	Current Baseline Rates - 16 HCF	Proposed Baseline Rates	Proposed at Stage 2a 16 HCF (No Reduction)	Proposed at Stage 2a 13.6 HCF (15% Reduction)
Drought Surcharge	\$0.00	\$0.00	\$13.12	\$11.15
Commodity Rate	\$73.54	\$76.48	\$76.48	\$65.01
Service Charge	\$58.94	\$61.30	\$61.30	\$61.30
Total Bimonthly Bill	\$132.48	\$137.78	\$150.90	\$137.46

“HCF” means “one hundred cubic feet,” or one “Unit” of water volume (equals 748 gallons)

Is the Drought Over?

- Severe drought conditions over the past three years
- Significant deficit in state water storage
- Rain & snow to date has helped, but still potential for continued dry conditions
- State remains in a drought emergency
- Imported water supplies remain constrained
 - State Water Project – 30% allocation
 - San Francisco Regional Water System – under a water shortage emergency with 11% systemwide reduction goal
- ACWD Water Shortage Emergency declared 12/2021
 - Ordinary demands could not be met with supplies available
- 15% systemwide target to reduce water demands



Source: US Drought Monitor, map released as of 1/26/2023, <https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?CA>

When Will ACWD Rescind Its Drought Emergency Declaration?

- ACWD's Board of Directors will consider the following when determining local drought emergency status:
 - Status of California Drought Emergency Declaration, and related Executive Orders and SWRCB Emergency Regulation
 - Whether there is **sufficient water supply** to meet customers' needs, based on local and imported water supply conditions (including SFPUC Water Shortage Emergency Declaration)
- We are only partway through the rainy season:
 - More certainty on available supplies anticipated around April
 - Staff continuously monitoring new developments

Factors Affecting Local Drought Status

- State Water Resources Control Board Emergency Water Conservation Regulations remain in place
- Drought Executive Order N-7-22 requires regulations that implement Level 2 water shortage actions
- San Francisco Regional Water System status
 - Still in a declared water shortage emergency
 - Curtailments remain a possibility
- State Water Project supply availability
 - Recent allocation increase from 5% to 30% is encouraging, but dry conditions may persist
 - Spring snow surveys will provide more certainty on available supply
- Local groundwater conditions
 - Improving, but still room for additional storage

Effect on Total Bill

- Proposed Increase Impacts for an Average Single Family Residential Customer Bi-Monthly Bill (16 Units**)

	Commodity Rate*	Service Charge	New Total Overall Bill	Increase Per Bill	Increase Per Month	Increase Per Day
Current Effective March 1, 2022	\$73.54	\$58.94	\$132.48	-	-	-
Proposed Effective March 1, 2023	\$76.48	\$61.30	\$137.78	\$5.32	\$2.65	\$0.087
Proposed Effective March 1, 2024	\$79.52	\$63.75	\$143.27	\$5.49	\$2.74	\$0.090

