



EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841  
(510) 278-5910  
FAX (510) 278-6547

*A Joint Powers Public Agency*

## COMMISSION MEETING AGENDA

Thursday, August 15, 2019

9:30 A.M.

Oro Loma Sanitary District  
2655 Grant Avenue  
San Lorenzo, CA 94580

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Forum

## CONSENT CALENDAR

- |        |   |
|--------|---|
| MOTION | 5. Commission Meeting Minutes of July 18, 2019  |
|        | 6. List of Disbursements for July 2019          |
|        | 7. Preliminary Treasurer's Report for July 2019 |

## REGULAR CALENDAR

- |             |  |
|-------------|--|
| INFORMATION | 8. <b>General Manager's Report</b><br>(The General Manager will report on EBDA issues.)  |
| INFORMATION | 9. <b>Report From the Managers Advisory Committee</b><br>(The General Manager will report on the meeting.)   |
| INFORMATION | 10. <b>Report From the Ad Hoc Committee</b><br>(The General Manager will report on the meeting.)   |
| MOTION      | 11. <b>Report From the Financial Management Committee</b><br>(The General Manager will report on the meeting.)   |
| MOTION      | 12. <b>Report From the Regulatory Affairs Committee</b><br>(The General Manager will report on the meeting.)   |
| MOTION      | 13. <b>Report From the Operations &amp; Maintenance Committee</b><br>(The General Manager will report on the meeting.)   |
| RESOLUTION  | 14. <b>Resolution Authorizing the General Manager to Issue Amendment No. 1 to the Professional Services Agreement with GHD, Inc. for Asset Management Advisory Services In the Amount of \$3,360 for a Total Not to Exceed Amount of \$48,370 – See Item OM6</b><br>(The Committee will consider a resolution authorizing the General Manager to issue Amendment No. 1 to the Agreement with GHD.) |

Agenda Explanation  
East Bay Dischargers Authority  
Commission Agenda  
August 15, 2019

- MOTION**      **15. Report From the Personnel Committee**  
(The General Manager will report on the meeting.)
- RESOLUTION**      **16. Resolution Approving Revisions to the Personnel Policy – See Item P5** (The Commission will consider the resolution.)
- RESOLUTION**      **17. Resolution Authorizing the General Manager to Issue a Change Order to Aerotek, Inc. for Temporary Administrative Assistant Services in the Amount of \$30,000 for a Total Not to Exceed Amount of \$47,600 – See Item P6**  
(The Commission will consider a resolution authorizing the General Manager to amend the Purchase Order with Aerotek.)
- INFORMATION**      **18. Items From the Commission and Staff**  
(The Commission and staff may address items of general interest.)
- 19. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

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(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Commission meeting will be held  
Thursday, September 19, 2019 at 9:30 a.m.**

## GLOSSARY OF ACRONYMS

<b>ACWA</b>	Association of California Water Agencies	<b>DSRSD</b>	Dublin San Ramon Services District
<b>AQPI</b>	Advanced Quantitative Precipitation Information	<b>DTSC</b>	Department of Toxic Substances Control
<b>AEPS</b>	Alvarado Effluent Pump Station	<b>EBDA</b>	East Bay Dischargers Authority
<b>AMP</b>	Asset Management Plan	<b>EIS/EIR</b>	Environmental Impact Statement/Report
<b>ANPRM</b>	Advanced Notice of Proposed Rulemaking	<b>EPA</b>	Environmental Protection Agency
<b>BAAQMD</b>	Bay Area Air Quality Management District	<b>FOG</b>	Fats, Oils and Grease
<b>BACC</b>	Bay Area Chemical Consortium	<b>GASB</b>	Government Accounting Standards Board
<b>BACWA</b>	Bay Area Clean Water Agencies	<b>HEPS</b>	Hayward Effluent Pump Station
<b>BCDC</b>	Bay Conservation and Development Commission	<b>JPA</b>	Joint Powers Agreement
<b>BOD</b>	Biochemical Oxygen Demand	<b>LAVWMA</b>	Livermore-Amador Valley Water Management Agency
<b>CARB</b>	California Air Resources Board	<b>LOCC</b>	League of California Cities
<b>CASA</b>	California Association of Sanitation Agencies	<b>MAC</b>	Managers Advisory Committee
<b>CBOD</b>	Carbonaceous Biochemical Oxygen Demand	<b>MCC</b>	Motor Control Center
<b>CDFA</b>	CA Department of Food & Agriculture	<b>MCL</b>	Maximum Contaminant Level
<b>CEC</b>	Compound of Emerging Concern	<b>MDF</b>	Marina Dechlorination Facility
<b>CEQA</b>	California Environmental Quality Act	<b>MG</b>	Million Gallons
<b>CFR</b>	Code of Federal Regulations	<b>MGD</b>	Million Gallons per Day
<b>CMMS</b>	Computerized Maintenance Management System	<b>MMP</b>	Mandatory Minimum Penalty
<b>COH</b>	City of Hayward	<b>MOU</b>	Memorandum of Understanding
<b>CPUC</b>	California Public Utilities Commission	<b>N</b>	Nitrogen
<b>CSL</b>	City of San Leandro	<b>NACWA</b>	National Association of Clean Water Agencies
<b>CTR</b>	California Toxics Rule	<b>NAS</b>	National Academy of Sciences
<b>CVCWA</b>	Central Valley Clean Water Association	<b>NGO</b>	Non-Governmental Organization
<b>CVSAN</b>	Castro Valley Sanitary District	<b>NOX</b>	Nitrogen Oxides
<b>CWA</b>	Clean Water Act	<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>CWEA</b>	CA Water Environment Association	<b>NPS</b>	Non-Point Source
<b>DO</b>	Dissolved Oxygen	<b>NTR</b>	National Toxics Rule
<b>DPR</b>	Department of Pesticide Regulation	<b>O&amp;M</b>	Operations & Maintenance

## GLOSSARY OF ACRONYMS

<b>OLEPS</b>	Oro Loma Effluent Pump Station	<b>SSO</b>	Sanitary Sewer Overflow
<b>OLSD</b>	Oro Loma Sanitary District	<b>SWRCB</b>	State Water Resources Control Board
<b>OMB</b>	Office of Management and Budget	<b>TDS</b>	Total Dissolved Solids
<b>P</b>	Phosphorous	<b>TMDL</b>	Total Maximum Daily Load
<b>PAHs</b>	Polynuclear Aromatic Hydrocarbons	<b>TN</b>	Total Nitrogen
<b>PCBs</b>	Poly Chlorinated Biphenyls	<b>TP</b>	Total Phosphorus
<b>PLC</b>	Programmable Logic Controller	<b>TRC</b>	Total Residual Chlorine
<b>POTW</b>	Publicly Owned Treatment Works	<b>TSO</b>	Time Schedule Order
<b>PPCPs</b>	Pharmaceutical and Personal Care Products	<b>TSS</b>	Total Suspended Solids
<b>QA/QC</b>	Quality Assurance / Quality Control	<b>USD</b>	Union Sanitary District
<b>Region IX</b>	Western Region of EPA (CA, AZ, NV & HI)	<b>UV</b>	Ultraviolet Treatment
<b>ReNUWIt</b>	Re-Inventing the Nation's Urban Water Infrastructure engineering research center	<b>VFD</b>	Variable Frequency Drive
<b>RFP</b>	Request For Proposals	<b>VOCs</b>	Volatile Organic Compounds
<b>RFQ</b>	Request For Qualifications	<b>WAS</b>	Waste Activated Sludge
<b>RMP</b>	Regional Monitoring Program	<b>WDR</b>	Waste Discharge Requirements
<b>RO</b>	Reverse Osmosis	<b>WEF</b>	Water Environment Federation
<b>RWB</b>	Regional Water Board	<b>WET</b>	Whole Effluent Toxicity or Waste Extraction Test
<b>RWQCB</b>	Regional Water Quality Control Board	<b>WIN</b>	Water Infrastructure Network
<b>SBS</b>	Sodium Bisulfite	<b>WLA</b>	Waste Load Allocation (point sources)
<b>SCADA</b>	Supervisory Control and Data Acquisition	<b>WPCF</b>	Water Pollution Control Facility
<b>SCAP</b>	Southern California Alliance of POTWs	<b>WQBEL</b>	Water Quality Based Effluent Limitation
<b>SEP</b>	Supplementary Environmental Project	<b>WQS</b>	Water Quality Standards
<b>SFEI</b>	San Francisco Estuary Institute	<b>WRDA</b>	Water Resource Development Act
<b>SIP</b>	State Implementation Policy (CTR/NTR criteria)	<b>WRF</b>	Water Research Foundation
<b>SLEPS</b>	San Leandro Effluent Pump Station	<b>WWTP</b>	Wastewater Treatment Plant
<b>SRF</b>	State Revolving Fund	<b>WWWIFA</b>	Water and Wastewater Infrastructure Financing Agency
<b>SSMP</b>	Sewer System Management Plan		

## **CONSENT CALENDAR**

Consent calendar items are typically routine in nature and are considered for approval by the Commission with a single action. The Commission may remove items from the Consent Calendar for discussion. Items on the Consent Calendar are deemed to have been read by title. Members of the public who wish to comment on Consent Calendar items may do so during Public Forum.

**Item No. 5 Commission Meeting Minutes of July 18, 2019**

**Item No. 6 List of Disbursements for July 2019 – See Item FM4**

**Item No. 7 Preliminary Treasurer’s Report for July 2019 – See Item FM5**

## **Recommendation**

Approve Consent Calendar Items No. 5, 6, and 7.

**ITEM NO. 5 COMMISSION MEETING MINUTES OF JULY 18, 2019**

**EAST BAY DISCHARGERS AUTHORITY  
COMMISSION MEETING MINUTES**

**July 18, 2019**

**1. Call to Order**

Chair Cutter called the meeting to order at 9:33 A.M. on Thursday, July 18, 2019, at the Oro Loma Sanitary District Boardroom, 2655 Grant Avenue, San Lorenzo, CA 94580

**2. Pledge of Allegiance**

**3. Roll Call**

<b>PRESENT:</b>	Al Mendall	City of Hayward
	Shelia Young	Oro Loma Sanitary District
	Pauline Russo Cutter	City of San Leandro
	Anjali Lathi	Union Sanitary District
	Ralph Johnson	Castro Valley Sanitary District

**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
	Hayes Morehouse	City of San Leandro
	Roland Williams	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 June 20, 2019**

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

**7. Preliminary Treasurer's Report for June 2019**

Commissioner Lathi requested a review of Item No 6. Commissioner Mendall moved to approve items No. 5 and No 7. The motion was seconded by Commissioner Johnson and carried 4-1 (Cutter, Young, Johnson, Mendall; ayes) (Lathi; abstention). Item No 6. was reviewed with the item in question being payment remitted to PFM Asset Management, LLC for Investment Consulting. The General Manager reported that PFM reviewed the Authority's current Investment Policy and Strategy, which were subsequently recommended by the Finance Committee and approved by the Commission. Commissioner Lathi moved to approve Item 6. The motion was seconded by Commissioner Mendall and carried unanimously 5-0 (Mendall, Young, Lathi, Johnson, Cutter; ayes).

## REGULAR CALENDAR

### **8. General Manager's Report**

The General Manager thanked the Commission for their patience regarding revisions to the Agenda, noting improvements in months to follow. The GM reported attending a workshop by the Water Research Foundation on innovation in water and wastewater utilities. The GM will continue to bring EBDA's involvement in the project to the Commission and MAC.

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

The MAC met with the General Manager on July 11, 2019. The MAC primarily discussed JPA language, and issues that arose were brought to the Ad Hoc Committee meeting.

### **10. Report from the Ad Hoc Committee**

The Ad Hoc Committee met with the General Manager on July 17, 2019. The General Manager reported the JPA is roughly on schedule with a target of late summer to finish development of a complete draft document. One topic noted was inclusion of termination details for the conclusion of the next JPA renewal term. Commissioner Mendall suggested if no agreement could be made in a timely fashion, the JPA should remain silent on the issue.

### **11. Report from the Financial Management Committee**

The Financial Management Committee met with the General Manager on July 17, 2019, and reviewed the June List of Disbursements, Preliminary Treasurer's Report, Financial Policies progression, and two Resolutions. The General Manager reported that, on topics where Financial Policies intersect with the JPA, progress on writing policies is slowing until the JPA renewal progresses further. The GM noted that staff will be bringing forward concepts for the Purchasing Policy next month based on Committee direction, and will also be developing a new Pension Policy. Commissioner Johnson moved to approve the report from the Financial Management Committee. The motion was seconded by Commissioner Lathi and carried unanimously, 5-0 (Mendall, Young, Lathi, Johnson, Cutter; ayes).

### **12. Resolution Authorizing the General Manager to Enter into a Professional Services Agreement with Computer Courage, Inc. in the Amount of \$18,615 for Website Development Services.**

Commissioner Mendall moved to adopt the resolution authorizing the General Manager to enter into a contract with Computer Courage. The motion was seconded by Commissioner Lathi and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter  
Noes: None  
Absent: None  
Abstain: None

**13. Resolution Authorizing the General Manager to Issue a Purchase Order to Aerotek, Inc. for Temporary Administrative Assistant Services in the Amount of \$17,600.**

Commissioner Lathi moved to adopt the resolution authorizing the General Manager to issue a Purchase Order to Aerotek, Inc. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter  
Noes: None  
Absent: None  
Abstain: None

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

The Regulatory Affairs Committee met with the General Manager on July 16, 2019. The GM reviewed the NPDES Status Report referencing tables showing our compliance for CBOD, TSS and bacteria limits. The GM noted one high reading on June 05, 2019, which is common in summer months. The GM stated we are still within compliance for the month thanks to close monitoring and increased addition of chlorine. The GM thanked EBDA Operations & Maintenance Manager, Howard Cin, and Member Agency staff for their attentiveness to this issue. EBDA will continue to closely monitor effluent to ensure compliance in the remaining summer months. GM reported on EBDA's involvement in a microplastic research study. Discussion will continue on cost-effective ways to reduce microplastics in wastewater and other sources to the Bay such as stormwater. Chair Cutter noted that grants can be utilized to help offset costs, when and if, future mandated regulations are implemented. The GM updated Commission on status of First Mile Horizontal Levee Project. The EPA grant has been officially awarded to the San Francisco Estuary Partnership (SFEP), and staff will bring a subcontract with SFEP to the Commission for approval in the coming months. Staff will continue to consider alternative sites and community engagement elements.

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

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

The Operations and Maintenance Committee met on July 15, 2019, and discussed the status of EBDA facilities. The Operations and Maintenance Manager provided an update on the Cavitation Study at AEPS; a draft report is expected shortly. The HEPS MCC project is progressing and is nearing completion. The O&M Manager provided updates to the Actuator Replacement Project at OLEPS, and a new starter for the generator has been installed at SLEPS, due to a generator failure. The O&M Manager gave updates on the SCADA system and cyber security. The O&M Manager reported that Underground Service Alerts are improving in accuracy and saving the Authority time and money. The Commission received an update on special projects including the Transport System Reliability Plan and the Facilities Electrical Evaluation. Final reports

are forthcoming. The GM reported that updates to the Disaster Recovery Plan and the Asset Management Plan are moving forward. The GM gave an update on the AQPI Project, noting that discussions are taking place regarding long-term funding of the project beyond the current grant. Commissioner Lathi moved to approve the report from the Operations & Maintenance Committee. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0 (Mendall, Young, Lathi, Johnson, Cutter; ayes).

**16. Resolution Authorizing the General Manager to Issue Amendment No. 1 to the Professional Services Agreement with Currie Engineers, Inc. for Project Management and Construction Management Services in the Amount of \$25,000 for a Total not to Exceed the Amount of \$85,000.**

Commissioner Young moved to adopt the resolution authorizing the GM to issue Amendment No. 1 to Currie Engineers. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter  
Noes: None  
Absent: None  
Abstain: None

**17. Committee Appointments and Calendar for FY 2019/2020**

The GM discussed the Committee Appointments and Calendar for FY 2019/2020 noting that the Ad Hoc meetings should cease when the JPA negotiations come to a close. Commissioner Lathi moved to accept the Committee Appointments and Calendar for FY 2019/2020. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter  
Noes: None  
Absent: None  
Abstain: None

**18. Resolution Amending the Commission's Policy for Committee Alternates**

The General Manager explained the previous Commission-approved approach to alternates, whereby Committee alternates were named. The proposal is to change the policy so that member agency alternates would now serve as Committee alternates. The GM also noted that as part of the JPA renewal process, functions of the Commission, including things like processes for alternates, will be moved into Commission Policy and Bylaws. Commissioner Mendall moved to adopt the Resolution Amending Policy for Committee Alternates. The motion was seconded by Commissioner Lathi and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter  
Noes: None  
Absent: None  
Abstain: None

**19. Resolution Commending Castro Valley Sanitary District on its 80<sup>th</sup> Anniversary**

The GM noted this resolution will be presented at a celebration ceremony for Castro Valley Sanitary District. Commissioner Lathi moved to adopt the Resolution Commending Castro Valley Sanitary District on its 80<sup>th</sup> Anniversary. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter  
Noes: None  
Absent: None  
Abstain: None

**20. Items from Commission and Staff**

No items from Commission and Staff

**21. Adjournment**

With no further business, Chair Cutter adjourned the meeting at 10:21 a.m.

Jacqueline Zipkin  
General Manager

**ITEM NO. 8 GENERAL MANAGER'S REPORT**

The General Manager will discuss items of interest concerning EBDA.

**ITEM NO. 9 REPORT FROM THE MANAGERS ADVISORY COMMITTEE**

**MANAGERS ADVISORY COMMITTEE  
AGENDA**

**Thursday, August 8, 2019**

**1:30 P.M.**

**East Bay Dischargers Authority  
2651 Grant Avenue  
San Lorenzo, CA**

**Discussion 1**

**EBDA Commission Package**

- Finance
- Regulatory
- O&M
- Personnel

**Discussion 2**

**Joint Powers Agreement**

- Name Change?
- Transfer of Pump Stations and Implications for Extension Terms
- Capital Cost Definition
- Failure to Meet Discharge Requirements
- Use of Member Agency Outfalls and Storage
- O&M Cost Allocation
- Extension of Existing Agreement (Jan 1-June 30)
- Agenda for August 15 Meeting

**Discussion 3**

**EBDA Managers Round Robin**

**ITEM NO. 10 REPORT FROM THE AD HOC COMMITTEE**

**AD HOC COMMITTEE  
AGENDA**

**Wednesday, August 14, 2019**

**2:00 P.M.**

**East Bay Dischargers Authority  
2651 Grant Avenue  
San Lorenzo, CA**

**Discussion 1**

**Key Issues in JPA Drafting**



EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
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**ITEM NO. 11**

**FINANCIAL MANAGEMENT COMMITTEE  
AGENDA**

**Monday, August 12, 2019**

**3:00 p.m.**

**East Bay Dischargers Authority  
2651 Grant Avenue  
San Lorenzo, CA 94580**

**Committee Members: Mendall (Chair); Johnson**

**FM1. Call to Order**

**FM2. Roll Call**

**FM3. Public Forum**

**FM4. List of Disbursements for July 2019**

(The Committee will review the List of Disbursements.)

