

**EAST BAY DISCHARGERS AUTHORITY  
COMMISSION MEETING MINUTES**

**June 20, 2019**

**1. Call to Order**

Chair Handley called the meeting to order at 9:30 A.M. on Thursday, June 20, 2019, at the Oro Loma Sanitary District Boardroom, 2655 Grant Avenue, San Lorenzo, CA 94580

**2. Pledge of Allegiance**

**3. Roll Call**

**PRESENT:** Ralph Johnson, Castro Valley Sanitary District; Pauline Russo Cutter, City of San Leandro; Tom Handley, Union Sanitary District; Dan Walters, Oro Loma Sanitary; Al Mendall, City of Hayward (arrived after Consent Calendar at 9:37 a.m.)

**ABSENT:** None

**OTHERS**

<b>PRESENT:</b>	Jacqueline Zipkin	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	Howard Cin	East Bay Dischargers Authority
	Maria Buckley	East Bay Dischargers Authority
	Kalena Yambao	East Bay Dischargers Authority
	Alex Ameri	City of Hayward
	Paul Eldredge	Union Sanitary District
	Jason Warner	Oro Loma Sanitary District
	Justin Jenson	City of San Leandro
	Landon Lochrie	Castro Valley Sanitary District

**4. Public Form**

No member of the public requested to address the Commission at the meeting.

**C O N S E N T C A L E N D A R**

**5. Commission Meeting Minutes of May 16, 2019**

**6. List of Disbursements for May 2019**

**7. Treasurer's Report for May 2019**

Commissioner Walters moved to approve the Consent Calendar items. The motion was seconded by Commissioner Johnson and carried 4-0 (Cutter, Walters, Johnson, Handley; ayes).

**R E G U L A R C A L E N D A R**

**8. General Manager's Report**

The General Manager updated the Commission regarding Juanita's status and that she will be on disability, and is scheduled to return toward the end of August. The GM introduced Kalena Yambao who will be performing Juanita's duties. The GM thanked

staff for their help and the Commission for their patience during this time. The GM talked about signing authority for the GM and the signing threshold history. She will continue to bring contracts to the Commission that are greater than \$10,000. The threshold will eventually be included in EBDA's purchasing policy, with detail removed from the JPA. The GM attended a ReNUWIt meeting, and explained the purpose of the organization. She also attended a HASPA Shoreline Master Plan stakeholders meeting. In addition, she attended the Steering Committee of CHARG, which is an organization of flood control agencies addressing sea level rise. The GM also signed a letter of support for Prop 1 funding for the Hayward Phase II Recycled Water project.

**9. Report from the Managers Advisory Committee (MAC)**

The MAC met with the General Manager on June 13, 2019 and reviewed the board package. The General Manager noted that the MAC will now meet on Thursdays the week prior to Commission in order to allow for more time. They discussed the PG&E Public Safety Power Shutoff Program. The JPA negotiation is making progress and drafting is on schedule.

**10. Report from the Financial Management Committee**

The Financial Management Committee met with the General Manager on June 19, 2019, and reviewed the May List of Disbursements, Treasurer's Report, and three Resolutions.

Commissioner Cutter moved to approve the report from the Financial Management Committee. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 (Mendall, Cutter, Walters, Johnson, Handley; ayes).

**11. Resolution Adopting the Authority's Internal Controls and Fraud Prevention Policy**

Commissioner Walters moved to adopt the resolution adopting the Authority's Internal Controls and Fraud Prevention Policy. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**12. Resolution Approving Revisions to the Authority's Reporting Policy**

Commissioner Mendall moved to adopt the resolution approving revisions to the Authority's Reporting Policy. The motion was seconded by Commissioner Cutter and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**13. Resolution Authorizing Amendment No. 8 to the Fee Contract by and Between East Bay Dischargers Authority and Meyers Nave, a Professional Law Corporation**

The Committee recommends continuing with Meyers Nave and implementing a 3%

increase to the fee. Commissioner Walters moved to adopt the resolution authorizing amendment No. 8 to the fee contract by and between EBDA and Meyers Nave. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**14. Report from the Regulatory Affairs Committee**

The Regulatory Affairs Committee met with the General Manager on June 18, 2019. The GM stated that the Committee reviewed permit compliance and noted that staff would discontinue inclusion of the DMR detailed report in the Commission packet, instead summarizing performance and noting any anomalies. A table has been added showing bacterial compliance. There was an NPDES inspection of MDF, which resulted in a good report. Howard Cin did a great job on the tour, and San Leandro Lab Supervisor Angie Berumen and Operator Kurt Raphael provided excellent support during the inspection. The Committee also reviewed BACWA regulatory summary highlights.

Commissioner Cutter moved to approve the report from the Regulatory Affairs Committee. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0 (Mendall, Cutter, Walters, Johnson, Handley; ayes).