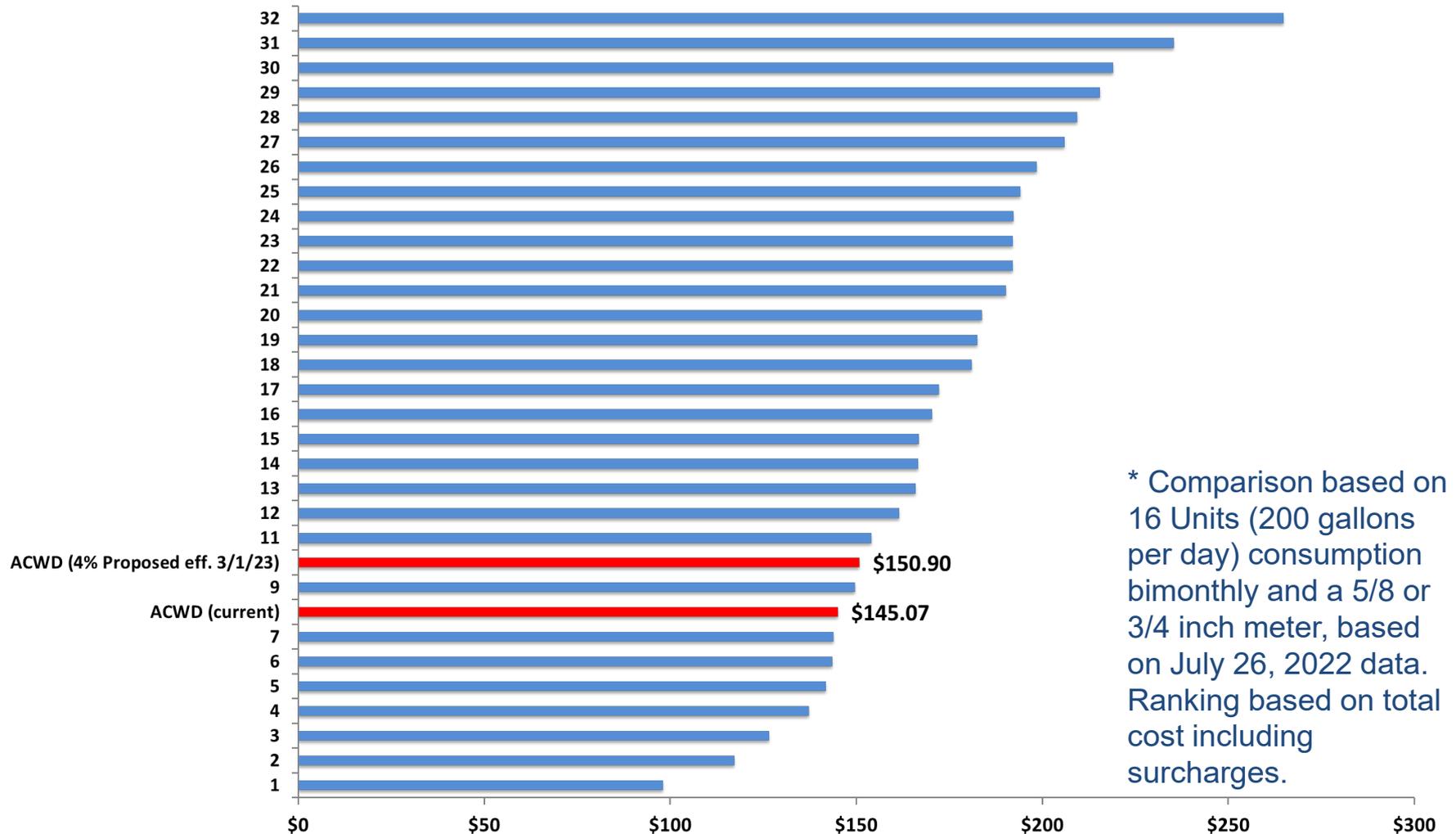
*Excludes the drought surcharge

**One "Unit" is equal to 100 cubic feet (or 748 gallons) of water volume

Proposed Water Rates Increase

How do ACWD's rates compare?

2022 Average Water Bill Comparison*



* Comparison based on 16 Units (200 gallons per day) consumption bimonthly and a 5/8 or 3/4 inch meter, based on July 26, 2022 data. Ranking based on total cost including surcharges.



Alameda County Water District

Miscellaneous Rates & Charges

Miscellaneous Rates & Charges

Proposed Changes

Fee/Charge	Current Effective March 1, 2022	Proposed Effective March 1, 2023	FY 2021/22 General Fund Revenue
Fire Hydrant Meter Charges			\$58,406
Deposit (3" Meter + RP* Device)	\$1,643	\$2,320	
Late Return Field Investigation / Follow-Up Charge	\$120	\$130	
Late Meter Reading Field Investigation / Follow-Up Charge	\$110	\$105	
Field Charge	\$46	\$48	\$0
Damaged Angle Stop Charge	\$313	\$327	\$0
Reconnection Charges			\$8,732
Weekdays - 8:00 a.m. to 4:00 p.m.	\$46	\$48	
Replacement of a Pulled Meter & Turn On	\$104	\$110	
Inspection/Testing of Backflow Prevention Device	\$85	\$87	\$569,585

*RP means a "Reduced Pressure" principal backflow prevention device

Miscellaneous Rates & Charges

Proposed Changes

Fee/Charge	Current Effective May 1, 2022	Proposed Effective May 1, 2023	FY 2021/22 General Fund Revenue
Meter Installation Charges			Customer Jobs
3/4" Meter	\$261	\$306	
1" Meter	\$273	\$364	
1-1/2" Meter	\$468	\$554	

Miscellaneous Rates & Charges

Proposed New Charges

Fee/Charge	Current Effective March 1, 2022	Proposed Effective March 1, 2023	FY 2021/22 General Fund Revenue
Meter Tampering Investigation	\$0	\$75	New
Meter Tampering/End Point Replacement	\$0	\$150	New
Meter Tampering/Meter Replacement			
3/4" Meter	\$0	\$306	New
1" Meter	\$0	\$364	New
1-1/2" Meter	\$0	\$554	New

Alameda County Water District

Facilities Connection Charges (FCC)

Proposed Facilities Connection Charges Inflationary Adjustments

- Inflationary increase of 13.65% calculated based on the July 2021 – July 2022 increase in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area as authorized by the Board's February 2019 action revising the District's FCC