**FM5. Preliminary Treasurer's Report for July 2019**

(The Committee will review the Preliminary Treasurer's Report.)

**FM6. FY 2018-2019 Financial Audit Schedule**

(The Committee will review general information related to the FY 2018-2019 financial audit.)

**FM7. Review of Purchasing Policy**

(The Committee will review a key issue for revision of the Authority's Purchasing Policy.)

**FM8. Review of Draft Pension Funding Policy**

(The Committee will review a draft Pension Funding Policy for the Authority.)

**FM9. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

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**The next Financial Management Committee meeting is scheduled on  
Monday, September 16, 2019 at 3:00 p.m.**



**EAST BAY DISCHARGERS AUTHORITY**  
**Cash Disbursement**  
**July 2019**

**CHECKS (SORTED BY AMOUNT)**

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24291	7/17/2019	373016	CITY OF SAN LEANDRO	O&M - MAY 2019		41,028.77	41,028.77
24294	7/17/2019	002464	UNION SANITARY DISTRICT	O&M - MAY 2019		25,463.03	25,463.03
24319	7/31/2019	343532	CITY OF HAYWARD	O&M - APR-JUN 2019		23,801.65	23,801.65
24316	7/17/2019	1241851	HANSON BRIGETT LLP	LEGAL SERVICES JPA AMENDMENT - MAY		15,630.00	15,630.00
24303	7/17/2019	6448	CSRMA	PROPERTY INSURANCE PREMIUM 7/1/2019-7/1/2020		12,015.00	12,015.00
24300	7/17/2019	44697	CALCON	SCADA - TRANSFER TO NEW EBDA NETWORK; OPS CENTER TROUBLESHOOTING		3,814.00	10,262.80
24300	7/17/2019	44698	CALCON	HEPS SERVICE - MDF PMS, HEPS MCC ALARM; COMM DATA ISSUES; HEPS VFD#1		2,574.40	
24300	7/17/2019	44781	CALCON	SCADA - DATA ADDITIONS BETWEEN OLSD & EBDA; SKYWEST & OLSD		1,334.80	
24300	7/17/2019	44782	CALCON	SCADA - DATA ADDITIONS BETWEEN OLSD & EBDA; SKYWEST & OLSD		1,334.80	
24300	7/17/2019	44696	CALCON	SLEPS AND OLEPS- COMM DATA ISSUES; FUEL MONITORING SYSTEM		1,204.80	
24331	7/31/2019	OE01817111	AEROTEK ENVIRONMENTAL	K. YAMBAO P/E 6/29		2,200.00	8,085.00
24331	7/31/2019	OE01820825	AEROTEK ENVIRONMENTAL	K. YAMBAO P/E 7/6		1,760.00	
24331	7/31/2019	OE01824481	AEROTEK ENVIRONMENTAL	K. YAMBAO P/E 7/13		2,103.75	
24331	7/31/2019	OE01828210	AEROTEK ENVIRONMENTAL	K. YAMBAO P/E 7/20		2,021.25	
24333	7/31/2019	004	KERMANI CONSULTING GROUP	DISASTER RECOVERY PLANNING PROG. PYMT #4		7,545.00	7,545.00
24292	7/17/2019	6158	ORO LOMA SANITARY DISTRICT	O&M SKYWEST - MAY 2019		7,455.47	7,455.47
24329	7/31/2019	SJ950907	UNIVAR	BISULFITE DELIVERY 07/11/19		5,909.79	5,909.79
24309	7/17/2019	SJ948426	UNIVAR	BISULFITE DELIVERY 06/28/19		5,408.28	5,408.28
24313	7/17/2019	OE01809868	AEROTEK ENVIRONMENTAL	K. YAMBAO P/E 6/15		2,200.00	4,345.00
24313	7/17/2019	OE01813489	AEROTEK ENVIRONMENTAL	K. YAMBAO P/E 6/22		2,145.00	
24332	7/31/2019	600669	CALTEST	NPDES LAB TESTING JUNE		3,989.90	3,989.90
24312	7/17/2019	S4566920.003	ALAMEDA ELECTRICAL DISTRIBUTORS	PLC MODULES FOR OLEPS PUMPS #1 & 4		3,780.05	3,780.05
24311	7/17/2019	7/03/2019	AZYURA	3RD QUARTERLY INSTALLMENT FOR WATERBITS LICENSING AND REPORTING		3,750.00	3,750.00
24286	7/17/2019	APR-JUN2019	KARL ROYER	QUARTERLY RETIREE CALPERS HEALTH PREMIUM REIMB APR-JUN 2019		3,190.50	3,190.50
24324	7/31/2019	Apr-19	DEBORAH QUINN	ACCOUNTING SERVICES FOR APRIL 2019		3,075.00	3,075.00
24314	7/17/2019	102948	LOCAL GOVERNMENT COMMISSION	ANNUAL MEMBERSHIP TO BAYCAN		2,500.00	2,500.00
24308	7/17/2019	MAY/JUN	US BANK	WEF REGISTRATION	725.00	2,384.30	2,384.30
24308	7/17/2019	MAY/JUN	US BANK	CASA REGISTRATION	595.00		
24308	7/17/2019	MAY/JUN	US BANK	REMOTE DATA BACKUPS	378.00		
24308	7/17/2019	MAY/JUN	US BANK	ADOBE SUBSCRIPTION	179.88		
24308	7/17/2019	MAY/JUN	US BANK	BATTERIES PLUS	98.31		
24308	7/17/2019	MAY/JUN	US BANK	TOGO'S	94.00		
24308	7/17/2019	MAY/JUN	US BANK	INTERMEDIA.NET	86.41		
24308	7/17/2019	MAY/JUN	US BANK	LUCKY	44.10		
24308	7/17/2019	MAY/JUN	US BANK	SAFEWAY	37.75		

**EAST BAY DISCHARGERS AUTHORITY**  
**Cash Disbursement**  
**July 2019**

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24308	7/17/2019	MAY/JUN	US BANK	BATTERIES PLUS	36.04		
24308	7/17/2019	MAY/JUN	US BANK	OFFICE DEPOT	31.58		
24308	7/17/2019	MAY/JUN	US BANK	THE ROSE GARDEN RESTAURANT	25.30		
24308	7/17/2019	MAY/JUN	US BANK	PEET'S	23.00		
24308	7/17/2019	MAY/JUN	US BANK	SAFEWAY	13.98		
24308	7/17/2019	MAY/JUN	US BANK	EAST BAY TIMES	9.95		
24308	7/17/2019	MAY/JUN	US BANK	SELECT-A-SPOT PARKING	6.00		
24315	7/17/2019	21059347	JOHNSON CONTROLS	ANNUAL SERVICE AGREEMENT FOR ALARM AND DETECTION MONITORING AT MDF		2,166.33	2,166.33
24287	7/17/2019	APR-JUN2019	CHARLES WEIR	QUARTERLY RETIREE CALPERS HEALTH PREMIUM REIMB APR-JUN 2019		1,856.97	1,856.97
24290	7/17/2019	457-303166	VANTAGEPOINT TRANSFER AGENTS	ICMA DEFERRED COMPENSATION FOR PERIOD ENDING 07/15/19		1,768.77	1,768.77
24317	7/31/2019	457-303166	VANTAGEPOINT TRANSFER AGENTS	ICMA DEFERRED COMPENSATION FOR PERIOD ENDING 07/31/19		1,767.86	1,767.86
24293	7/17/2019	52205701	CITY OF HAYWARD	LTD, DENTAL, VISION - JULY 2019		1,507.83	1,507.83
24288	7/17/2019	Jun-19	HOWARD CIN	REIMBURSEMENT - HP NOTEBOOK + MEMORY		1,273.79	1,273.79
24330	7/31/2019	11348558	BROWN & CALDWELL	TRANSPORT SYSTEM INSPECTION & ASSESSMENT		1,184.09	1,184.09
24323	7/31/2019	1417262019	UNDERGROUND SERVICE ALERT	ANNUAL MEMBERSHIP FY 2019/20		848.52	848.52
24307	7/17/2019	517729	R COMPUTER	HP PRO BOOK NOTEBOOK AND MEMORY FOR ADMIN ASSISTANT		727.05	727.05
24318	7/31/2019	19-Jul	SHELIA YOUNG	COMMISSION MEETINGS JULY 2019		720.00	720.00
24310	7/17/2019	EBD3051	ALPHA LABORATORIES	SKYWEST LAB SAMPLES MAY-JUN		658.00	658.00
24299	7/17/2019	1746192-19	STATE COMPENSATION INSURANCE FUND	WORKERS COMP PREMIUM JULY 2019		603.25	603.25
24321	7/31/2019	1746192-18	STATE COMPENSATION INSURANCE FUND	FINAL PREMIUM STATEMENT 2018		446.16	584.73
24321	7/31/2019	1746192-19	STATE COMPENSATION INSURANCE FUND	WORKERS COMP PREMIUM ADJUSTMENT		138.57	
24327	7/31/2019	14268-5	CONSTRUCTION TTESTING SERVICES	HEPS MCC CONSTRUCTION TESTING AND INSPECTIONS		571.53	571.53
24328	7/31/2019	188623962	ORKIN	QUARTERLY PEST CONTROL SERVICES - MDF		290.00	510.00
24328	7/31/2019	188624017	ORKIN	QUARTERLY PEST CONTROL SERVICES - SLEPS		220.00	
24305	7/17/2019	4159	DAVISON SYSTEMS LLC	ANNUAL CMMS SUPPORT		500.00	500.00
24296	7/17/2019	51027859109143	AT&T	PHONE SERVICE AT EBDA ADMIN 5/7 - 8/3/19		406.76	406.76
24325	7/31/2019	8092	CAYUGA	JUNE SERVICES		405.00	405.00
24302	7/17/2019	9833169149	VERIZON	CELLULAR, MESSAGING, DATA SERVICES 6/2-7/1/19		192.57	215.27
24302	7/17/2019	9833919758	VERIZON	MODEM SCADA 6/11 - 7/10/19		22.70	
24295	7/17/2019	10110000001	EAST BAY MUD	MDF WATER AND SEWER 4/23/19-6/19/19		203.34	203.34
24289	7/17/2019	JUN-19	JACQUELINE ZIPKIN	EXPENSE REIMBURSEMENT - JUNE 2019		181.78	181.78
24297	7/17/2019	51048304397166	AT&T	PHONE SERVICE AT MDF 6/7 - 7/17/19		176.11	176.11
24326	7/31/2019	3623	TOWN & COUNTRY OFFICE CLEANING	OFFICE CLEANING - JULY 2019		165.00	165.00
24298	7/17/2019	0118004	GOVERNMENT FINANCE OFFICERS ASSOC.	MEMBERSHIP RENEWAL		160.00	160.00
24322	7/31/2019	6-610-40544	FEDEX	AGENDAS SHIPPED 7/11		138.40	138.40
24320	7/31/2019	44777800001	EAST BAY MUD	WATER & SEWER AT EBDA 5/16-7/16/19		113.38	113.38

**EAST BAY DISCHARGERS AUTHORITY**  
**Cash Disbursement**  
**July 2019**

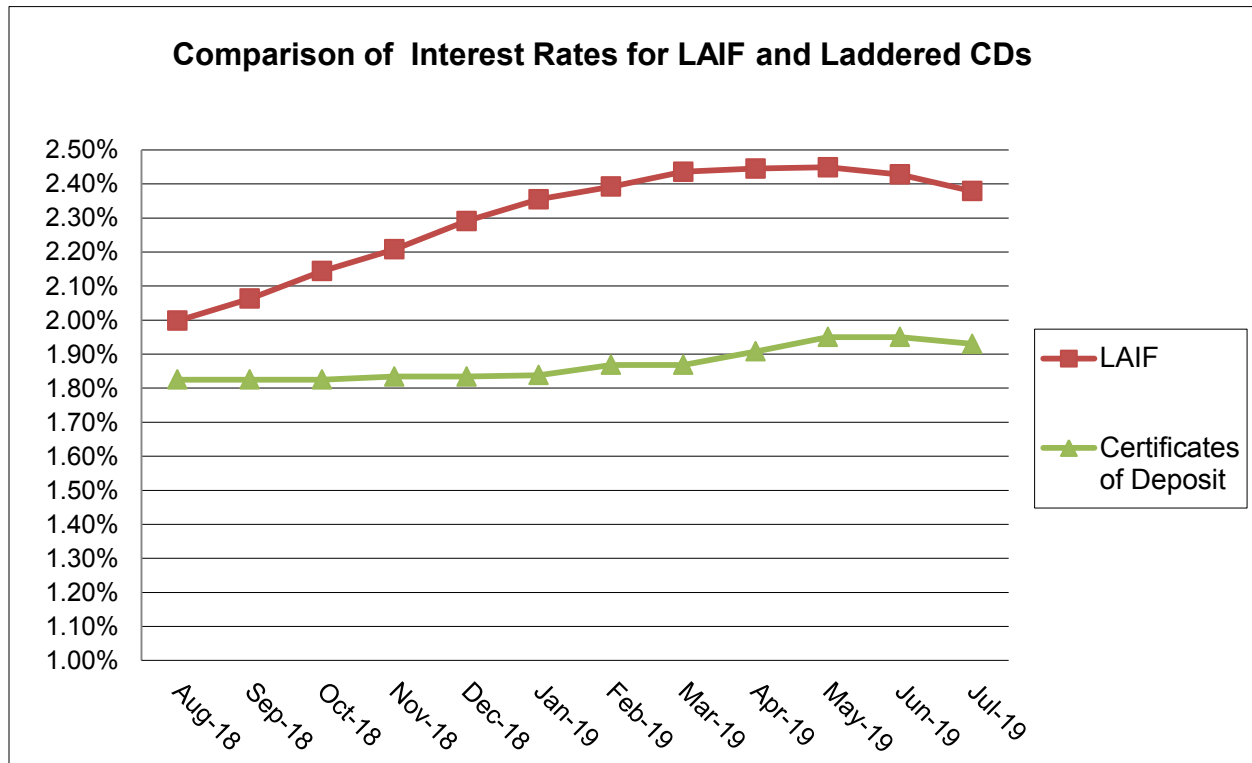
Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24306	7/17/2019	7/1/2019	ALCO EMA	ANNUAL MEMBERSHIP DUES		100.00	100.00
24304	7/17/2019	1110628	ALLIANT INSURANCE SERVICES	MOBILE VEHICLE PROGRAM RENEWAL 7/1/19-7/1/20		61.00	61.00
24301	7/17/2019	6-610-72271	FEDEX	DOCUMENTS SHIPPED TO LEGAL COUNSEL 7/3/19		27.90	27.90
TOTAL CHECK PAYMENTS							209,222.20
ELECTRONIC PAYMENTS							
	7/5/2019	51055948980-0	PG&E	GAS & ELECTRIC CHARGES 4/30/19-6/10/19		42,501.86	42,501.86
	7/11/2019	15698750	PERS HEALTH	HEALTH PREMIUMS - JULY 2019		7,022.49	7,022.49
	7/15/2019	6-2019-1	CALPERS	RETIREMENT CONTRIBUTIONS, PAYROLL PERIOD 06/01/19-06/15/19		2,978.35	2,978.35
	7/25/2019	15711836	CALPERS	ANNUAL UNFUNDED ACCRUED LIABILITY AS OF 6/30/17 VALUATION		3,503.42	3,503.42
TOTAL ELECTRONIC PAYMENTS							56,006.12
PAYROLL							
	7/15/2019	7/15/2019	PAYROLL	07/01-15/2019		17,123.27	17,123.27
	7/31/2019	7/31/2019	PAYROLL	07/16-31/2019		16,855.93	19,537.69
	7/31/2019	Jul-19	CUTTER, PAULINE RUSSO	DIRECT DEPOSIT		480.00	
	7/31/2019	Jul-19	LATHI, ANJALI	DIRECT DEPOSIT		720.00	
	7/31/2019	Jul-19	MENDALL, AL	DIRECT DEPOSIT		761.76	
	7/31/2019	Jul-19	JOHNSON, RALPH	DIRECT DEPOSIT		720.00	
TOTAL PAYROLL							36,660.96
TOTAL DISBURSEMENTS							301,889.28

**ITEM NO. FM5 PRELIMINARY TREASURER'S REPORT FOR JULY 2019**

The beginning cash balance on July 1, 2019 was \$4,230,568.57. The ending cash balance on July 31, 2019 was \$5,017,112.71 Total receipts for the month were \$1,088,433.42 and disbursements were \$301,889.28. EBDA has a three-pronged investment approach.

- Current market value of laddered CD investments total \$700,906.85. The average annual yield of the CDs is 1.93%. One CD matured in July 2019 and the resulting \$50,000 was transferred to savings.
- EBDA's Local Agency Investment Fund (LAIF) balance beginning July 1, 2019 was \$3,209,546.62. The LAIF account was credited \$20,385.65 in interest earned for the quarter ending June 30, 2019. The ending balance for July 2019 was \$3,229,932.27. The LAIF interest rate for the period ending July 31, 2019 was 2.379%
- The Wells Fargo State/Local Government account interest rate for this period was 0.03%.