**15. Resolution Authorizing the General Manager to Enter into a Professional Services Agreement with Pacific EcoRisk in the Amount of \$48,000 for Effluent Toxicity Testing in Fiscal Years 2019/2020, 2020/2021, and 2021/2022.**

Pacific EcoRisk is the lab that performs the Authority's toxicity testing for NPDES compliance. A contract will be utilized instead of a PO. Increases will be no more than 3% for the 3-year contract period. Commissioner Walters moved to adopt the resolution authorizing the GM to enter into a Professional Services Agreement with Pacific EcoRisk for the three years. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**16. Resolution Accepting the Quotation from Hach and Authorizing the General Manager to Issue a Purchase Order for Software and Support Services in FY 2019/20 in the Amount of \$13,624.**

This item was pulled from the agenda since the bid came in under \$10,000.

**17. Report from the Operations and Maintenance Committee (O&M)**

The Operations and Maintenance Committee met on June 17, 2019 and discussed the status of EBDA facilities. The Operations and Maintenance Manager provided an update on the HEPS MCC project and the HEPS Effluent Pump #1 VFD failure. He also provided an update on Cyber Security. He let the Commission know that the PG&E billing has been resolved. The Commission received an update on the Transport System Reliability Plan, the Disaster Cost Recovery Plan (a draft report is forthcoming), the Electrical

Evaluation, the Asset Management Plan, and the AQPI Project. The Committee recommended approval of the four resolutions.

Commissioner Johnson moved to approve the report from the Operations & Maintenance Committee. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0 (Mendall, Cutter, Walters, Johnson, Handley; ayes).

**18. Resolution Designating Authorized Representatives for FEMA and State OES Disaster Assistance.**

Commissioner Mendall moved to adopt the resolution designating authorized representatives for FEMA and State OES disaster assistance to have in place prior to a catastrophic event. The motion was seconded by Commissioner Cutter and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**19. Resolution Approving the Renewal and Replacement Fund Project List for Fiscal Year 2019/20.**

The Commission reviewed the project list. The General Manager explained that EBDA's contingency fund is for small unplanned projects and equipment that is considered "run to fail." Commissioner Walters moved to adopt the resolution approving the Renewal and Replacement Fund Project List for Fiscal year 2019/20. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**20. Resolution Authorizing the General Manager to Issue a Purchase Order to Univar USA for Sodium Bisulfite 25% Solution in FY 2019/2020 in the amount of \$250,000.**

The General Manager explained that the Authority receives favorable pricing through the Bay Area Chemical Consortium. Commissioner Mendall moved to adopt the resolution authorizing the GM to issue a PO to Univar for sodium bisulfite for FY 2019/20 for \$250,000. The motion was seconded by Commissioner Cutter and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**21. Resolution Authorizing the General Manager to Enter into a Professional Services Agreement with Calcon Systems, Inc. in the Amount of \$450,000 for Electrical, Instrumentation, and Emergency Services in Fiscal Years 2019/2020, 2020/2021, and 2021/2022.**

Commissioner Cutter moved to adopt the resolution authorizing the GM to enter into a Professional Services Agreement with Calcon Systems \$450,000 for the three fiscal years. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**22. Report from the Personnel Committee**

The Personnel Committee met on June 19, 2019. The General Manager discussed staffing updates and will discuss strategies at upcoming meetings. The Committee also discussed leave donation options and will incorporate it into the Personnel Policy for Commission consideration. Staff will get more information and sample language, bringing a draft to the next meeting. A decision point will be calculation by dollars or hours. The Committee also discussed Brown Act and ethics training, which would normally be done through the home agency. Currently AB 1234 and Sexual Harassment training are required. Tracking of training by agency staff is recommended, and the GM mentioned that EBDA staff will follow up with Member Agencies to collect records of the training.

Commissioner Cutter moved to approve the report from the Personnel Committee. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0 (Mendall, Cutter, Walters, Johnson, Handley; ayes).

**23. Resolution Approving the 2019/20 Compensation Plan**

The only change to the Plan is incorporating the 4.5% COLA increase to salaries. Other changes were approved earlier in the year. Commissioner Cutter introduced the resolution approving the 2019/20 Compensation Plan. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0. Chair Handley reminded the Commission that they would revisit the COLA next year.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley  
Noes: None  
Absent: None  
Abstain: None

**24. Resolution of Appreciation for Thomas Handley**

Commissioner Walters introduced the Resolution of Appreciation for Chair Handley, which was read by Commissioner Cutter. The motion was seconded by Commissioner Johnson and carried 4-0-0-1.

Ayes: Commissioners Mendall, Cutter, Walters, and Johnson  
Noes: None  
Absent: None  
Abstain: Chair Handley

**25. Preliminary Committee Appointments for FY19-20**

There was a handout including a table. The Commissioners will use their agency

alternates for meetings that they miss, with the expectation that alternates will brief the primary Commissioners, and vice versa, on missed meetings for continuity. Next month, staff will bring a Resolution with final Committee appointments. Commissioner Cutter will work on naming Chairs of the committees. New Committee assignments will begin in August. The GM thanked Commissioner Cutter for putting the schedule together.

**26. Items from the Commission and Staff**

Commissioner Cutter suggested that when the Commissioners are presenting items for the “greater good” at their respective agencies, that they could support one another by attending meetings. Commissioner Walters thanked the GM and Commissioner Cutter for coming to the OLSD meeting. Commissioner Walters will be out of town for the July meetings.

**27. Adjournment**

With no further business, Chairman Handley adjourned the meeting at 10:55 a.m.



Jacqueline Zipkin  
General Manager