Residential Meters

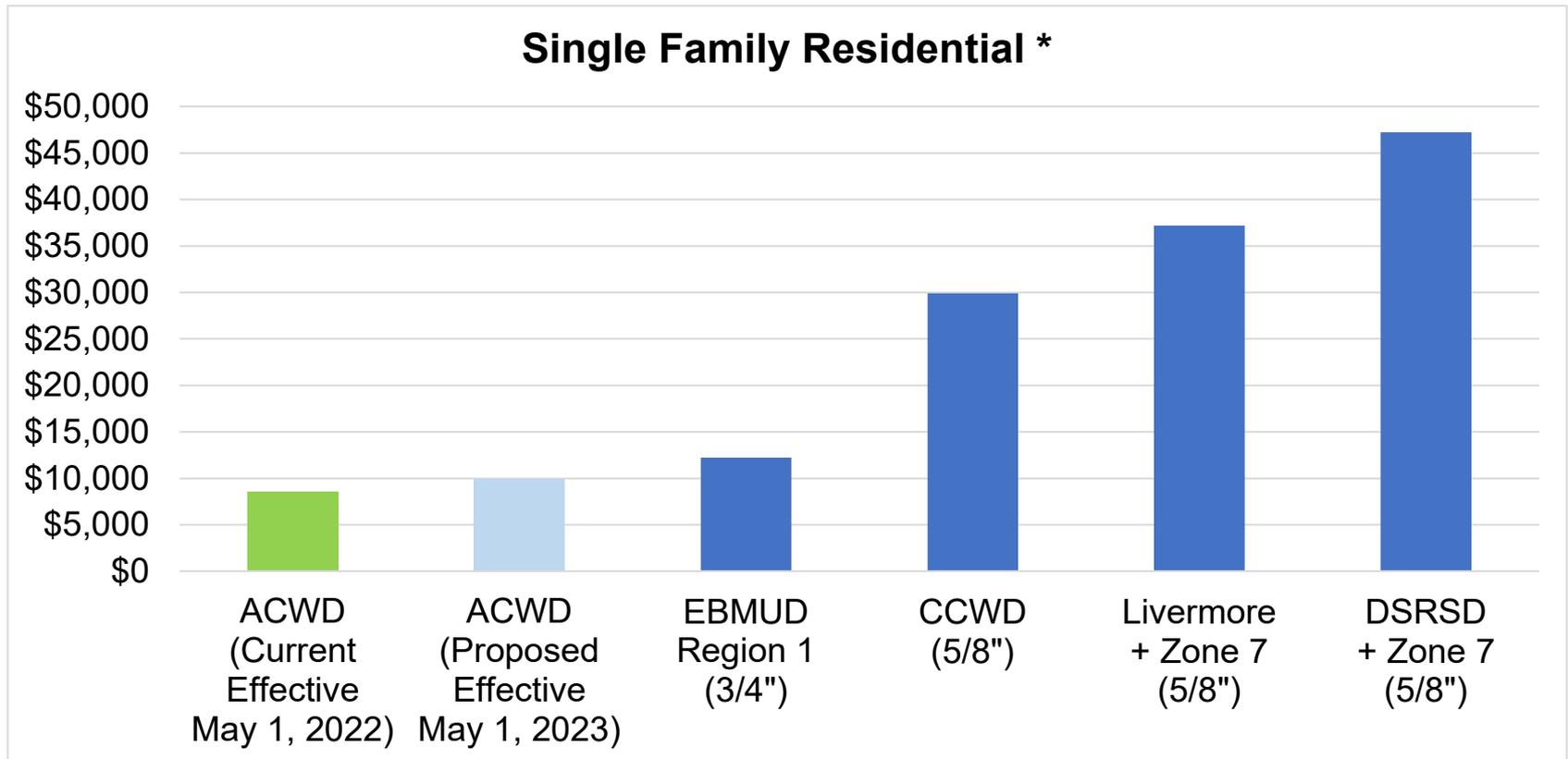
Unit Type	Incremental Cost Component per Dwelling Unit	Equity Buy-In Component per Dwelling Unit	Total Proposed Effective May 1, 2023
Single Family Dwelling Units	\$6,194	\$3,734	\$9,928
Multiple Dwelling Units (2 or more units per building)	\$5,202	\$3,137	\$8,339
Residential Dormitory Units	\$3,715	\$2,241	\$5,956

Proposed Facilities Connection Charges Inflationary Adjustments

Non-residential, Municipal, and Irrigation Meters

Meter Size	Incremental Cost Component per Dwelling Unit	Equity Buy-In Component per Dwelling Unit	Total Proposed Effective May 1, 2023
3/4"	\$9,291	\$5,603	\$14,894
1"	\$15,487	\$9,340	\$24,827
1-1/2"	\$30,977	\$18,681	\$49,658
2"	\$49,563	\$29,889	\$79,452
3"	\$108,423	\$65,385	\$173,808
4"	\$185,872	\$112,091	\$297,963
6"	\$418,216	\$252,207	\$670,423
8"	\$495,663	\$298,912	\$794,575