**Approval is recommended.**



**EAST BAY DISCHARGERS AUTHORITY  
PRELIMINARY  
TREASURER'S REPORT  
JULY 31, 2019**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	879,394.23	626,873.16	257,028.75	1,249,238.64
13	PLANNING & SPECIAL STUDIES	508,786.74	273,711.19	27,427.89	755,070.04
14	RECLAMATION O & M (SKYWEST)	114,183.37	20,000.00	4,146.66	130,036.71
31	REPLACEMENT	2,716,434.73	167,849.07	13,285.98	2,870,997.82
41	CONSTRUCTION	11,769.50			11,769.50
	TOTALS	4,230,568.57	1,088,433.42	301,889.28	5,017,112.71

Jul-19  
8/7/19

## SUPPLEMENTAL TREASURER'S REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT REGULAR	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	SAVINGS TRANSFER	LAIF TRANSFER	CD TRANSFER	CD INTEREST & EXPENSES	WELLS FARGO REGULAR CHECKING BALANCE	WELLS FARGO PAYROLL CHECKING BALANCE	WELLS FARGO REGULAR SAVINGS BALANCE	LAIF BALANCE	WELLS FARGO CERTIFICATES OF DEPOSIT	TOTAL CASH
06/30/19	BALANCE									105,136.33	61,718.38	51,615.94	3,209,546.62	802,551.30	4,230,568.57
07/02/19	TRANSFER FROM CD TO SAVINGS							(50,000.00)		105,136.33	61,718.38	101,615.94	3,209,546.62	752,551.30	4,230,568.57
07/05/19	ELECTRONIC BILL PAY PG&E		42,501.86							62,634.47	61,718.38	101,615.94	3,209,546.62	752,551.30	4,188,066.71
07/05/19	DEPOSIT	10,000.00								72,634.47	61,718.38	101,615.94	3,209,546.62	752,551.30	4,198,066.71
07/11/19	ELECTRONIC BILL PAY		7,022.49							65,611.98	61,718.38	101,615.94	3,209,546.62	752,551.30	4,191,044.22
07/11/19	INTEREST	433.90							433.90	65,611.98	61,718.38	101,615.94	3,209,546.62	752,985.20	4,191,478.12
07/12/19	PAYROLL TRANSFER				20,000.00					45,611.98	81,718.38	101,615.94	3,209,546.62	752,985.20	4,191,478.12
07/12/19	PAYROLL			17,123.27						45,611.98	64,595.11	101,615.94	3,209,546.62	752,985.20	4,174,354.85
07/15/19	ELECTRONIC BILL PAY		2,978.35							42,633.63	64,595.11	101,615.94	3,209,546.62	752,985.20	4,171,376.50
07/15/19	INTEREST	20,385.65					20,385.65			42,633.63	64,595.11	101,615.94	3,229,932.27	752,985.20	4,191,762.15
07/15/19	INTEREST	67.60							67.60	42,633.63	64,595.11	101,615.94	3,229,932.27	753,052.80	4,191,829.75
07/16/19	DEPOSIT	10,000.00								52,633.63	64,595.11	101,615.94	3,229,932.27	753,052.80	4,201,829.75
07/16/19	INTEREST	508.29							508.29	52,633.63	64,595.11	101,615.94	3,229,932.27	753,561.09	4,202,338.04
07/17/19	DEPOSIT	273,326.16								325,959.79	64,595.11	101,615.94	3,229,932.27	753,561.09	4,475,664.20
07/17/19	DISBURSEMENT		149,807.35							176,152.44	64,595.11	101,615.94	3,229,932.27	753,561.09	4,325,856.85
07/19/19	DEPOSIT	151,010.96								327,163.40	64,595.11	101,615.94	3,229,932.27	753,561.09	4,476,867.81
07/25/19	ELECTRONIC BILL PAY		3,503.42							323,659.98	64,595.11	101,615.94	3,229,932.27	753,561.09	4,473,364.39
07/25/19	PAYROLL TRANSFER				20,000.00					303,659.98	84,595.11	101,615.94	3,229,932.27	753,561.09	4,473,364.39
07/26/19	DEPOSIT	176,303.05								479,963.03	84,595.11	101,615.94	3,229,932.27	753,561.09	4,649,667.44
07/29/19	DEPOSIT	446,194.18								926,157.21	84,595.11	101,615.94	3,229,932.27	753,561.09	5,095,861.62
07/30/19	PAYROLL			19,537.69						926,157.21	65,057.42	101,615.94	3,229,932.27	753,561.09	5,076,323.93
07/30/19	INTEREST	156.16							156.16	926,157.21	65,057.42	101,615.94	3,229,932.27	753,717.25	5,076,480.09
07/31/19	DISBURSEMENT		59,414.85							866,742.36	65,057.42	101,615.94	3,229,932.27	753,717.25	5,017,065.24
07/31/19	INTEREST	1.71			1.71					866,742.36	65,059.13	101,615.94	3,229,932.27	753,717.25	5,017,066.95
07/31/19	INTEREST	2.55				2.55				866,742.36	65,059.13	101,618.49	3,229,932.27	753,717.25	5,017,069.50
07/31/19	INTEREST	6.91								866,749.27	65,059.13	101,618.49	3,229,932.27	753,717.25	5,017,076.41
07/31/19	DIVIDEND	36.30							36.30	866,749.27	65,059.13	101,618.49	3,229,932.27	753,753.55	5,017,112.71
TOTAL		1,088,433.42	265,228.32	36,660.96	40,001.71	2.55	20,385.65	(50,000.00)	1,202.25	866,749.27	65,059.13	101,618.49	3,229,932.27	753,753.55	5,017,112.71
CURRENT BALANCE										①	②	③	④	⑤	
Reconciliation															
①	Per Bank Statement @7/31/19	\$ 929,624.89													
	Less: Outstanding Checks	62,875.62													
		\$ 866,749.27													
②	Per Bank Statement @7/31/19	\$ 65,059.13													
③	Per Bank Statement @7/31/19	\$ 101,618.49													
④	Per LAIF Statement @7/31/19	\$ 3,229,932.27													
⑤	Per Treasurer's Report @7/31/19	\$ 753,753.55													
	Fair Market Value Increase/Decrease	(691.57)													
	Per Investment Statement @7/31/19	\$ 753,061.98													

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.

# CD PORTFOLIO

Institution	Description	Purchase Date	Maturity Date	Estimated Annual Yield	Quantity	Current Market Value
ALLY BANK	ALLY BANK CD MIDVALE UT ACT/365 FDIC INSURED CPN 1.200% DUE 08/12/19 DTD 08/11/16 FC 02/11/17	8/11/2016	08/12/2019	1.20%	50,000	49,984.00
ALLY BANK	ALLY BANK CD MIDVALE UT ACT/365 FDIC INSURED CPN 1.350% DUE 11/04/19 DTD 11/03/16 FC 05/03/17	11/3/2016	11/04/2019	1.35%	50,000	49,878.50
ALLY BANK	ALLY BANK CD MIDVALE UT ACT/365 FDIC INSURED CPN 1.600% DUE 12/16/19 DTD 12/15/16 FC 06/15/17	12/15/2016	12/16/2019	1.60%	50,000	49,926.50
<b>ALLY BANK Total</b>						149,789.00
BARCLAYS BANK	BARCLAYS BANK CD WILMINGTON DE ACT/365 FDIC INSURED CPN 1.950% DUE 09/21/20 DTD 09/20/17 FC 03/20/18 CUSIP 06740KKU0	9/20/2017	9/21/2020	1.95%	50,000	49,971.50
<b>BARCLAYS BANK Total</b>						49,971.50
CAPITAL ONE BK USA NA	CAPITAL ONE BK USA NA CD GLEN ALLEN VA ACT/365 FDIC INSURED CPN 1.750% DUE 01/13/20 DTD 01/11/17 FC 07/11/17	1/11/2017	1/13/2020	1.75%	50,000	49,947.50
CAPITAL ONE BK USA NA	CAPITAL ONE BK USA NA CD GLEN ALLEN VA ACT/365 FDIC INSD CPN 2.000% DUE 11/02/20 DTD 11/01/17 FC 05/01/18 CUSIP 1404206A3	11/1/2017	11/2/2020	2.00%	50,000	49,993.50
<b>CAPITAL ONE BK USA NA Total</b>						99,941.00
CITIBANK NA	CITIBANK NA CD SIOUX FALLS SD ACT/365 FDIC INSD CPN 2.900% DUE 05/24/21 DTD 05/23/18 FC 11/23/18 CUSIP 17312QM22	5/23/2018	5/24/2021	2.85%	50,000	50,751.50
<b>CITIBANK NA Total</b>						50,751.50
COMENITY BANK	COMENITY BANK CD WILMINGTON DE ACT/365 JUMBO CD FDIC INSURED CPN 1.900% DUE 8/31/20 DTD 8/30/17 FC 9/30/17 CUSIP 99000PTY2	8/30/2017	8/31/2020	1.90%	100,000	99,675.00
<b>COMENITY BANK Total</b>						99,675.00
DISCOVER BANK	DISCOVER BANK CD GREENWOOD DE ACT/365 FDIC INSURED CPN 1.800% DUE 03/02/20 DTD 03/01/17 FC 09/01/17 CUSIP 2546723K2	3/1/2017	3/2/2020	1.80%	50,000	49,947.50
<b>DISCOVER BANK Total</b>						49,947.50
GOLDMAN SACHS BK USA	GOLDMAN SACHS BK USA CD NEW YORK NY ACT/365 FDIC INSURED CPN 1.900% DUE 06/22/20 DTD 06/21/17 FC 12/21/17	6/21/2017	6/22/2020	1.90%	3,000	2,997.69
<b>GOLDMAN SACHS BK USA Total</b>						2,997.69

# CD PORTFOLIO

Institution	Description	Purchase Date	Maturity Date	Estimated Annual Yield	Quantity	Current Market Value
KEY BANK NA	KEY BANK NA CD CLEVELAND OH ACT/365 FDIC INSURED CPN 1.750% DUE 04/13/20 DTD 04/12/17 FC 10/12/17	4/12/2017	4/13/2020	1.75%	50,000	49,919.00
<b>KEY BANK NA Total</b>						49,919.00
LAKESIDE BANK	LAKESIDE BANK CD CHICAGO IL ACT/365 FDIC INSURED CPN 1.750% DUE 02/14/20 DTD 07/14/17 FC 08/14/17 CUSIP 51210SNL7	7/12/2017	2/14/2020	1.75%	47,000	46,942.66
<b>LAKESIDE BANK Total</b>						46,942.66
MORGAN STANLEY BK NA	MORGAN STANLEY BK NA CD SALT LAKE CTY UT ACT/365 FDIC INSD CPN 2.500% DUE 02/08/21 DTD 02/08/18 FC 08/08/18 CUSIP 61747MJ93	1/30/2018	2/8/2021	2.48%	50,000	50,350.00
MORGAN STANLEY BK NA	MORGAN STANLEY BK NA CD SALT LAKE CTY UT ACT/365 FDIC INSD CPN 2.800% DUE 04/05/21 DTD 04/05/18 FC 10/05/18 CUSIP 61747MS69	4/5/2018	4/5/2021	2.76%	50,000	50,622.00
<b>MORGAN STANLEY BK NA Total</b>						100,972.00
<b>Grand Total</b>						700,906.85
<b>Average Estimated Annual Yield</b>				1.93%		

**ITEM NO. FM6 FY 2018/2019 FINANCIAL AUDIT SCHEDULE**

**Recommendation**

This report is for the Committee's information only; no action is required.

**Background**

The field work for the FY 2018/2019 financial audit is scheduled for October 17-18, 2019. This is the fifth year of the Maze & Associates five-year agreement. The Finance Committee is scheduled to review the audit report on November 18, 2019. Maze & Associates will present the report to the EBDA Commission at the November 21, 2019 meeting.

**ITEM NO. FM7 REVIEW OF PURCHASING POLICY**

**Recommendation**

For the Committee's information only; no action is required.

**Background**

Authority staff is in the process of reviewing and updating the Authority's Financial Management System Policy and Procedure Manual. Each section will become a stand-alone Authority Policy, and procedures will be moved to separate staff documents. This includes the Authority's Purchasing Policy.

The Authority's Joint Powers Agreement (JPA) currently states that "The affirmative vote of four members of the Commission shall be required to: ... Award, modify or accept work under any contract (including but not limited to contracts for the acquisition or construction of any building, works or improvements for the Phase I Project) in excess of \$10,000." The Agencies have agreed to remove that level of detail related to procurement from the JPA and incorporate rules governing procurement approvals into a Procurement Policy.

**Discussion**

Staff is working with the attorneys at Hanson Bridgett (currently working on the JPA) as well as Meyers Nave (Authority General Counsel) to identify example Procurement Policies from other agencies that may serve as a good model for the Authority's. In general, consistent with the approach to other recently adopted Finance Policies, staff recommends keeping the policy high level and moving details into a separate procedure document.

At this time, staff is seeking Committee input on the issue of staff signature authority. As noted above, the Authority's JPA currently limits the GM's signature authority to \$10,000. This language will be removed from the JPA, and signature authority will be addressed in the Procurement Policy. The table below summarizes current signature authority for staff at the Member Agencies.

Agenda Explanation  
East Bay Dischargers Authority  
Financial Management Committee  
August 12, 2019

AGENCY	City Manager	General Manager/ Department Director	Management/ Department Head	Coach/ Supervisor	Emergency	Comments
Castro Valley Sanitary District		50,000				Contractors/Consultants
		> 5,000	5,000			Purchase Orders
City of Hayward*		75,000				Contractors/Consultants
City of San Leandro	50,000	5,000	5,000	5,000	50,000	
East Bay Dischargers Authority		10,000			50,000	
Oro Loma Sanitary District		100,000	15,000		500,000	GM - Contracts, POs and Change Orders
Union Sanitary District*		100,000	50,000	10,000	500,000	

\*Purchasing Policy is currently under review

Staff is seeking Committee input on the following questions:

- What is the appropriate signature authority threshold for the General Manager for
  - o Construction?
  - o Professional Services?
  - o Goods?
- Should there be a different threshold for emergency purchases?
- Should other staff have signature authority and at what level?
- What should the threshold be for contract/PO amendments?

**ITEM NO. FM8 REVIEW OF DRAFT PENSION FUNDING POLICY**

**Recommendation**

For the Committee's information only; no action is required.

**Background**

Authority staff is in the process of reviewing and updating the Authority's Financial Management System Policy and Procedure Manual. Each section will become a stand-alone Authority Policy, and procedures will be moved to separate staff documents. The Authority did not previously have a Pension Funding Policy. At its July 2019 meeting, the Committee suggested that staff prepare a draft Pension Funding Policy, similar to the OPEB Policy adopted earlier this year.

**Discussion**

Earlier this year, the Commission directed that each agency, on a timeline of its choice, would pre-pay their proportionate share of the Authority's OPEB and pension funds to reach target funding ratios of 80% for OPEB and 95% for pension. The goal is to pre-fund these retirement obligations to the target ratios under the allocations in the current JPA prior to the new JPA allocations taking effect next year. Each agency subsequently elected to handle the pre-payment as a lump sum, and staff will be bringing dollar values for those lump sum payments to the Committee for review in the coming months.

The Commission formally adopted the 80% target funding ratio for OPEB on April 18, 2019 as part of the Authority's OPEB Policy. Included here for the Committee's review is a draft Pension Funding Policy, which captures the 95% funding target. Pending Committee input, staff will bring the Policy to the Commission for adoption.

**POLICY NUMBER:** 1.6

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**NAME OF POLICY:** Finance – Pension Funding

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**LAST REVISED:** TBD

**PREVIOUSLY REVISED:** NA

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**PURPOSE:** The purpose of the Pension Funding Policy is to ensure that the Authority's pensions are sustainably funded over the long term.

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**POLICY:** It is the policy of the Authority to provide pension benefits to its retirees through the California Public Employees' Retirement System (CalPERS). In order to provide for the long-term cost of the benefits promised to participants and ensure that the pension benefits are adequately funded, the Authority's funded ratio target shall be 95% or higher.

The Authority shall make annual contributions to CalPERS based on the actuarially determined amount calculated annually by CalPERS. Additional funds may be contributed to the trust based on annual budgetary analysis.



EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841  
(510) 278-5910  
FAX (510) 278-6547

*A Joint Powers Public Agency*

## **ITEM NO. 12**

### **REGULATORY AFFAIRS COMMITTEE AGENDA**

**Wednesday, August 14, 2019  
9:00 a.m.**

**East Bay Dischargers Authority  
2651 Grant Avenue, San Lorenzo, CA 94580**

**Committee Members: Johnson (Chair); Cutter**

**RA1. Call to Order**

**RA2. Roll Call**

**RA3. Public Forum**

**RA4. Status Report – NPDES Report**

(The Committee will review NPDES Permit compliance data for June 2019.)

**RA5. PFAS Update**

(The Committee will discuss recent developments regarding science and regulation of these emerging compounds.)

**RA6. California WaterReuse Action Plan**

(The Committee will discuss this recently released document.)

**RA7. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or [kyambao@ebda.org](mailto:kyambao@ebda.org). Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Regulatory Affairs Committee meeting is scheduled on  
Wednesday, September 18, 2019 at 9:00 a.m.**

## ITEM NO. RA4 STATUS REPORT – NPDES PERMIT

### Recommendation

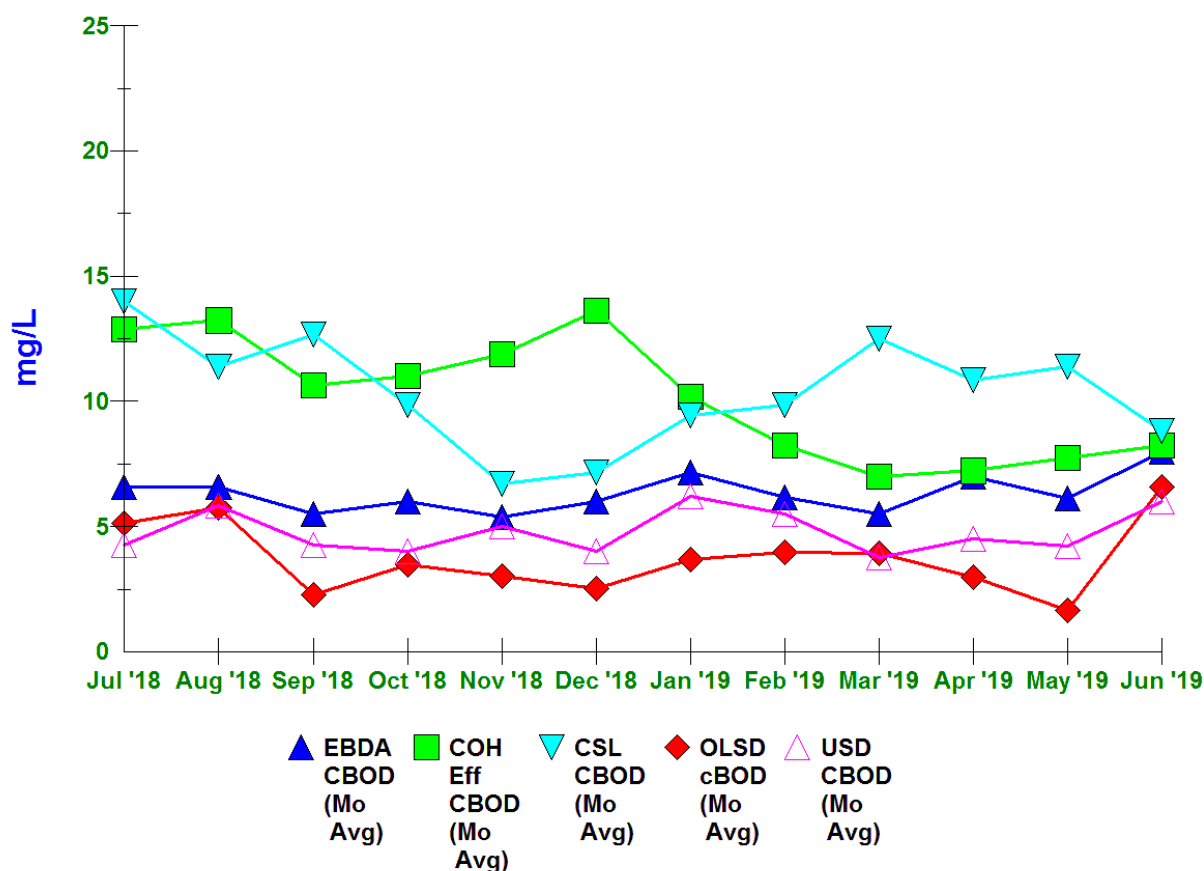
For the Committee's information only; no action is required.