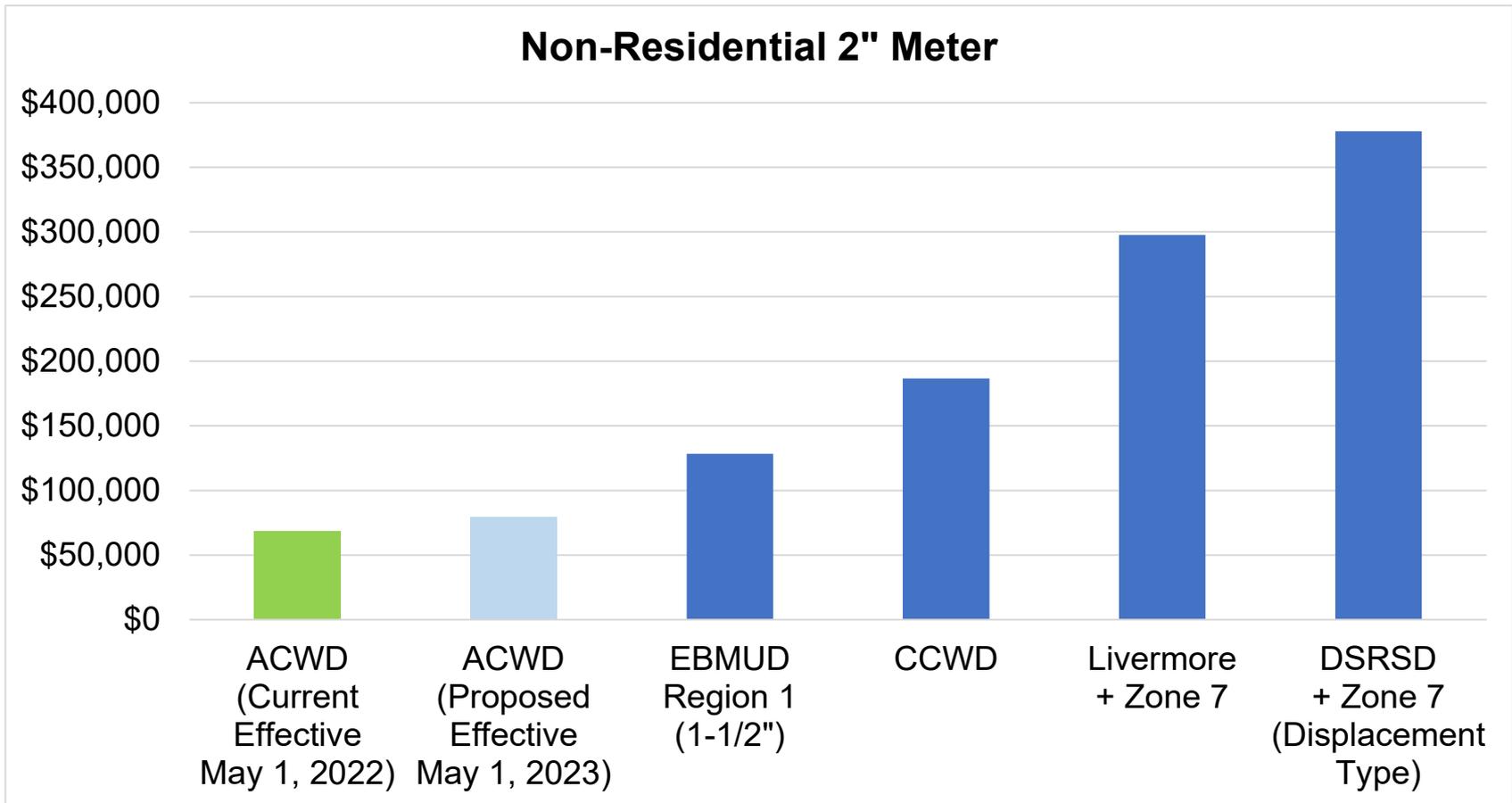
Comparison of Development Charges



*SFR – Charge based on Unit Type

5/8" or 3/4" – Charge based on Meter Size

Comparison of Development Charges



Alameda County Water District

Help On Tap Program

Help on Tap Program

- Help on Tap is the District's income-qualified Low Income Rate Assistance Program (LIRA)
- Current benefit is \$40 bi-monthly credit toward service charge
- Only direct ACWD customers are eligible
- 1,269 active accounts receive this benefit
- Approved customers are enrolled for a 3-year period, after which they must recertify qualification
- Help on Tap Program income limit is the greater of 50% Area Median Income* or 250% Federal Poverty Level

*Based on City of Fremont Housing Department Figures

Help on Tap Program

- Program Cost
 - Program cost over last 12 months was roughly \$310,000
 - Accounts are enrolled and disenrolled regularly; enrollment numbers fluctuate frequently
 - Only non-rate revenue can be used to fund the program
- At the January 12, 2023 Board meeting, the Board evaluated increasing the credit to the amount equal to 100% of the bi-monthly 3/4” meter size service charge
- More information is available at [acwd.org/hot](https://www.acwd.org/hot)

How Can I Save Money?

- Low Income Household Water Assistance Program
 - State-run program offering a one-time benefit up to \$2,000 to qualifying households for assistance paying water bills
 - More information is available at [acwd.org/hot](https://www.acwd.org/hot)
 - ACWD Staff is not involved in administering this program
- The District offers complimentary water check-ups and water-saving devices. More information is available at [acwd.org/drought](https://www.acwd.org/drought)

Alameda County Water District

Protest Procedures and Status

Protest Procedures and Status

- Protest Procedures
 - Protests could be mailed to the District or submitted online
 - One protest per parcel can be counted toward calculating a majority protest. There are 86,948 parcels in the District's boundary with a service connection, so 43,475 protests are required to meet the majority protest threshold
 - Protests must be received before the end of the public hearing to count toward calculating a majority protest
- Protest Status
 - As of noon on February 6, 2023, the District has received 241 protest submissions comprised of 231 online form submittals, 6 emails, and 4 mailed letters
 - Customers protesting online were asked to identify the primary reason for their protest: 68% Service Charge, 5% Commodity Charge, 16% Drought Surcharges, and 11% Other

Alameda County Water District

Recommendations

Staff Recommendations

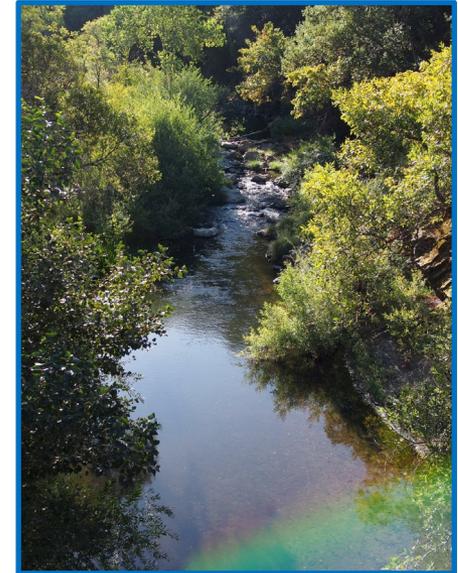
1. Conduct a public hearing to receive comments on proposed revisions to the District's general rates and charges, including service charges, commodity charges, private fire service rates, and drought surcharges
2. By motion, adopt resolutions approving revisions to water-related rates and various other fees and charges and amending the District's Rate and Fee Schedule accordingly and determining that the amendments are exempt from CEQA, including specific resolutions to:
 - 1) Revise general water rates and charges and private fire service rates
 - 2) Revise drought surcharges
 - 3) Update miscellaneous fees and charges, the customer assistance program, and facilities connection charges

The proposed effective dates for the changes are March 1, 2023 and March 1, 2024 (except that development-related charges would be effective May 1, 2023 and May 1, 2024)

Stay Connected to the District



- @AlamedaCountyWD
- www.acwd.org
- ACWD Aqueduct Newsletter



Alameda County Water District
43885 S. Grimmer Blvd.
Fremont, CA 94538
510.668.4200