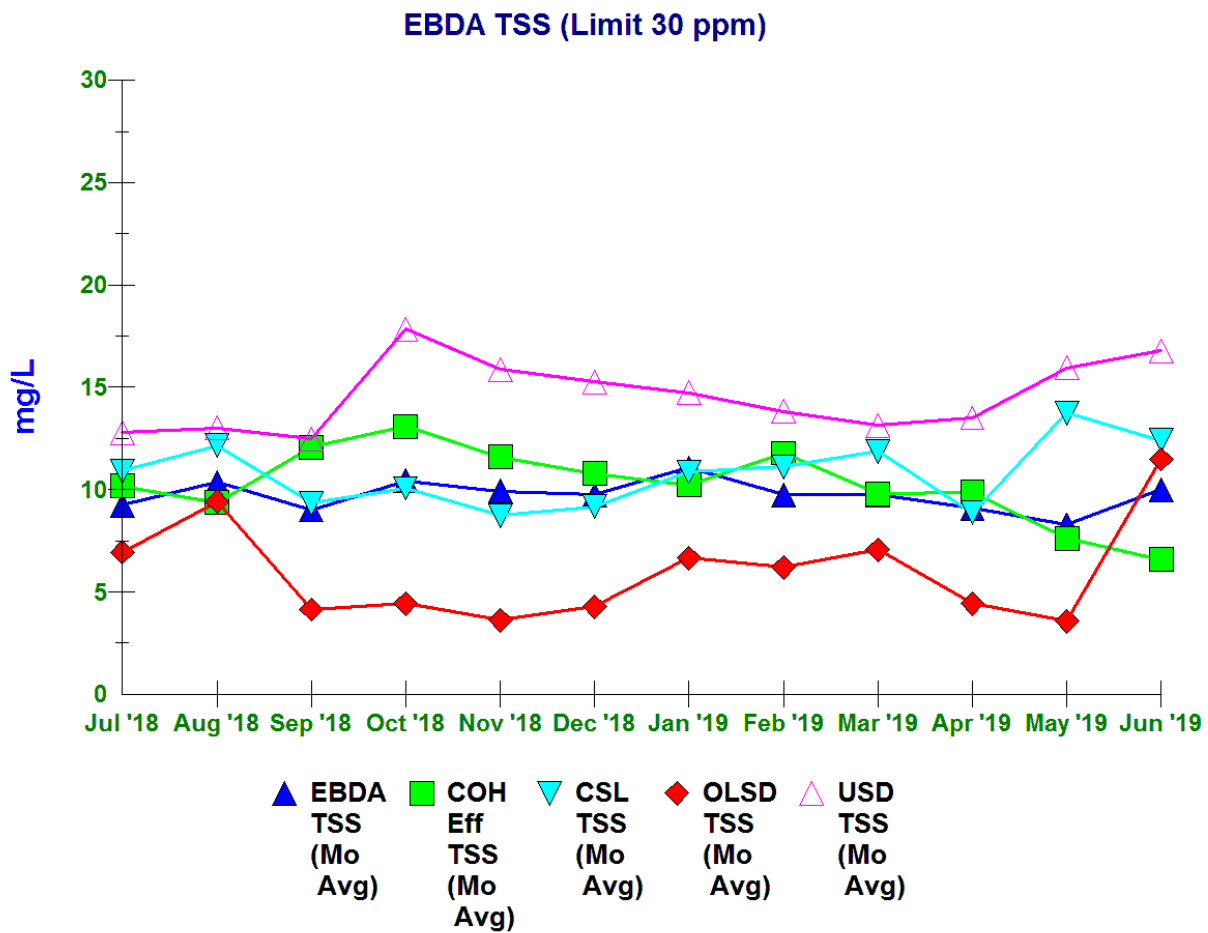
### Permit Compliance Issues

There were no NPDES permit violations in June and preliminary data from July are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included.

As noted last month, bacterial regrowth tends to accelerate as the weather warms in the summer months, and EBDA did experience one very high value of 1600 MPN/100 mL for fecal coliform on June 5, 2019. Staff kept chlorine dosing high to ensure that additional high bacteria results were not detected. Because anomalous high bacteria results can occur, effluent limits are based on 90 percentile values and geometric means. Therefore, one high result does not constitute a violation. All subsequent results in June were low, and so EBDA remained in full compliance with bacteria effluent limits. With increases in chlorine addition, July bacteria values stayed relatively low. Complete results are shown in the table below.

### EBDA CBOD (Limit=25 ppm)





EBDA EFF TSS

## EBDA Bacterial Indicators

Date	EBDA		
	Chlorinated		
	Injector		
	FECAL	ENTERO	
	MPN/ 100mL		MPN/ 100mL
Limit (Geomean)	500		240
Jan 2019, Geomean	6		3
Feb 2019, Geomean	3		3
Mar 2019, Geomean	7		2
April 2019, Geomean	7	<	2
May 2019, Geomean	14		2
6/3/2019	24	<	2
6/4/2019	17	<	2
6/5/2019	1600		17
6/10/2019	9		34
6/11/2019	33		6
6/12/2019	4		2
6/17/2019	3		2
6/18/2019	2		2
6/19/2019	46	<	2
6/24/2019	16	<	2
6/25/2019	4		2
June 2019, Geomean	16		3
7/1/2019	5	<	2
7/2/2019	4	<	2
7/3/2019	17		2
7/8/2019	6	<	2
7/9/2019	13		2
7/15/2019	22	<	2
7/16/2019	23		210
7/22/2019	2	<	2
7/23/2019	2	<	2
7/29/2019	10	<	2
7/30/2019	61	<	2
July 2019, Geomean	9	<	3

## **ITEM NO. RA5 PFAS UPDATE**

### **Recommendation**

For the Committee's information only; no action is required.

### **Background**

Per- and Polyfluoroalkyl substances (PFAS) are a group of fluorinated manmade compounds that are resistant to heat, water, and oil. They are used in a wide range of consumer products designed to be waterproof, stain-resistant, or non-stick, including carpets, furniture, cookware, clothing, cosmetics, and food packaging. PFAS also are used in fire retardant foam at military bases and airports and industrial processes involving flammable and combustible liquids. PFAS are resistant to chemical breakdown, soluble, and highly mobile in soil and water. Several individual compounds, including perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) were phased out of production in the US, however, they still persist in the environment.

PFAS are reported to have a variety of adverse health effects including cancer, elevated cholesterol, obesity, immune suppression, and endocrine disruption, which are driving public pressure for regulators to take action. No regulations on PFAS in wastewater effluent or biosolids have been proposed. This report provides an update on recent federal and state activities and some next steps.

### **Discussion**

USEPA announced its PFAS action plan last month. The two key measures are EPA's decisions to move forward with listing PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response Cleanup and Recovery Act (CERCLA), and to update the maximum contaminant levels (MCLs) for drinking water per the process outlined in the Safe Drinking Water Act. MCLs establish the legal limit for the amount of a particular substance that is permissible in public water systems. Development of new MCLs for PFAS is likely to take several years.

At the state level, on July 31, 2019, Governor Newsom signed AB 756, which will require drinking water systems to test for PFAS starting next year. The bill also updates and expands notification requirements, requiring water agencies to inform customers if they detect levels of PFAS that exceed notification levels.

The California State Water Resources Control Board (State Water Board) also recently began a state-wide phased investigation of PFAS. Phase one required 31 airports where they may have used fire retardant foam containing PFAS and 252 municipal solid waste landfills to sample their sites, along with approximately 931 nearby drinking water wells. Sampling at the City of Hayward's airport has not been required. Hayward was required to conduct sampling of its landfill leachate. An initial round of sampling was performed, and an additional round is planned. PFAS compounds were detected at levels ranging from 0.009 parts per billion (ppb) to 0.73 ppb. How the State Water Board plans to use the data is not yet known. For context, the mean concentration of PFOA in house dust in the US was found to be 38.6 ppb, while the mean concentration of PFOS in house dust was 42.4 ppb.

Phase two, expected to commence this summer, will require primary manufacturing facilities, refineries, bulk fuel storage terminals, non-airport fire training locations, and recent urban wildfire areas to conduct sampling. Finally, in phase three, expected to commence in early 2020, the State Water Board will target wastewater treatment plants and domestic wells.

PFAS can appear in both biosolids and wastewater effluent. Questions remain as to whether there are any potential health effects of PFAS in wastewater, particularly when that effluent is discharged to the Bay, but concerns are likely to be raised related to recycled water used for potable reuse. However, the treatment required to produce high purity recycled water suitable for potable reuse would utilize reverse osmosis, which is effective at removing PFAS. Concerns have also been raised regarding migration of PFAS from biosolids land application to underlying groundwater, however, data collected to date shows that background levels are often higher than those in the biosolids.

The California Association of Sanitation Agencies (CASA) is currently developing a PFAS Fact Sheet/position piece, which will be provided to the Commission when available. CASA staff is also actively meeting with representatives from drinking water associations including the Association of California Water Agencies (ACWA) to develop a coordinated water sector response to the issue.

## **ITEM NO. RA6 CALIFORNIA WATER REUSE ACTION PLAN**

### **Recommendation**

For the Committee's information only; no action is required.

### **Background**

On April 29, 2019, Governor Newsom signed an Executive Order directing his administration to develop a climate-resilient water portfolio. In response, WaterReuse California rapidly developed the attached California WaterReuse Action Plan, released in July, to inform the Governor's office, legislators, and other decision-makers on the benefits of water recycling as a key part of the state's water resilience portfolio, and to outline regulatory, research, and funding needs to expand water recycling.

### **Discussion**

The stated purpose of the Action Plan is to provide "a clear and concise strategy to advance water reuse in California over the next 30 years to help address the state's greatest water challenges as part of a comprehensive water resilience portfolio." The document is written at a high, easy-to-digest level, with illustrative graphics. It is broken into four sections:

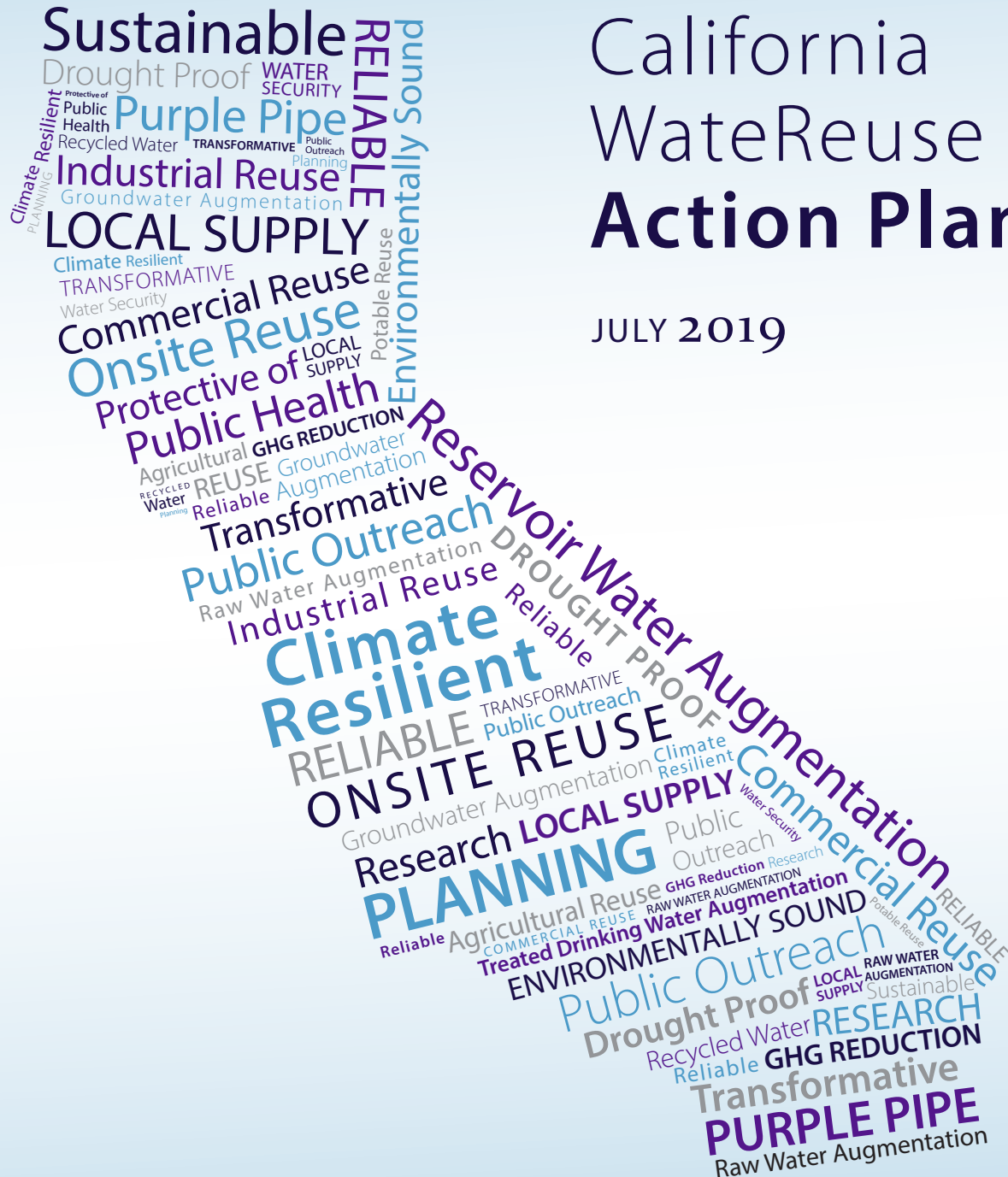
- Section I: Complete Research to Advance Water Recycling and Potable Reuse
- Section II: Develop and Streamline Recycled Water Regulations and Permitting
- Section III: Perform Integrated Regional Planning to Advance Recycled Water Use
- Section IV: Increase Grant and Loan Opportunities to Expand Recycled Water Infrastructure.

Many other activities to advance water recycling in the Bay Area, California, and nationally, are moving forward in parallel. A few examples include the following:

- USEPA has been working on a national Water Reuse Action Plan (WRAP), which it plans to release in draft at the annual Water Reuse Symposium in September in San Diego.
- A Bay Area regional water reuse planning workshop is being developed by ReNUWIt as part of a series of Bay Area One Water Network events. The workshop, which will be a small invite-only event, will be geared toward developing a vision for water recycling in the region. It will take place in November, and EBDA's GM is participating in the Planning Committee, along with representatives from Valley Water, Silicon Valley Clean Water, San Francisco Public Utilities Commission, EPA Region 9, Dr. David Sedlak from UC Berkeley, and Dr. Dick Luthy from Stanford.
- As part of compliance with the regional Nutrients Watershed Permit, BACWA has engaged a consulting team of HDR and Woodard & Curran to complete an analysis of the anticipated reductions of nutrient discharges to the Bay associated with expanded water recycling. This study, which will summarize agencies' current water recycling plans, will be a companion to the HDR nutrient treatment study developed under the last permit, and the nature-based solutions study San Francisco Estuary Institute is currently leading for BACWA.

# California WaterReuse Action Plan

JULY 2019



## **Chairs of the California WateReuse Action Plan Committee**

**Alex Coate**

General Manager, East Bay Municipal Utility District

**David Pedersen**

General Manager, Las Virgenes Municipal Water District

## **Thank you to our Contributors**

**Norma Camacho**, General Manager, Valley Water

**Christine Compton**, Government Relations Officer, Irvine Ranch Water District

**Evelyn Cortez-Davis**, Assistant Director of Water Operations/Manager of Metro Operations Section,  
Los Angeles Department of Water and Power

**Martha Davis**, Owner, Martha Davis Consulting

**Lesley Dobalian**, Principal Water Resource Specialist, San Diego County Water Authority

**Sharon Green**, Legislative & Regulatory Liaison, Sanitation Districts of Los Angeles County

**Eric Hansen**, Senior Civil Engineer, Silicon Valley Clean Water

**Melanie Holmer**, Water Reuse Leader, Brown and Caldwell

**Linda Hu**, Manager of Water Supply Improvements, East Bay Municipal Utility District

**Raymond Jay**, Senior Resource Specialist/Water Resources Manager,  
Metropolitan Water District of Southern California

**Paul Jones**, General Manager, Eastern Municipal Water District

**Paula Kehoe**, Director of Water Resources, San Francisco Public Utilities Commission

**Joone Lopez**, General Manager, Moulton Niguel Water District

**Mike Markus**, General Manager, Orange County Water District

**Rich Nagel**, Vice President, Jacobs

**Cathy Pieroni**, Manager of Government Relations, Inland Empire Utilities Agency

**Prabhakar Somavarapu**, General Manager, Sacramento Regional County Sanitation District

**Dawn Taffler**, One Water Practice Leader, Kennedy Jenks

**Deven Upadhyay**, Assistant General Manager, Chief Operating Officer,  
Metropolitan Water District of Southern California

**John Wuerth**, Senior Recycled Water Program Analyst, Eastern Municipal Water District

## **MISSION**

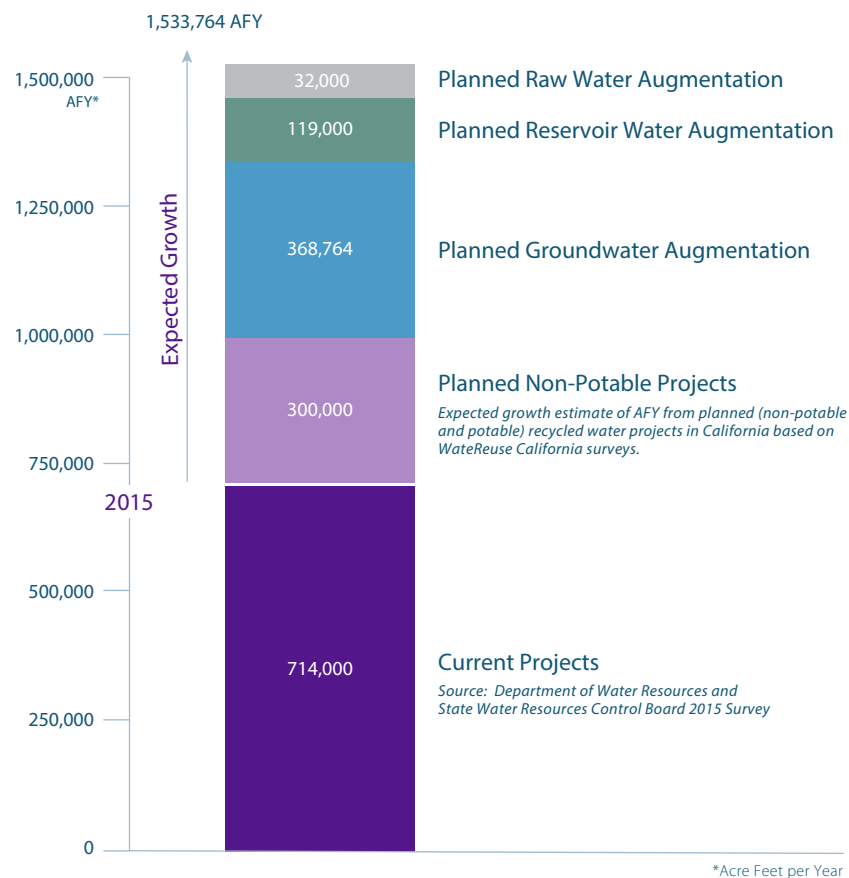
The mission of WateReuse California is to promote responsible stewardship of California's water resources by maximizing the safe, practical and beneficial use of recycled water and by supporting the efforts of the WateReuse Association.

## EXECUTIVE SUMMARY

### Introduction

California is widely recognized as a national and world leader in water recycling. Beginning with the first use of recycled water for landscape irrigation 100 years ago, agencies across California have continued to innovate and improve the process to treat and beneficially reuse their wastewater. In 1962, California pioneered potable reuse with the Montebello Forebay Groundwater Recharge Project, which uses recycled water to replenish local groundwater supplies. Today, recycled water supplies offset approximately 9% of the state's urban water demands and agricultural reuse provides reliable water supplies for farmers throughout the state.

### Water Recycling on the Rise in California



A Water Research Foundation project is seeking to identify the amount of wastewater available for water recycling in California. This project study, due in June 2020, will include environmental considerations such as minimum instream flow, water quality, and reduced flows from water conservation.

## Purpose of Action Plan

The California WaterReuse Action Plan provides a clear and concise strategy to advance water reuse in California over the next 30 years to help address the state's greatest water challenges as part of a comprehensive water resilience portfolio.

## Key Actions

California must expand reliable and sustainable water supplies to maintain our economic vitality, protect our environment, and maintain our quality of life. Climate change is profoundly impacting our natural environment and hydrologically dependent water supplies. More than ever, California needs to build a climate and seismic resilient water infrastructure to insulate our communities from increasing and more intense drought conditions. Increased use of recycled water provides long-term reliable water supply sources and is an important water resource strategy for increasing drought resiliency in regions throughout California. Water recycling is also a critically important environmental and water use efficient strategy for the state. By safely and effectively reusing water for potable and non-potable purposes, many areas of the state are able to reduce existing and future reliance on environmentally stressed imported water sources.

The State Water Resources Control Board (Water Board) recently updated California's Recycled Water Policy and added new ambitious recycled water goals for the state. To meet these goals and enhance the state's sustainable water supplies, WaterReuse California has prepared this plan to clearly identify state and local actions that must be completed over the coming decades. While the state has done a good job of promoting the use of recycled water, research, regulations, planning and funding have not matched the pace of new technology and uses. Steps must be taken to maximize the use of proven safe and reliable recycled water in communities statewide.

Proposed actions to be taken include:

- Determine How Much Water in California Can be Recycled
- Initiate and Complete Potable Reuse Research
- Develop Raw Water Augmentation Regulations and Onsite Reuse Regulations
- Plan for the Development of Treated Drinking Water Augmentation Regulations
- Update Existing Non-potable Recycled Water Regulations
- Streamline Permitting (e.g. wastewater change petition process) and Funding Process
- Enhance Regional Planning Between Water and Wastewater Agencies
- Pass a Sustainable Water Supply General Obligation Bond Measure
- Leverage More Funding for the Clean Water State Revolving Fund

## California Recycled Water Milestones in Agriculture



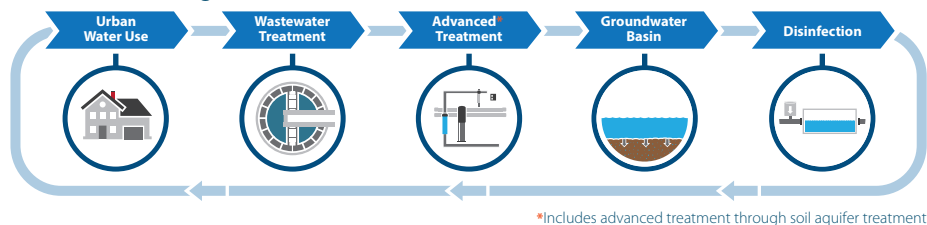
In 2015, approximately 291,400 AFY of recycled water was used for agricultural irrigation, representing 31 percent of the total amount of recycled water used in state.

## SECTION I: COMPLETE RESEARCH TO ADVANCE WATER RECYCLING AND POTABLE REUSE

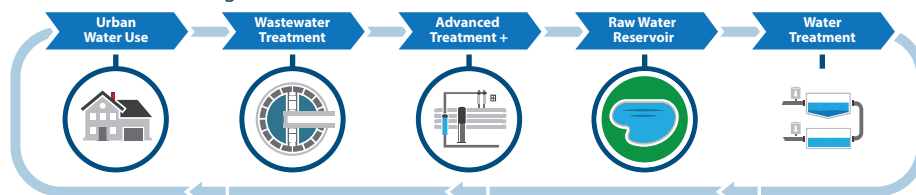
While recycled water and potable reuse projects have been successfully implemented throughout California and the nation for decades, additional research is needed to support expanded reuse in the state and to continue to ensure the paramount protection of public health as more advanced forms of reuse are implemented. Research drivers include the need to address: (1) the ability to measure and remove contaminants at increasingly lower regulated levels and monitoring/reporting limits, (2) additional or revised regulatory requirements and their application to recycled water end uses, (3) action needed to prepare and respond to climate change impacts including both flooding and drought, (4) potential application and effectiveness of alternative treatment trains for both water and wastewater treatment, and (5) the identification of new and increased uses for recycled water. On the following page are research projects that are of critical importance to the further advancement of water recycling in California.

### Potable Reuse - Newly Defined Types

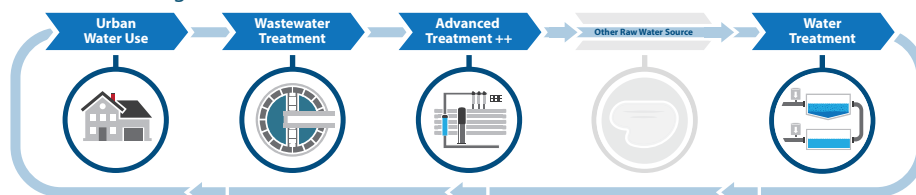
#### 1. Groundwater Augmentation



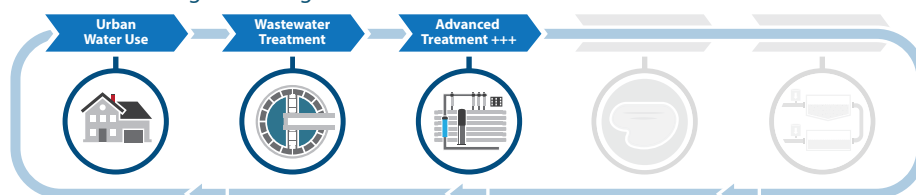
#### 2. Reservoir Water Augmentation



#### 3. Raw Water Augmentation



#### 4. Treated Drinking Water Augmentation



## SECTION I (CONTINUED)

### 1. Identify the Amount of Wastewater That is Available to Recycle in California

Water Research Foundation (WRF) project 4962 seeks to identify the amount of treated municipal wastewater available for recycled water production in California now, and projected into the future. It also seeks to identify how much treated municipal wastewater could feasibly be produced and reused in the state and the costs associated with that level of reuse, while considering required minimum instream flows, the effect of water conservation and water quality requirements. The State should use the results from this research to help establish more accurate and achievable numeric goals for water recycling in California. **Timing: June 2020**

### 2. Study the Impacts of Diminishing Wastewater Flows on Recycled Water Projects

The Water Board is developing new water use efficiency standards, as required by AB 1668–SB 606 (Friedman-Hertzberg 2018). As required by this legislation, the California Department of Water Resources (DWR) must study the full impacts of proposed indoor water use efficiency standards and the associated impacts of reduced wastewater flows on potable reuse, recycled water and related infrastructure. The Water Board should consider the impacts to recycled water and reuse when implementing AB 1668 and SB 606 and for establishing future long-term goals for water recycling. **Timing: January 2021 (Statutory Deadline)**

### 3. Monitor Contaminants of Emerging Concern (CEC): Develop Bioassay Monitoring Procedures for Potable Reuse

The National Water Research Institute, the Water Board and the water reuse community have implemented a Bioassay Implementation Advisory Group to ensure uniform procedures, repeatability, and data interpretation for CEC testing in potable reuse projects. The group will provide a forum to ensure ongoing bioassay monitoring is implemented effectively and appropriately regulated. **Timing: 2019-2025**

### 4. Finalize Research and Assemble an Expert Panel for Raw Water Augmentation (RWA) Regulations

In a 2016 report to the Legislature, “Evaluation of the Feasibility of Developing Uniform Water Recycling Criteria for Direct Potable Reuse (DPR)” the Water Board-initiated expert panel concluded that it was feasible to develop statewide regulations for DPR (including Raw Water Augmentation (RWA)). The report identifies six research areas that need to be addressed concurrently with the development of regulations. This important research has been initiated but not yet completed. As required by AB 574 (Quirk 2017), an expert panel for RWA must be assembled by the Water Board to help provide additional expertise to complete regulations that are protective of public health by the statutory deadline of December 2023. The Water Board must assemble this expert panel. **Timing: 2020 - 2023**

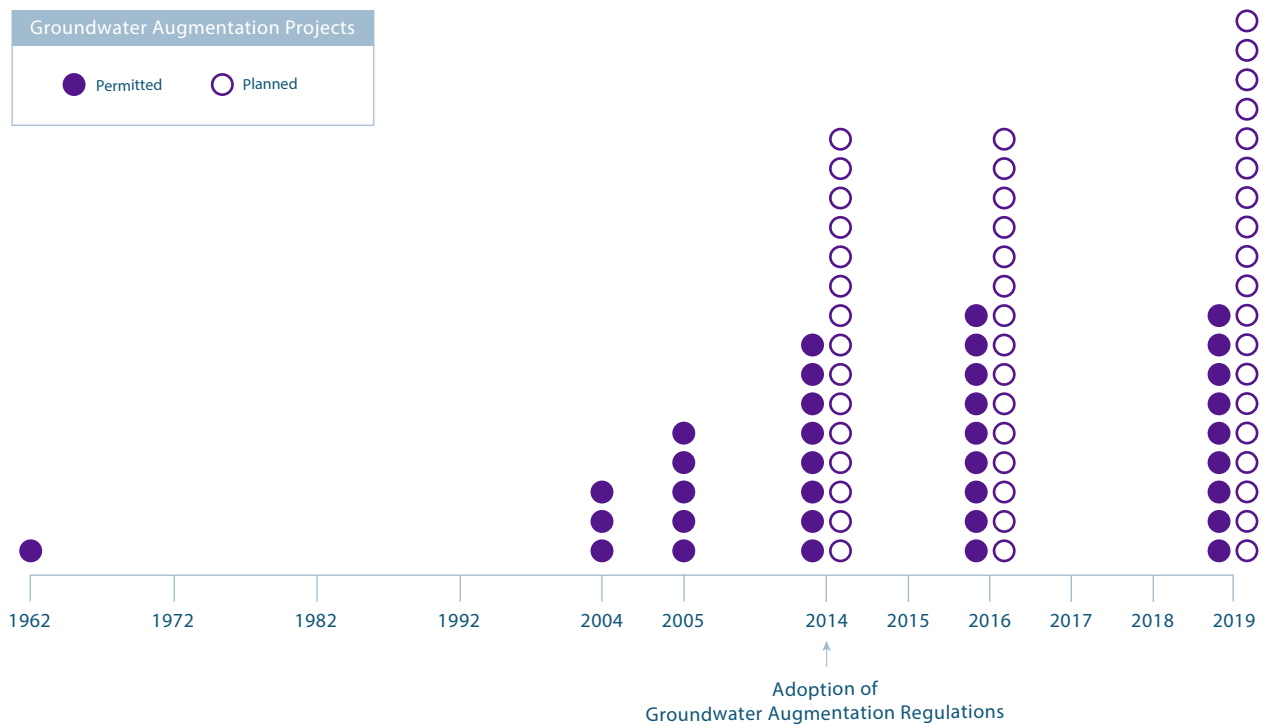
### 5. Assess Research Needed for Treated Drinking Water Augmentation Regulations

Based on the outcomes of the six research areas for DPR (see above), additional research may be necessary to determine what, if any, remaining information gaps exist before Treated Drinking Water Augmentation regulations can be advanced that are fully protective of public health. The Water Board should assess the research for DPR and determine what, if any additional research is needed for regulatory development for Treated Drinking Water Augmentation. **Timing: 2020**

## SECTION II: DEVELOP AND STREAMLINE RECYCLED WATER REGULATIONS AND PERMITTING

The development of statewide regulations is critical for the advancement of all types of recycled water projects in California. While the Water Board has the authority to permit other types of reuse projects on a case-by-case basis, the development of statewide regulations—whether it be for potable, non-potable or onsite reuse—ensures that local agencies understand the full scope of the regulatory requirements and possible financial implications of such requirements in advance of significant planning and project development investments. Statewide regulations for all types of reuse projects provide communities strong assurances that public health, local resources and the environment will be protected in a consistent manner throughout the state. These assurances broaden public acceptance of water recycling and help agencies garner crucial public and political support for recycled water investments.

### Adoption of Regulations as a Catalyst for Projects



## SECTION II (CONTINUED)

### 1. Develop Statewide Regulations for Raw Water Augmentation

AB 574 (Quirk 2017) established a 2023 legislative deadline for the development of statewide regulations for raw water augmentation. AB 574 requires that the Water Board develop the regulations with the advice of an expert panel. The Water Board should initiate the development of RWA regulations now to meet the legislative deadline.

**Timing: 2023 (Statutory Deadline)**

### 2. Develop Timeline for Treated Drinking Water Augmentation Regulations

There are communities in California where the most cost-effective approach for increasing reuse is to place purified recycled water directly into the drinking water distribution system. This type of potable reuse is known as Treated Drinking Water Augmentation. Potable reuse research is underway that should clarify what treatment trains, monitoring requirements and additional safety procedures may be necessary to support the Water Board's development of Treated Drinking Water Augmentation regulations. The Water Board should assess this research and create a timeline and needs assessment for the development of regulations, and confirm alignment with the Safe Drinking Water Act.

**Timing: 2020–2025**

### 3. Develop Regulations for Alternative Treatment Trains for Potable Reuse

Current California regulations are technology-based, requiring reverse osmosis (RO) as part of the treatment train for most types of potable reuse and lacking validation protocol for other alternatives and their potential applications for potable reuse. Because of the high cost of management and disposal of the RO concentrate waste stream (e.g. brine), potable reuse has been largely limited to coastal communities with access to ocean discharge facilities for RO concentrate disposal. Other technologies and treatment trains may provide similar levels of public health protection and should be considered to allow communities, which lack ocean discharge facilities, to leverage potable reuse as an option in water supply portfolios. The Water Board should: 1) update its 2014 Alternative Technology Report, 2) permit pilot projects with alternative treatment trains, and 3) update the potable reuse regulations to explicitly authorize these processes. **Timing: 2020–2025**

### 4. Develop Statewide Regulations for Onsite Reuse

Onsite non-potable reuse involves reusing a non-potable source of water (for example, graywater or rainwater) for a non-potable end purpose (for example, flushing toilets or irrigation) within a given site. By December 2022, SB 966 (Wiener 2018) requires the Water Board to adopt regulations for risk-based water quality standards for the onsite treatment and reuse for non-potable end uses in multifamily residential, commercial and mixed-use buildings. The Water Board has begun the development of regulations for onsite reuse.