Questions and Discussion



www.acwd.org



@AlamedaCountyWD

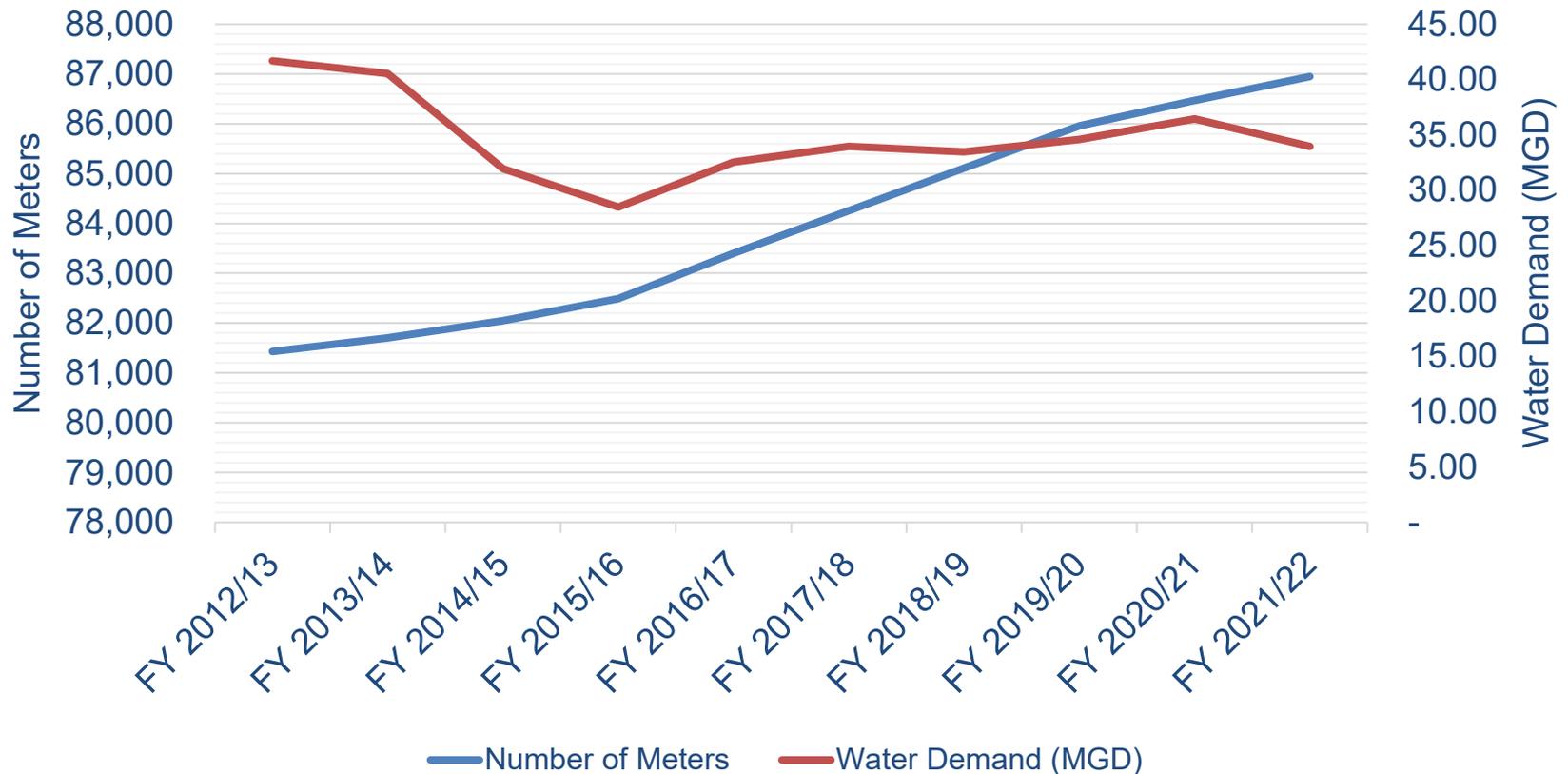


Supplemental Information For Discussion As-Needed

(Includes Information Based on Feedback
During Community Meetings)