**Timing: 2023 (Statutory Deadline)**

### 5. Update Existing Non-Potable Recycled Water Regulations

Title 22 (CCR, Title 22, Division 4, Chapter 3) contains the recycling criteria and use requirements for all non-potable recycled water projects in the state. These regulations, which have not been updated in nearly 20 years, contain a number of outdated and overly prescriptive requirements for non-potable recycled water use that are not needed for the protection of public health or the environment. Maintaining such unnecessary and outdated regulatory requirements deters the development of new non-potable recycled water uses and inordinately increases operating costs for existing recycled water projects. The Water Board should update these regulations through a public process that includes significant stakeholder engagement. **Timing: 2023**

### 6. Revise the Recycled Water Statewide Use Goals

One of the stated goals of the California Recycled Water Policy (Policy) is to increase the use of recycled water from 714,000 acre-feet per year (AFY) in 2015 to 1.5 million AFY by 2020 and to 2.5 million AFY by 2030. The 2018 update of the Policy contains new recycled water and wastewater reporting requirements that will accurately track the annual use of recycled water. After a few years of reporting, the Water Board should revise the statewide numeric goals for recycled water to set realistic and attainable targets. In setting these new goals the Water Board should use agency reporting information, the results of the research project WRF 4962 (see above) and local recycled water planning data. It should also incorporate estimates for Raw Water Augmentation

## SECTION II (CONTINUED)

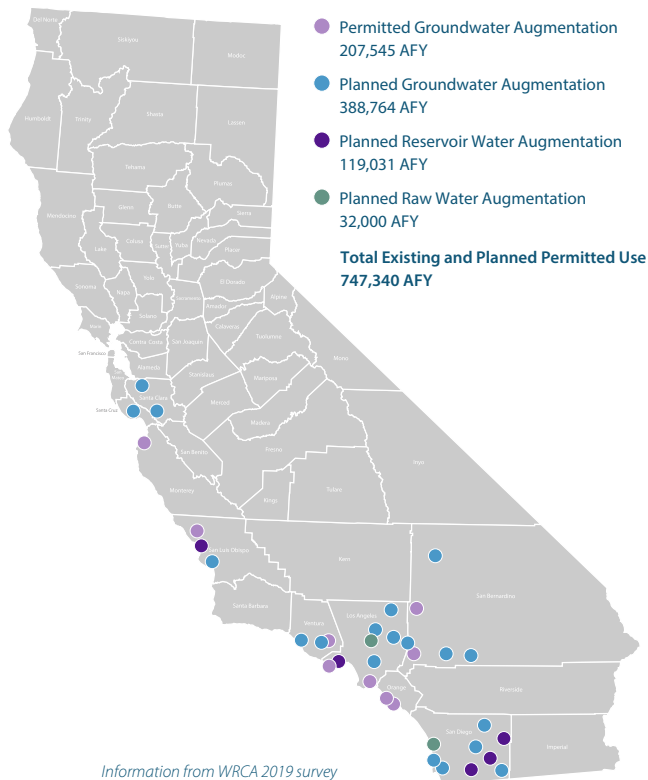
and Treated Drinking Water Augmentation projects (once regulations are developed), which that are critical for the state to meet its full water recycling potential. **Timing: 2023**

### 7. Clarify and Streamline Requirements for Wastewater Change Petition Process

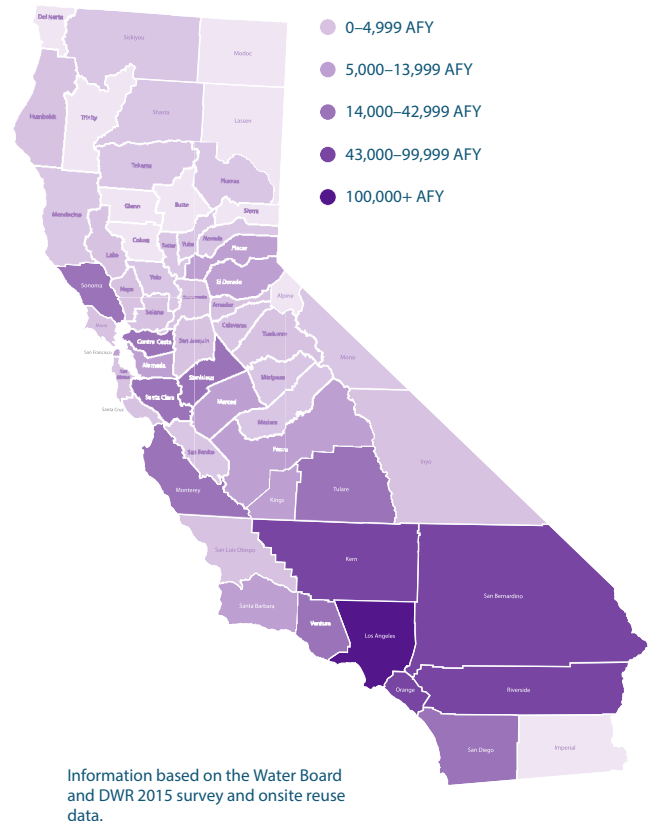
For many agencies, state approval of a wastewater change petition is necessary to redirect treated effluent currently being discharged into waterways for use in a potable or non-potable reuse project. Over the last five years, obtaining a wastewater change petition from the Water Board has

increasingly stalled or halted the permit process for many of these recycled water projects. Clear interagency standards between the Water Board and California Department of Fish and Wildlife must be established to promote inland recycled water projects—consistent with statewide recycling goals—while protecting the environment. The Water Board should work with the Department of Fish and Wildlife and other stakeholders to develop standards, checklist, and timeline for project applicants so that regulatory requirements and defined quantities of available treated effluent are clear from recycled water project development initiation through completion. **Timing: 2019–2020**

#### Existing and Planned Potable Reuse Projects



#### Non-Potable Use of Recycled Water



## SECTION III:

### PERFORM INTEGRATED REGIONAL PLANNING TO ADVANCE RECYCLED WATER USE

Implementing regional and local water projects that provide higher resilience to extreme climate and seismic events is critical for the future of California. Regional cooperation and collaborative planning between water (retail and wholesale), wastewater, recycled water, stormwater, flood control and land use agencies is necessary to develop diverse water supply portfolios and maximize reuse. Recycled water is unique in that it is derived from a year-round, hydrologically independent source: wastewater flows. Expanding recycled water surface storage and storage in groundwater aquifers while addressing regulatory barriers to storage and encouraging the commingling of waters (e.g. recycled water, surface water, groundwater and stormwater) creates a multi-source water supply buffer that helps minimize the impacts of extreme climate events. Regional planning and creative water exchanges leverage resources and enhances collaboration between all agencies, including water agencies, wastewater agencies, and stormwater agencies to more effectively integrate the management of all available water resources in a manner necessary to accomplish the goals of the State's Recycled Water Policy.

#### 1. Incentivize Innovative Water Exchange Arrangements

Water exchange arrangements between wastewater and water agencies represent a significant potential to cost-effectively help solve regional water supply shortages. It is recognized that water supply constraints are a regional and statewide problem that typically extend beyond the intersecting boundaries of individual water and wastewater agencies. To this extent, it is important that wastewater and water agencies collaborate to facilitate innovative water exchanges as part of the solution to regional water supply shortages. These exchanges envision creative arrangements between multiple agencies in order to achieve multiple benefits, leverage existing infrastructure and optimally treat and transport water to end users. **Timing: 2020–2030**

#### 2. Increase Local Collaboration to Maximize Recycled Water Use in Coastal Areas

The Water Board's 2018 update to the State Recycled Water Policy placed renewed emphasis on recycling wastewater that is currently being discharged to the ocean or bays. In areas where significant amounts of treated effluent is discharged to the ocean and bays, the local and regional water, wastewater and land use agencies should be encouraged to jointly (or individually if they provide water and wastewater services) develop local feasibility plans or recycled water master plans to identify additional economical recycled water projects in their service area(s). These plans should be recognized in regional plans addressing water supply, demands and other challenges, such as funding needs. State funding should be prioritized for multi-agency collaborative efforts.

**Timing: 2019–2025**

## SECTION III (CONTINUED)

### 3. Maximize Recycled Water Use Where Groundwater Basins are Overdrafted

Many groundwater basins in California are overdrafted or critically overdrafted. The Water Board's 2018 update to the State Recycled Water Policy encouraged the use of recycled water to enhance groundwater replenishment and yield in these basins. Groundwater Sustainability Plans (GSPs) being developed to meet the Sustainable Groundwater Management Act (SGMA) are the best way to identify local conditions, limitations and opportunities to maximize recycled water use. As appropriate, GSPs should include recycled water projects to help address groundwater overdraft in state-designated overdrafted basins. **Timing: 2020–2025**

### 4. Develop Regional Brine Disposal Solutions to Promote Reuse

In California, potable reuse projects that rely on the reverse osmosis (RO) process must have a means to dispose of the brine concentrate (e.g. the RO concentrate waste stream). In some areas, non-potable reuse projects similarly require the use of desalting technologies or blending techniques to irrigate salt sensitive crops, landscapes in groundwater basins with low salinity limits or for industrial uses with high water quality objectives. The lack of availability of an ocean outfall, or a regional brine conveyance facility connected to an ocean outfall, can result in an otherwise beneficial water project being infeasible. The state should offer incentives and regulatory support for: 1) regional efforts to develop and implement cross-jurisdictional brine conveyance and disposal facilities, and 2) research and development of cost-effective and commercially viable brine treatment and management technologies that maximize the recovery of recycled water from the brine stream and minimize or eliminate liquid brine discharges. **Timing: 2020–2030**

### 5. Incentivize Innovation in Water and Wastewater Treatment and Recycled Water Infrastructure

Water and wastewater treatment and conveyance infrastructure has become heavily segmented and is in need of new technology and means to assure an integrated and sustainable water future.

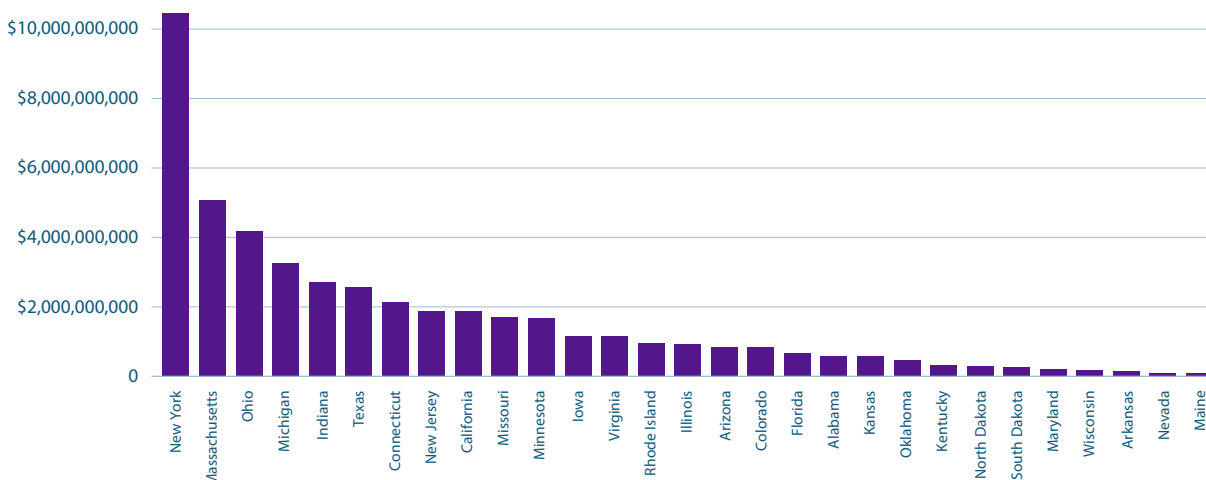
Regional projects often offer benefits of shared infrastructure, asset recovery, economies of scale, a more competitive strategy to pursue funding, and enhanced regional self-reliance. Integrated water management will allow agencies to make smart and flexible decisions to implement recycled water infrastructure investments, increase water deliveries and decrease unit costs. As part of regional reuse development efforts, the state should provide funding for multi-agency coordination infrastructure planning studies. These studies should identify opportunities for shared infrastructure development, including the reuse of abandoned assets (e.g. decommissioned pipelines) and multi-jurisdictional/cross-agency infrastructure (e.g. regional conveyance pipelines) and provide a local pathway for regionally coordinated approval. **Timing: 2020–2025**

## SECTION IV: INCREASE GRANT AND LOAN OPPORTUNITIES TO EXPAND RECYCLED WATER INFRASTRUCTURE

Communities are seeking funding for projects that address the impacts of climate change and to diversify their water portfolios to include sustainable sources of water such as recycled water. These are often complex projects that require significant investment. Most recycled water projects must secure at least 50 percent of project funding from local sources (e.g. rates, charges, taxes, local budgets, etc.), but typically require the remainder of project funding to be provided through outside sources – such as grants and/or low interest loans – to be economically viable.

The economic reality is that without local, state and federal low interest loans and grants, many recycled water projects would not be able to move forward. At the federal level, programs that fund recycled water projects in California include the U.S. Bureau of Reclamation's Title XVI-Water Reclamation and Reuse competitive grant program (Title XVI) and the Water Infrastructure Finance and Innovation Act (WIFIA) federal loan program. The Title XVI program is the only federal grant program available for recycled water projects and appropriations for this program and the WIFIA federal infrastructure loan program have not kept pace with current demands or inflation. Advocating for increased funding for these two programs, plus securing the reauthorization of EPA's Alternative Water Source grant program under Section 220 of the Clean Water Act to provide a second federal recycled water grant program, should be a high priority for the state. In California, there are more than \$7 billion in reuse and wastewater projects on the waiting list for loans from the Clean Water State Revolving Fund (CWSRF), and this does not include the majority of the potable reuse projects in the planning stages. The Water Board can authorize loans through the Drinking Water State Revolving Fund (DWSRF) for potable reuse projects on a case-by-case basis. However, with the grant funding from Proposition 1 for recycled water depleted, and the \$80 million for water recycling in Proposition 68 already allocated, the CWSRF is currently the primary source of financing for recycled water in California. To achieve the State Water Recycling Policy's ambitious goals for water recycling, California needs to be equally ambitious in securing funding to help finance these projects.

**Total Leveraged CWSRF Bonding By State**



Source: EPA CWSRF 2018 Report

### 1. Leverage More Funding for the CWSRF Through the Sale of Bonds

Under the status quo, the \$7 billion backlog of reuse and wastewater projects on the CWSRF cannot be fully addressed until 2057. But by adding \$300 million a year in loans, the backlog could be funded by 2035. To help close this significant funding gap, California should leverage additional funding for the CWSRF program through the issuance of revenue bonds. The sale of bonds is one of the easiest, fastest, and most cost effective ways that states raise capital for infrastructure of all types. Selling bonds can also give the CWSRF a cash infusion at interest rates, which are now at historically low levels. Many other states, with much smaller economies, have leveraged more funding than California for their SRF programs using this mechanism. **Timing: 2020**

### 2. Pass New Water Bond With Significant Grant Funding for Recycled Water

While loans through the SRF programs are an effective and necessary method to finance recycled water projects, in many cases the relatively high unit cost of projects require grant funding to be affordable at the local level. Grant funding can provide the needed incentive for a local agency to implement a recycled water project that might otherwise not go forward because a more cost effective surface water, groundwater or imported water source is available. California should pass a new statewide general obligation bond with a specific focus on developing hydrologically independent sustainable water supplies to help mitigate the impacts of climate change. This should include at least \$2 billion in grants for recycled water projects in order to provide funding assistance for the many recycled water projects that are planned to help meet the state's goals. **Timing: 2022**

### 3. Streamline Water Recycling Funding Program, CWSRF Application Process and Increase Staffing

Applicants for CWSRF loan funds have experienced substantially increased delays over the past few years in securing funding awards and agreements. These delays have resulted in uncertainty for local agencies that financing is secure and in place such that construction contracts can be awarded and projects commenced. The Water Board should look for opportunities to streamline this process and allocate the proper level of staff resources to this process. For example, the Water Board could allow applicants to use previously approved project application information and information submitted to different funding programs at the Water Board. It could also develop templates for small or standard projects and increase clarity of environmental and financial document submittal requirements. The Water Board could also increase staffing to accommodate a new funding infusion into the program as recommended above. **Timing: 2020**

## Conclusion

Recycled water is no longer a niche water supply in California. Unlike 30 years ago, recycled water is embraced in communities statewide as a reliable, sustainable option that is resistant to climate change and seismic impacts. But with our state's growing population and economy we must continue to enhance the state's investment to maximize the use of recycled water. See the list of critical reuse action items below:

Proposed Actions	Timing
<b>Section I: Complete Research to Advance Water Recycling and Potable Reuse</b>	
Identify the Amount of Wastewater That is Available to Recycle in California	2020
Study the Impacts of Diminishing Wastewater Flows on Recycled Water Projects	January 2021
Monitor Contaminants of Emerging Concern: Develop Bioassay Monitoring Procedures for Potable Reuse	2019–2025
Finalize Research and Assemble an Expert Panel for Raw Water Augmentation Regulations	2020–2023
Assess Research Needed for Treated Drinking Water Augmentation	2020
<b>Section II: Develop and Streamline Recycled Water Regulation and Permitting</b>	
Develop Statewide Regulations for Raw Water Augmentation	2023
Develop Timeline for Treated Drinking Water Augmentation Regulations	2020–2025
Develop Regulations for Alternative Treatment Trains for Potable Reuse	2020–2025
Develop Statewide Regulations for Onsite Reuse	2023
Update Existing Non-Potable Recycled Water Regulation	2023
Revise the Recycled Water Statewide Use Goals	2023
Clarify and Streamline Requirements for Wastewater Change Petition Process	2019–2020
<b>Section III: Perform Integrated Regional Planning to Advance Recycled Water Use</b>	
Incentivize Innovative Water Exchange Arrangements	2020–2030
Increase Local Collaboration to Maximize Recycled Water Use in Coastal Areas	2019–2025
Maximize Recycled Water Use Where Groundwater Basins are Overdrafted	2020–2025
Develop Regional Brine Disposal Solutions to Promote Reuse	2020–2030
Incentivize Innovation in Water and Wastewater Treatment and Recycled Water Infrastructure	2020–2025
<b>Section IV: Increase Grant and Loan Opportunities to Expand Recycled Water Infrastructure</b>	
Leverage More Funding for the CWSRF Through the Sale of Bonds	2020
Pass New Water Bond with Significant Grant Funding for Recycled Water	2022
Streamline Water Recycling Funding Program, CWSRF Application Process and Increase Staffing	2020

# WateReuse California

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(July 2019)

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### Contact:

**Jennifer West**

Managing Director, WateReuse California

1121 L Street, Suite 606, Sacramento, CA 95814

jwest@watereuse.org • p: (916) 669-8401 • c: (916) 496-1470



EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841  
(510) 278-5910  
FAX (510) 278-6547

*A Joint Powers Public Agency*

## **ITEM NO. 13**

### **OPERATIONS & MAINTENANCE COMMITTEE AGENDA**

**Tuesday, August 13, 2019**

**9:00 A.M.**

**East Bay Dischargers Authority  
2651 Grant Avenue, San Lorenzo, CA 94580**

**Committee Members: Cutter (Chair); Walters**

**OM1. Call to Order**

**OM2. Roll Call**

**OM3. Public Forum**

**OM4. EBDA Performance**

(The Committee will be updated on EBDA's NPDES report.)

**OM5. Status Report**

(The Committee will be updated on EBDA's O&M activities.)

**OM6. Resolution Authorizing the General Manager to Issue Amendment No. 1 to the Professional Services Agreement with GHD, Inc. for Asset Management Advisory Services In the Amount of \$3,360 for a Total Not to Exceed Amount of \$48,370**

(The Committee will consider a resolution authorizing the General Manager to issue Amendment No. 1 to the Agreement with GHD in the amount of \$3,360.)

**OM7. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or [kyambao@ebda.org](mailto:kyambao@ebda.org). Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next O&M Committee meeting is scheduled on  
Tuesday, September 17, 2019, at 9:00 a.m.**

**ITEM NO. OM4 EBDA PERFORMANCE**

The detailed package is included in the Regulatory Affairs Committee agenda. The NPDES report shows that EBDA continues to operate within the normal compliance range.

**Please see the Regulatory Affairs Committee agenda, Item No. RA4 for the June permit compliance data.**

**ITEM NO. OM5 STATUS REPORT**

**Alvarado Effluent Pump Station (AEPS)**

**Pump Cavitation Study & Station Optimization**

On July 24, 2019, EBDA had a conference call with Carollo Engineers, Inc. (Carollo) to discuss Carollo's preliminary Cavitation Study findings. The Draft Cavitation Study Project Memorandum is expected shortly.

**Hayward Effluent Pump Station (HEPS)**

**Motor Control Center (MCC) Replacement Project**

In July, three new ethernet radios were installed, one each at HEPS, the City of Hayward (COH) Hypo. Facility, and the COH Main Plant. EBDA furnished the new radios, and COH staff completed the installation. The radios were set up to provide access to COH's full SCADA system at HEPS, which is important to COH operations staff because of HEPS' remote location.

On Wednesday, July 31, 2019, PG&E was scheduled to install a new transformer and pull cables from the transformer to the new MCC to establish the new PG&E service. Following the initial work, the pump station was scheduled to be shut down for final installation and cutover on Thursday, August 1, 2019. To minimize outages at the pump station, several other activities were planned during the shutdown. These included GSE replacing four valves, and the COH performing a confined space entry into the HEPS Wet Well to observe and document its condition.

EBDA was first notified on July 31 that PG&E would not be on-site to perform the initial work. PG&E stated that all work including the shutdown and cutover would be completed on August 1. EBDA was later informed that PG&E canceled all work and would be rescheduling the shutdown for the next available date. This PG&E delay meant that all other work planned during the shutdown also had to be rescheduled. PG&E stated that the next available dates are Tuesday, August 27, 2019, and Wednesday, August 28, 2019, due to mandatory work to be performed for the CPUC over the next three weeks.

### **Oro Loma Effluent Pump Station (OLEPS)**

#### **No. 1 & 4 Effluent Pump Discharge Valve Actuator Replacement Project**

On June 13, 2019, EBDA received two new Programmable Logic Controller (PLC) output cards necessary to complete the discharge valve actuator replacement project. The old valve actuators were either 100% open or 100% closed. The new valve actuators have the ability to modulate and stop at any position. This ability will facilitate flexibility that can be used to optimize pump station operations in the future. EBDA staff is in the process of coordinating the installation of the new discharge valve actuators and gear drives for the No. 1 & 4 Effluent Pumps. The installation will be scheduled during the normal dry weather wet well preventative maintenance activities.

#### **Emergency Generator Failure**

On July 23, 2019, OLSD staff was conducting a routine test run of the OLEPS emergency generator. During the test, a wire on the generator's starter shorted, and the generator failed to start. OLSD maintenance staff replaced the wire, and the generator was tested again and started without incident. Since the failure, the generator has been tested several times and started each time without incident.

#### **Effluent Pump No. 2 Diesel Engine Failure**

On July 24, 2019, OLSD staff was conducting a routine test run of the Effluent Pumps No. 2 & 3 Diesel Engines. Effluent Pump No. 3 started and operated without incident, but Effluent Pump No. 2 failed to start due to an engine speed alarm. The engine speed alarm occurred on startup before the engine even started to crank. This appeared to be a signal/programming issue, and Calcon was contacted to investigate the issue. On August 2, 2019, a Calcon programmer corrected the Programmable Logic Controller (PLC) programming that prevented the engine from starting, and on August 5, 2019, a Calcon Instrument Tech addressed a grounding issue that caused the engine to intermittently fail to start. Effluent Pump No. 2 Diesel Engine is now fully operational.

### **San Leandro Effluent Pump Station (SLEPS)**

No change; all equipment is operational.

### **Skywest Pump Station**

#### **Recycled Water Production**

During the month of July 2019, the Skywest Recycled Water System produced 11.4 million gallons of recycled water.

### **Marina Dechlorination Facility (MDF)**

No change; all equipment is operational.

### **Force Main**

No change; all equipment is operational.

### **Operations Center**

#### **Cyber Security**

In April 2019, consultants from Woodard & Curran completed an analysis of the EBDA and OLSD networks. On July 18, 2019, a meeting was held with staff from EBDA, OLSD, and Woodard & Curran to discuss the completed draft report and the next steps. Quarterly Network Security Management & Coordination meetings were established, with the first meeting scheduled for September 10, 2019. The meetings will be attended by EBDA, OLSD, Woodard & Curran, Calcon (EBDA's SCADA consultant) and Cayuga Information Systems (EBDA's business IT consultant). The meeting objectives are to establish communication channels, develop a common understanding of upcoming projects and potential interactions, and outline the future network architecture. The agenda for the first meeting includes discussion of network security and remote access issues for EBDA's new SCADA system.

#### **SCADA System Upgrade Project**

Due to network security issues, EBDA is proceeding cautiously with the implementation of the new SCADA system.

### **Miscellaneous Items**

#### **Underground Service Alerts**

EBDA received twenty-nine (29) Underground Service Alert (USA) tickets during the month of July 2019. Four required field verification.

### **Special Projects**

#### **Transport System Seismic Reliability Plan**

On July 30, 2019, Brown & Caldwell (BC) submitted a draft of the permitting section of the Transport System Seismic Reliability Plan. The draft permitting section was forwarded to Kermani Consulting Group to be incorporated in EBDA's Disaster Cost Recovery Plan. The full Draft Transport System Seismic Reliability Plan is expected shortly.

**EBDA Facilities Electrical Evaluation**

EBDA received the Electrical Evaluation draft report from Beecher Engineering, Inc., EBDA's contract electrical engineering firm. EBDA will provide comments to Mr. Beecher to be incorporated in the final report.

**Disaster Cost Recovery Planning Services**

EBDA staff is continuing to work with Kermani Consulting Group (KCG) on disaster cost recovery planning. KCG delivered a first draft of EBDA's Disaster Cost Recovery Plan for review and discussion on June 20, 2019. Staff has provided feedback to KCG and expects a revised document to be delivered in the next couple weeks. Following refinement of the Plan, the project will conclude with an overview session for member agency staff, likely in early 2020, per the MAC's request.

**Asset Management Plan (AMP) Update**

Staff is recommending approval of amendment No. 1 to the agreement with GHD in the amount of \$3,360. See Item No. OM6.

**Advanced Quantitative Precipitation Information (AQPI) Project**

As discussed previously, AQPI is a Bay Area regional project funded by the California Department of Water Resources (DWR) aimed at improving prediction of precipitation, streamflow, and storm surge through data gathering and model improvement. EBDA is part of a consortium of East Bay agencies working to install a permanent radar in time for the 2019/20 wet season. The goal is for each of the participating agencies to approve a Memorandum of Understanding (MOU) this summer with Sonoma Water as the contracting agency. The MOU would commit to funding the installation through the end of the grant in December 2021. EBDA staff is still waiting for all agencies to complete legal review on the MOU document, and then will bring the MOU to the Commission for consideration. Based on the most recent negotiation, the EBDA contribution to this two-year project is \$29,000, which is included in EBDA's FY2019/20 budget.

It is expected that a broader regional MOU or JPA will be developed for post-grant funding beyond 2021. EBDA staff is representing the East Bay agencies in a regional committee that is beginning to discuss the long-term funding and governance plan. The first meeting of this regional committee is scheduled for August 20.

**EAST BAY DISCHARGERS AUTHORITY**  
**MONTHLY OPERATION AND MAINTENANCE REPORT**  
**Jul-2019**

1. Summary sheets from the NPDES Report submitted to the RWQCB and EPA are attached for the month of: Jun-19
2. Number of violations reported in the above NPDES Report: **None to Report**
3. The violations included the following: **None Noted**
4. Preventive Maintenance for the month of: Jun-19

LOCATION	NO. TASKS SCHEDULED	NO. TASKS COMPLETED	# TASKS UNFINISHED	PERCENT COMPLETED
San Leandro Pump Station	4	4	0	100%
Oro Loma Pump Station	59	59	0	100%
Sky West Pump Station	13	13	0	100%
Hayward Pump Station	13	13	0	100%
Alvarado Pump Station	6	6	0	100%
Marina Dechlorination Facility	19	19	0	100%
EBDA Responsibility	10	10	0	100%
Force Main - USD	4	4	0	100%
Force Main - San Leandro	61	61	0	100%
Total	189	189	0	100%

5. Unscheduled Maintenance for the month of: Jul-19

LOCATION	NO. OF WORK ORDERS
San Leandro Pump Station:	0
Oro Loma Pump Station	2
Hayward Pump Station	0
Alvarado Pump Station	0
Marina Dechlorination Facility	1
Skywest Pump Station	0
Force Main	0

6. Other Items of significance: Jul-19

- a. FM: Transport System Seismic Reliability Plan
- b. AEPS: Pump Cavitation Study & Station Optimization
- c. OLEPS: Effluent Pumps No. 1 & 4 Discharge Valve Actuators & Gear Drives
- d. MDF: No Items
- e. HEPS: MCC Replacement Project
- f. SLEPS: No Items

**ITEM NO. OM6 RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ISSUE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GHD, INC. FOR ASSET MANAGEMENT ADVISORY SERVICES IN THE AMOUNT OF \$3,360 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$48,370**

**Recommendation**

Adopt a resolution authorizing the General Manager to issue Amendment No. 1 to the Agreement with GHD, Inc. for asset management advisory services in an amount not to exceed \$3,360.

**Background**

On August 16, 2018, the Commission authorized the General Manager to enter into an agreement with GHD, Inc. for asset management advisory services. The scope of services included updating EBDA's Asset Management Planning (AMP) Tool, including the asset inventory, condition ratings, consequence of failure assessments, and rehab and replacement costs.

GHD delivered the updated AMP Tool earlier this year, and staff has been using it to facilitate discussions with the MAC as part of the JPA negotiations. Staff plans to present the updated results and associated recommended Renewal and Replacement Fund (RRF) funding levels to the Committee as the JPA negotiations proceed.

In the meantime, GHD has requested compensation for work performed at EBDA's request that was out of scope. This work included support on the use of the AMP Tool and additional refinement of asset data used to develop the asset renewal forecasts. Specific services included:

- Supported tool/technical questions
- Created an additional support tool (Excel based)
  - o Altered/ toggled different cost multiplier modifiers to account for different factors being used by member agencies (Install, Design Service, Contractor O&P, Construction Management, Contingency)
- Developed updated renewal forecast models through different scenarios with different planning horizons and cost multipliers

The cost for these additional tasks is \$3,360 (21 hrs of effort by a staff engineer at \$160/hr). Staff recommends amending GHD's agreement to cover the additional \$3,360.

In 2018/19, the Commission approved a total of \$90,000 for a two-phased asset management program, of which the updated AMP Tool would be Phase 1. Later this year, staff will bring to the Committee ideas for the scope of Phase 2.

**EAST BAY DISCHARGERS COMMISSION**  
**EAST BAY DISCHARGERS AUTHORITY**  
**ALAMEDA COUNTY, CALIFORNIA**

RESOLUTION NO. 19-34

INTRODUCED BY \_\_\_\_\_

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ISSUE AMENDMENT  
NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GHD, INC. FOR  
ASSET MANAGEMENT ADVISORY SERVICES IN THE AMOUNT OF \$3,360 FOR A  
TOTAL NOT TO EXCEED AMOUNT OF \$48,370**

**WHEREAS**, GHD developed the East Bay Dischargers Authority's Asset Management Plan (AMP) in 2013; and

**WHEREAS**, GHD has significant experience and expertise in the field of asset management and has unique knowledge of the East Bay Dischargers Authority's AMP;

**WHEREAS**, the East Bay Dischargers Authority entered into an agreement on August 16, 2018, for an amount not to exceed \$45,010 with GHD for asset management advisory services; and

**WHEREAS**, GHD performed additional customization and support work at the request of the Authority in excess of its scope; and

**WHEREAS**, the Operations & Maintenance Committee has recommended acceptance of Amendment No. 1 to the agreement with GHD for asset management advisory services.

**NOW, THEREFORE BE IT RESOLVED**, the Commission of the East Bay Dischargers Authority hereby accepts Amendment No. 1 with GHD.

**BE IT FURTHER RESOLVED**, the General Manager is hereby authorized to issue Amendment No. 1 to the Agreement with GHD on behalf of the Authority in the amount not to exceed \$3,360.

**SAN LORENZO, CALIFORNIA, AUGUST 15, 2019, ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
**CHAIR**  
**EAST BAY DISCHARGERS COMMISSION**

**ATTEST:** \_\_\_\_\_  
**GENERAL MANAGER**  
**EAST BAY DISCHARGERS AUTHORITY**  
**EX OFFICIO SECRETARY**



**EAST BAY DISCHARGERS AUTHORITY**  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841  
(510) 278-5910  
FAX (510) 278-6547

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**ITEM NO. 15**

**PERSONNEL COMMITTEE  
AGENDA**

**Tuesday, August 13, 2019  
2:30 p.m.**

**East Bay Dischargers Authority  
2651 Grant Avenue, San Lorenzo, CA 94580**

**Committee Members: Lathi (Chair), Mendall**

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. General Manager's Travel Report**  
(The Committee will review the General Manager's annual travel report.)
- P5. Resolution Approving Amendments to the Personnel Policy**  
(The Committee will consider a resolution approving changes to the Personnel Policy to incorporate catastrophic leave and email protocols.)
- P6. Resolution Authorizing the General Manager to Issue a Change Order to Aerotek, Inc. for Temporary Administrative Assistant Services in the Amount of \$30,000 for a Total Not to Exceed Amount of \$47,600**  
(The Committee will consider a resolution authorizing the General Manager to amend the Purchase Order with Aerotek.)

**P7. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

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(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Personnel Committee meeting is scheduled on  
Tuesday, October 15, 2019, at 2:30 p.m.**

## ITEM NO. P4 GENERAL MANAGER'S TRAVEL REPORT

### Recommendation

For Committee information only - annual travel review.

### Background

The General Manager (GM) has continued traveling locally as part of ongoing coordination between the Water Board and BACWA/CASA on issues including nutrients, toxics, chlorine residual limits, and climate change adaptation. The GM also plans to represent EBDA at several upcoming conferences and workshops.

### Local Travel – Ongoing

Who?	Where?	Why?	How Often?
EBDA Member Facilities	Within District	Coordination/Problem Solving	1-5x per month
BACWA Board, Committees (permits, air, recycled water)	Oakland	Strategize on permitting, training, service issues for EBDA	2-5x per month
Nutrient Management Steering Committee	Richmond	Engage as a BACWA Board Member on Bay nutrient science and policy issues with Water Board and other regional agencies	Bi-Monthly
Regional Water Board	Oakland	Represent EBDA at informational and permit-relevant meetings	1-3x/month
State Water Board	Sacramento	Represent EBDA/BACWA interests at Board hearings/workshops	1-2x/quarter
Climate Adaptation Forums (BayCAN, CHARG, HASPA Master Plan)	Around the Bay	Represent EBDA in discussions related to shoreline management	1-3x/quarter

### Long-Distance Travel – FY 2019/20

Who?	Where?	Why?	When?	How Much?
CASA Annual Conference	San Diego	Gather info on utility management trends, serve as member of Program Committee	August 21-23	\$1000
WEFTEC	Chicago	Gather info on technology and trends	September 23-25	\$2200
CASA Winter Conference	Indian Wells	Gather info on utility management trends, serve as member of Program Committee	January 21-23	\$1000

Agenda Explanation  
East Bay Dischargers Authority  
Personnel Committee  
August 13, 2019

<b>Who?</b>	<b>Where?</b>	<b>Why?</b>	<b>When?</b>	<b>How Much?</b>
California Society of Municipal Finance Officers ( <i>Tentative</i> )	Anaheim	Gather info on municipal finance trends, reporting and investment	January 28-30	\$1500
ISLE TAG Meetings	Orange County	Gather info on emerging technologies	1x/quarter	\$600
Water Research Foundation Leading Water and Wastewater Utility Innovation Project Workshop ( <i>Tentative</i> )	Louisville	Participate in workshop on innovation strategy and framework	April 2020	\$1000

**ITEM NO. P5 RESOLUTION APPROVING REVISIONS TO THE PERSONNEL POLICY**

**Recommendation**

Recommend adoption by the Commission of the proposed revisions to the Authority's Personnel Policy.

**Background**

EBDA's Personnel Policy provides direction for employee-related actions by the Board and Management. The Personnel Policy was last revised in October 2018. At the June 2019 Personnel Committee meeting, the Committee discussed the concept of adding a catastrophic leave policy, allowing employees to donate vacation leave to a fellow employee who has exhausted their own sick and vacation leave due to medical reasons. The concept was supported as a mechanism for employees to support each other through medical – and associated financial – challenges.

**Discussion**

In consultation with the Authority's legal counsel, staff is recommending addition of the following language to the Personnel Policy:

**Catastrophic Leave**

Full-time regular employees, except temporary, provisional and part-time employees, are eligible to receive catastrophic leave donations in the following circumstances:

- The employee must have exhausted all available leave (i.e. vacation and sick leave, floating holidays).
- The absence must be due to the employee's or their spouse, domestic partner, or child's life-threatening or debilitating illness, injury, or condition.

Employees may donate vacation leave on a voluntary basis. The employee making the donation must authorize in writing that a designated portion of his/her accrued vacation may be transferred from his/her leave account to the recipient employee's vacation account. Once made, donations are irrevocable.

All donated hours shall be converted to the donor's hourly rate, and the equivalent dollar amount shall be deposited and converted to hours at the recipient's hourly rate. Donors must retain a minimum of 80 hours of their own vacation leave.

This language was developed using examples from other Bay Area water and wastewater agencies. Many agencies exchange leave on an hour-for-hour basis rather than dollar-for-dollar. The financial differences in an hour-for-hour exchange are assumed to cancel out across large agencies. However, for a small agency such as

EBDA, staff recommends using a dollar conversion to ensure that there is no cost to the agency.

In addition, staff has begun conducting research on updating the Authority's Records Retention Policy. Staff will bring more detail on that to the Commission in future meetings, however, there is one change to the Personnel Policy that staff recommends including at this time. Recent court rulings have held that emails that relate in some substantive way to public business are public records, subject to Public Records Act requests, even if the emails are from a personal email account. It can be difficult, however, to gather and produce records from private accounts. Therefore, an emerging best practice is for public agencies to establish and follow a policy that prohibits employees from conducting agency business on their personal account. Staff recommends adding the following sentence to the "Computers and E-mail" section of the Personnel Policy, which previously addressed the opposite issue of use of business email for personal activities:

Employees shall conduct Authority business only on their Authority e-mail account, not on personal e-mail accounts.