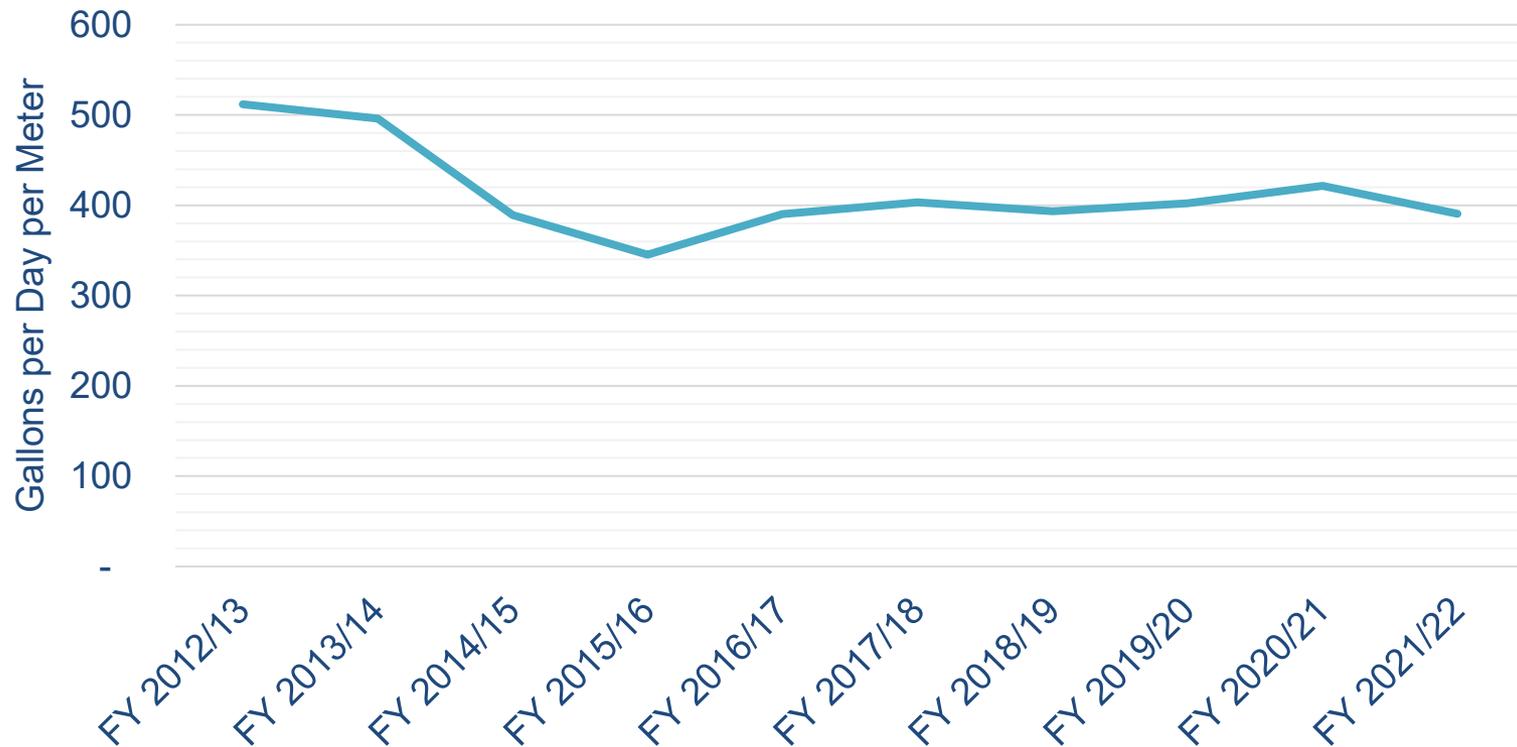
Water Meters and Demands

Number of Meters vs. Water Demand (MGD)

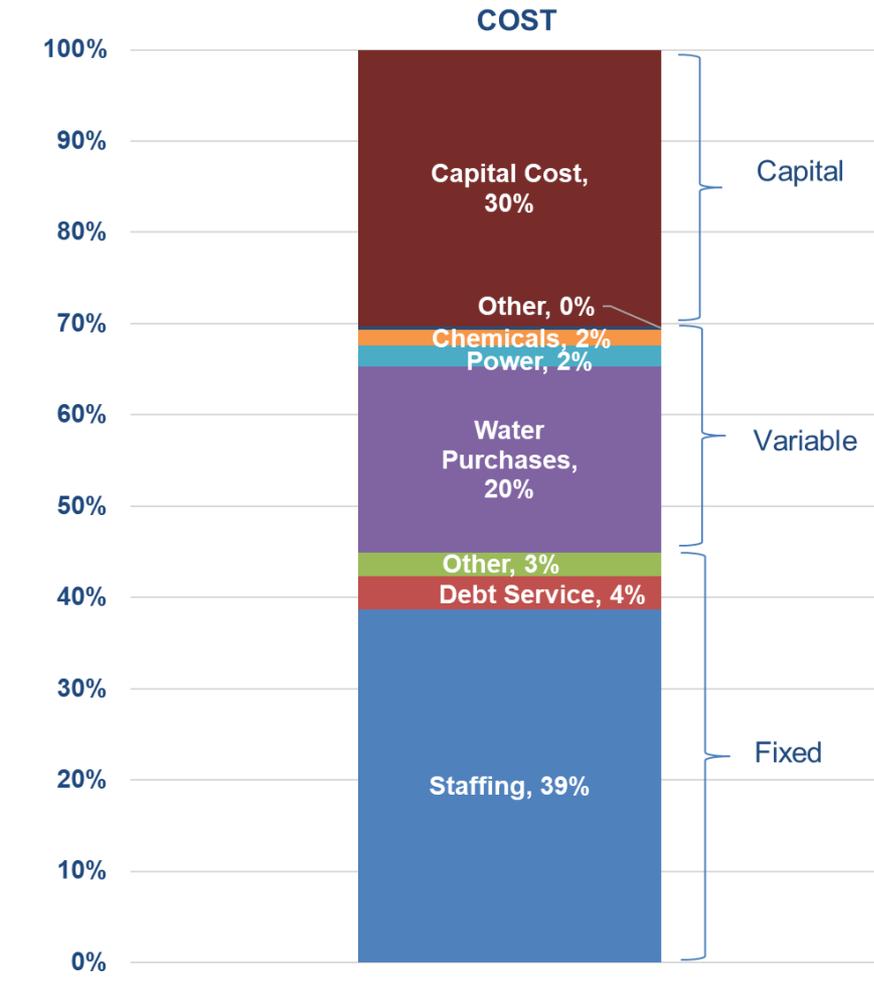


Water Meters and Demands

Gallons per Day per Meter



Where is the Money Going?



Review of Brown Act Changes

Director Participation in Board and Committee Meetings via Teleconferencing

Agenda Item 6.3.1

Ed Stevenson, General Manager
Patrick Miyaki, General Counsel

Current Conditions

- District is currently conducting Board and Board Committee meetings as “hybrid” meetings (in person and via teleconference) hosted at Headquarters.
 - Meetings are conducted in compliance with AB 361.
 - Public AND Board may participate remotely via teleconference.
- AB 361 applies only if there is:
 - a proclaimed state of emergency, AND
 - state or local officials have imposed or recommended social distancing measures (or the legislative body has determined that meeting in person would present imminent risks to health and safety of attendees).
- Governor Newsom has indicated the proclaimed state of emergency will end February 28, 2023.
 - Once the emergency declaration has been rescinded, AB 361 can no longer be used as a basis of Board member attendance via teleconference.

Options for Continued Board Teleconferencing

- When the State emergency declaration has been rescinded, the Board will have two options for participating via teleconference:
 - **Option 1:** Pre-Existing, Pre-COVID Teleconferencing Rules
 - **Option 2:** AB 2449 Teleconferencing Rules



Option 1: Pre-Existing, Pre-COVID Teleconferencing Rules

- Each teleconference location (physical location from which Director(s) will be participating) must be identified on the notice and agenda for the meeting.
- The agenda must be posted at each teleconference location.
- Each teleconference location must be open and accessible to the public.
- Members of the public must be allowed to participate in the meeting from each teleconference location.
- A quorum of the members of the legislative body must participate in the meeting from locations within the boundaries of the agency.
- All votes must be by roll call vote.



Option 2: AB 2449 Teleconferencing Rules

- Quorum of the legislative body must participate in person from a singular physical location clearly identified on the agenda which is open to the public within District jurisdiction.
- The Director(s) participating remotely must participate through both audio and visual technology.
- Public must be able to participate in meeting by a 2-way audio visual platform or 2-way telephonic service and live webcasting of meeting.
 - All District Board and Standing Committee meetings currently meet this requirement.
- Must give notice of means by which members of the public may access the meeting remotely and offer public comment in real time.
 - All District Board and Standing Committee agendas currently include remote participation access information.

Option 2: AB 2449 Teleconferencing Rules Continued...

- In the event of a disruption in remote participation – the legislative body shall take no further action on agenda items until public access is restored.
- Director must publicly disclose at meeting before any action taken whether any individuals over 18 years are present in room at remote location with the Director and general relationship of that individual to the Director.
- All action must be by roll call vote.



Option 2: AB 2449 Teleconferencing Rules Continued...

- Limitations:
 - Director can participate in a meeting remotely only for “**just cause**” or “**emergency circumstances**” (to be reviewed).
 - Director may not use “**just cause**” or “**emergency circumstances**” teleconferencing combined for more than 3 consecutive months or 20% of meetings (e.g., 2 Board meetings) per calendar year.



Option 2: AB 2449 Teleconferencing Rules Continued...

- “**Just Cause**” may only be used for:
 - Childcare or caregiving need of child, parent, grandparent, sibling, spouse or domestic partner that requires remote participation.
 - Contagious illness that prevents attending in person.
 - Need related to physical or mental disability (defined in Government Code Sections 12926 and 12926.1).
 - Travel while on official business of the District or another state or local agency.
- To participate remotely due to “**Just Cause**,” the Director must notify the legislative body as soon as possible, including at the start of a meeting, of the need to participate remotely.
 - No formal action of the Board is necessary.

Option 2: AB 2449 Teleconferencing Rules Continued...

- “**Emergency Circumstances**” may only be used for:
 - Physical or family emergency that prevents attending in person.
- To participate remotely due to “**Emergency Circumstances**,” the Director must request approval by the legislative body.
 - Must provide a general description of the circumstances relating to the need to appear remotely.
 - Need not need to disclose medical diagnosis or disability or any personal medical information.
- The legislative body must take action to approve the request before the remote Director may participate remotely due to “**Emergency Circumstances**.”
 - Take action at beginning of meeting before discussion of any item in accordance with §54954.2(b)(4).
 - Should place remote Director’s request on the meeting agenda if adequate notice.

Option 2: AB 2449 Teleconferencing Rules Continued...

- Each Board Standing Committee is its own “legislative body.”
- The limitations on the number of times a Director may participate remotely in a calendar year under AB 2449 apply separately to Board Meetings and each of the Board Standing Committees.
 - Example: Each Director may participate remotely in meetings as follows:
 - Up to two Regular/Special Board Meetings per year, plus
 - Up to two meetings of each Standing Committee per year



Key Provisions of Available Teleconferencing Rules

Provision	Pre-COVID Rules	AB 2449 Rules
Remote Locations Identified on Agenda	Required	Not required
Remote Locations Accessible to Public	Required	Not required
Agenda Posted at Remote Location	Required	Not required
Requirements for In-Person Board Participation	No requirement	Quorum must participate from a single physical location (identified on agenda) within jurisdictional boundaries.
Statement of Reason for Teleconferencing	No reason required	Reason must be provided for each meeting. Only allowable for “ Just Cause ” or “ Emergency Circumstances ” as defined. Legislative body must take action to approve “ Emergency Circumstances. ”
Disclosure of Those Present at Remote Location	No disclosure required	Must disclose publicly whether any individuals over age 18 are present in room at remote location with the Director and general relationship of that individual to the Director.
Limitations on Number of Times a Director may Teleconference	No limits	No more than two (2) meetings per meeting type per year; no more than three (3) consecutive months

Questions?