# Personnel Policy

Reviewed February 17, 2005  
Reviewed March 16, 2006  
Revised March 15, 2007  
Revised March 19, 2009  
Revised July 16, 2009  
Revised November 23, 2009  
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Revised October 18, 2018  
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## **SECTION I – DEFINITIONS**

Allocation	The assignment of a position to an appropriate class on the basis of the nature, difficulty and responsibility of duties actually performed.
Applicant	Any person who has made application for a position.
Authority	The East Bay Dischargers Authority.
Candidate	A qualified applicant who has been selected to participate in the selection process.
Class or Classification	A position or group of positions, the duties and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties and tests for fitness may apply.
Class Specification	A written description of duties, responsibilities and desirable qualifications for employment in a classification.
Commission	The East Bay Dischargers Authority Commission, the legislative and governing body of the Authority.
Compensation	The salary, wage, allowances and all forms of valuable consideration paid to any employee by reason of service in any position.
Demotion	A change of an employee from one position to any other position having a lower maximum salary.
Eligible	A person whose name is on an active employment list.
Employment List	A list of persons who may be considered for appointment to a specific position with the Authority.
Employee	A person officially appointed to a position in the adopted Classification Plan.
Examination	The selection procedure used to measure the relative fitness of persons applying for positions with the Authority.
General Manager	The General Manager of the Authority, as appointed by the Commission or his/hers duly designated representative.

Job Description	A written description of duties, responsibilities and desirable qualifications for employment in a specific position.
Part-time Position	A position to which an employee shall be assigned for less than forty hours per week.
Personnel Committee	A panel advisory to the Commission on personnel matters consisting of two members of the Commission.
Position	A group of current duties and responsibilities designated by the Commission as requiring the employment of one person.
Probationary Appointment	A working test period during which an employee selected from an employment list is required, by actual performance, to demonstrate fitness for the duties of the position to which appointed.
Promotion	A change of an employee from one position to another position that has a higher maximum salary.
Provisional Appointment	Appointment for a period not to exceed six months to a position for which no employment list exists.
Reallocation	Change in the assignment of a position from one existing class to a new class resulting from a change in the Classification Plan.
Regular Appointment	The type of status granted to an employee who has successfully completed a probationary period.
Seniority	The total length of satisfactory service of an employee within each specific class.
Suspension	Temporary separation of employment with or without pay.
Temporary Appointment	Assignment of an employee to a position for a period of up to one year.
Termination	Permanent separation of an employee from Authority service.
Unclassified Position	Certain management, professional or confidential positions designated by the Commission to fall outside the classified service and to be exempted from certain provisions of these Rules.

## **SECTION II – GENERAL PROVISIONS**

### ***Purpose***

The Personnel Policy is established to provide a comprehensive personnel system and procedure for its administration whereby the Authority may:

1. Establish consistent employment practices.
2. Provide guidelines for recruiting and selection of the best candidates.
3. Establish a fair and equitable compensation system.
4. Provide for the welfare of all employees.
5. Establish guidelines for separation of employment.

Employment under this Personnel Policy shall not constitute an employment contract, and the General Manager may interpret and implement the provisions included in this document as he/she deems appropriate. Any changes to this document must be in writing and must be adopted by resolution of the Commission. Copies shall be provided to employees so that they are aware of all changes to the Personnel Policy. No oral statements shall in any way change or alter the provisions of this Personnel Policy.

### ***Applicability***

This Personnel Policy shall apply to all employees of the Authority. In the case of conflicting language, an employment agreement shall supersede this Personnel Policy. The following list of persons are exempt from this document:

1. Commissioners of the Authority
2. Members of Committees advisory to the Commission
3. Persons engaged under contract to supply expert, professional, technical or other services
4. Volunteer personnel.

### ***Administration***

The Commission shall appoint, and may remove, a General Manager who shall have responsibility for and control of the affairs of the Authority and who shall, among other duties, administer the personnel system set forth herein, including preparation and maintenance of the Classification and Compensation Plans, all essential records required for maintenance of the system and application of the rules, and shall enforce the provisions herein and all other pertinent regulations, directives and policies.

The Commission shall appoint a Personnel Committee consisting of two members of the Commission, the function of which is to review and make recommendations on all

personnel matters coming before the Commission for action, including revision to the Classification or Compensation Plans and these Rules, and to hear appeals as indicated herein. Action by the Committee with respect to grievances (Section XVIII) shall be final and shall not require further action by the Commission unless appealed to the full Commission.

### ***Non-Discrimination (Equal Employment Opportunity)***

No person within the service of the Authority, or seeking entry thereto, shall be employed, promoted, demoted, suspended, discharged, in any way favored or discriminated against, or retaliated against for charging acts of discrimination in accordance with Federal Equal Employment Opportunity Laws (EEO) and State of California Department of Fair Employment and Housing Act. This includes but is not limited to the following protected classes and activities:

- Age (40 and over)
- Ancestry
- Citizenship
- Color
- Disability (mental and physical) including HIV and Aids
- Equal Compensation
- Denial of Family and Medical Care Leave
- Gender, Gender Identity, and Gender Expression
- Genetic Characteristics and Genetic Information
- Marital Status
- Medical Condition
- Military or Veteran Status
- National Origin
- Political Affiliation
- Race
- Religion
- Religious Creed
- Sex (which includes pregnancy, childbirth and medical conditions related to pregnancy or childbirth)
- Sexual Orientation
- Whistleblowing

The Authority is an equal opportunity employer and its personnel policies shall be administered in accordance with applicable state and federal law.

### ***Incompatible Activities***

No officer or employee of the Authority shall:

1. Participate in any political activity during working hours on the Authority premises.
2. Use for private gain or advantage the influence of an Authority position or the facilities, equipment or supplies of the Authority.
3. Solicit or accept any favors or gifts from persons, concerns or corporations who have, or seek to have, business contacts with the Authority.
4. Divulge confidential information to anyone to whom issuance of such information has not been authorized by the General Manager.
5. Participate in any employment or other activity which will prevent him/her from doing his/her Authority job in an efficient and capable manner, which brings discredit upon the Authority, or which might result in a conflict of interests between the employee's private interest and his/her official duties and responsibilities, or in any event which has not been approved by the General Manager.
6. Provide information or services to contractors or other persons, which would give a competitive advantage over others dealing with the Authority.

### ***Violation***

Violation of these Rules shall be grounds for rejection of application, removal from an eligible list, suspension, demotion, discharge or other discipline of employees deemed appropriate under the circumstances.

### ***Severability***

If any section, subsection, sentence, clause or phrase herein or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Rules.

## **SECTION III – CLASSIFICATION PLAN**

### ***Preparation***

The General Manager may review the duties and responsibilities of all positions within the Authority service. All positions shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities that similar requirements as to training, experience, knowledge, skills, personal qualities, and the same salary range may be made to apply with equity to all positions in the same class.

## ***Content***

The Classification Plan shall have written class specifications, which shall include concise descriptive titles, physical requirements and working conditions as required by the Americans with Disabilities Act, general descriptions of the essential duties and responsibilities of the class including job definitions, and statements of the required and desirable qualifications.

Each class specification outlines the main characteristics and qualification requirements of positions allocated to the class and gives examples of duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind or character or of lesser skills. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment as an aid in the preparation of competitive examination, and for use in determining the relative value of positions in one class with positions in other classes. Such personal characteristics as honesty, sobriety and industry are deemed to be included in all class requirements and need not be specifically mentioned.

Nothing in the class specifications is to be interpreted as restricting a supervisor in assigning an employee of one class to perform the duties of a higher class for limited relief periods. Such assignment to perform the work of a higher class for a limited period comes within the requirements of work in all classes.

## ***Adoption***

Before the Classification Plan or any part thereof shall become effective, it shall be adopted by the Commission upon recommendation of the Personnel Committee.

## ***Revisions***

Each basic revision in the Classification Plan shall be made in the same manner as the Plan was originally established.

The General Manager may review duties of positions and prepare recommendations to the Personnel Committee for action by the Commission to insure that the Plan is kept current and those changes in existing classes, the establishment of new classes or the abolition of classes is properly reflected in the Classification Plan.

The General Manager may reallocate a position to a different class whenever its duties change materially. Any proposed reallocation to be made shall be made with the knowledge of the employee concerned.

Whenever a new position is proposed, the General Manager shall prepare a comprehensive statement of the circumstances and description of the proposed duties and responsibilities and recommend allocation of the position to an appropriate class in

the Classification Plan. No new position shall be filled by an individual until the position has been created by the Commission and until there is an approved class specification describing the work to be performed which has been adopted under the Classification Plan.

Reclassification of a position may not be used to circumvent the procedures concerning demotion, promotion, or compensation.

### ***Incumbents of Reclassified Positions***

When a position is reclassified from one class to another, the employee occupying the position may be retained in the position without further competitive examination provided that:

1. It is determined by the General Manager that the reclassification results from a change in duties and responsibilities that have already occurred.
2. The performance of the duties and responsibilities of the incumbent have been satisfactory.
3. The General Manager certifies that the incumbent possesses the knowledge, skills and abilities necessary to perform the duties of the new class.

The incumbent has regular status in the class to which the position was formerly allocated.

## **SECTION IV – COMPENSATION PLAN**

### ***Content***

The Compensation Plan shall consist of a schedule of monthly salary ranges, the method of computing hourly equivalents of actual salaries, and a summary list of additional benefits provided by the Authority.

### ***Preparation***

At least once annually, prior to the beginning of the fiscal year, the General Manager shall prepare a tentative Compensation Plan and shall present it to the Personnel Committee for review and recommendation to the Commission.

In preparing the tentative plan, the General Manager shall take into consideration class-by-class salary comparisons with Member Agencies and other comparable agencies to be designated by the Personnel Committee and across-the-board compensation adjustments received by Member Agencies since the last EBDA adjustment. Appropriate consideration shall be given to adjustments of the cost of living as measured by the National Consumer Price Index Pacific Cities, the base figure for

comparison shall be the SF-Oakland-SJ city for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. The approved salary adjustments shall be applied to all of the classifications, effective the following July 1, to the current salary of each employee on that date and the salary ranges for each classification shall be adjusted a like amount by adoption of an amended Compensation Plan.

### ***Adoption***

The Compensation Plan for all employees shall be established by the Commission upon recommendation of the Personnel Committee prior to the effective date of any amendments thereto.

### ***Administration***

The Compensation Plan shall be administered by the General Manager. The General Manager, after review by the Personnel Committee and approval by the full Commission, shall determine the actual salary of individual employees, within the ranges established in the compensation plan, based on his/her evaluation of the employee qualifications, performance and merit.

Salary step increases shall be earned, shall be subject to satisfactory service, and shall not be considered a right of the employee. Employees whose work performance meets or exceeds the standards of conduct and performance outlined in the classification plan shall be eligible for advancement to a higher step within the range established in the Compensation Plan. After an employee satisfactorily completes the required probationary period, which is six (6) months of continuous service in the same position unless extended, an employee is eligible for his/her first step increase upon approval of the General Manager. Subsequent step increases shall be effective annually on the anniversary date of the employee's last merit increase until the employee reaches the top step of the range. After reaching step 5 (upon approval of the General Manager), the employee shall remain at the same rate provided for at step 5 while he/she continues to serve in the same position, subject to satisfactory service.

A written performance evaluation shall accompany a recommendation for salary advancement. Performance standards are based on satisfactory achievement of the qualifications outlined in the classification plan in addition to customary employment standards, such as knowledge of the position; quality of work; ability to handle responsibility; acceptable rate of productivity; demonstrated initiative; and an acceptable attendance record. Performance evaluations, which may include employee comments or rebuttals, shall be maintained in the employee's personnel file. A copy shall be provided to the employee.

## **SECTION V – RECRUITMENT AND APPLICATION**

### ***Recruiting***

Public announcement of all employment opportunities shall be made at least three weeks prior to the final filing date of the announcement. The General Manager shall prepare an official announcement for posting in appropriate public places and its publication in appropriate news media or trade journals. The announcement shall contain all information of importance for potential applicants. Suitable and effective methods of distributing information concerning employment opportunities and securing the most qualified candidates available for competition shall be practiced.

### ***Application***

Applications for employment shall be made readily available to potential applicants. Applications filed with the Authority shall be filed at the time, place, and manner prescribed in the job announcement and, once filed, shall become the property of the Authority.

### ***Disqualification of Applicants***

The Authority may reject an application, may disqualify an applicant in an examination, may refuse to place a name on an eligibility list, or may remove a name from an eligibility list for any legitimate reason, including but not limited to the following:

1. Substantive failure to fulfill any of the qualifications for the class or position for which the application is made.
2. Failure to pass written examinations required by the Authority.
3. Failure to pass the appraisal board interview.
4. Failure to pass a pre-offer background check and/or post-offer physical examination.
5. Failure to furnish true statements of material facts.
6. Practice or attempted practice of fraud or deception in connection with filing an application or during examination.
7. Previous dismissal from any public service for cause.
8. Previous resignation from the Authority without adequate notice or under other prejudicial circumstances.
9. Being under the influence of intoxicant(s) that would impair the applicant's ability to perform in a safe and competent manner.
10. Previous conviction of a crime against person or property of a violent nature.
11. Failure of an applicant, after notification, to present themselves promptly at the time and place designated for any portion of the examination.

12. Obtaining either directly or indirectly, information about an examination that, as an applicant or competitor, would give applicant an unfair advantage or to which applicant was not entitled.
13. Applicant has failed to respond to communications concerning his/her availability for employment.
14. Applicant has made him/herself unavailable for employment by requesting that his/her name be withheld from consideration.

### ***Confidentiality***

The names of applicants and information contained on applications for employment shall not be made public.

### ***Verification***

Information presented on applications may, during the course of the hiring process, be verified and applicants may be subject to a background check by the Authority. The Authority has the right to conduct a complete and exhaustive background investigation of all applicants seeking employment.

### ***Exemption***

All at-will positions shall be exempted from the foregoing recruitment and application procedure. Recruitment and application for at-will positions shall be conducted in a manner established by the Commission as vacancies occur.

## **SECTION VI – SELECTION PROCEDURE**

The selection procedure shall be impartial, of a practical nature, and shall indicate a good forth effort to fairly measure and evaluate capacities of the applicants to execute the essential duties and responsibilities of the position to which they seek to be appointed. Applicants participating in the recruitment shall compete in the same process and follow the same selection methodology. The selection procedure may include any one or a combination of the following:

- A. Information extracted from the application form, resume and other pertinent documentation submitted;
- B. Written, practical (hands-on), or physical tests or examinations, or any combination thereof;
- C. Oral interview with an appraisal board and/or one-on-one interview with Authority staff; and/or,
- D. Other appropriate means.

Applications shall be screened and evaluated. The most qualified candidates will be selected to participate in the selection process.

The Authority shall notify each applicant in writing of his/her standing as important steps in the selection process are completed. Once a candidate is selected and a job offer is made, the other candidates on the eligibility list shall be notified of the fact, and informed that their names will remain on the eligibility list for that position for a period of one year.

### ***Medical Examination***

Before any appointment may be made to a regular position, the individual shall be required to satisfactorily pass a medical examination given by a regularly licensed physician designated by the Authority and made at the Authority's expense. No person shall be given a probationary or regular appointment that, at the time of such appointment, is physically unable to satisfactorily fulfill the duties of the position. An eligible candidate may be accepted conditionally when it is the opinion of the examining physician that his/her physical disqualification may be temporary or when it is deemed that treatment may satisfactorily correct any impairment. Such impairment shall be corrected no later than one month prior to the completion of the employee's probationary period. Regular employees being appointed to positions involving increased physical effort may also be required to satisfactorily pass an appropriate physical examination.

## **SECTION VII – EMPLOYMENT LISTS**

### ***Establishment***

At the completion of the examination process, an employment list containing the names of all persons who have successfully passed all parts of the selection process shall be prepared by the General Manager.

### ***Order of Names***

The names of successful candidates shall be placed on the employment list in the order of their final ratings, after these ratings have been converted to percentage figures. If two or more candidates have final scores that are identical, these candidates shall occupy an identical position on the employment list.

### ***Duration of List***

Each employment list shall normally remain in force for one year from the date of its establishment, except that the General Manager, at his/her discretion, may extend the list for an additional period of time up to one year.

### ***Removal of Names***

The name of any eligible candidate may be removed or withheld from an employment list for any of the reasons specified in Section V.

### ***Restoration of Names***

An eligible candidate's name shall be reinstated to an employment list in the same relative position as originally held upon showing cause satisfactory to the General Manager.

### ***Termination of List***

An employment list may be terminated prior to its usual expiration date upon recommendation of the General Manager and approval of the Commission when it is considered to be in the best of interest of the Authority.

## **SECTION VIII – APPOINTMENT**

The power to appoint, discipline and dismiss employees of the classified service shall be vested in the General Manager or designee.

The successful candidate will be required to provide proof of identity and authorization to work in the United States. Documentation of eligibility to work in the United States will be required as a condition of employment.

### ***Oath***

Every new employee shall be required to sign a loyalty oath as prescribed in the California Government Code.

### ***Regular Appointments***

Regular appointments shall be made by the General Manager or designee from established eligibility lists. Candidates appointed to regular positions shall be considered in a probationary status until successfully completing the probationary period. For employees who are not classified as “at-will,” regular appointments shall be made upon successful completion of the probationary period.

### ***At-Will Appointment***

An at-will employee is one whose employment may be terminated at the discretion of the Commission and/or General Manager at any time with or without cause. Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees. At-will positions include managerial employees whose terms of employment are stipulated in a written employment agreement signed by both parties. At-will status also applies to any probationary employee.

At-will employees shall enjoy the same statutory protections of regular employees, including laws that prohibit discrimination or harassment based on protected classes such as race, national origin, ancestry, sex, age, physical or mental disability, sexual

orientation, marital status, medical condition or religion. At-will employees shall also be entitled to engage in protected activities without fear of retaliation, such as filing a charge of discrimination, whistleblowing or participating in an investigation.

### ***Temporary Appointments***

If an employee is needed for a temporary period, certification shall be made from the names of those eligible candidates that have indicated willingness to accept temporary employment and appointment shall be made by the General Manager. The duration of the temporary appointment shall be limited to the period of the need and in no event shall continue for more than one year.

The acceptance or refusal of a temporary appointment shall not affect an eligible candidate's standing on an employment list and the period of temporary service shall not constitute a part of a probationary period. Successive temporary appointments to the same position shall not be made nor shall an individual receive continued temporary appointments. If an appropriate employment list does not exist, an offer of temporary appointment may be made to a person who has not qualified under provision of these rules.

### ***Provisional Appointments***

The General Manager may make a provisional appointment to a position if there is no eligibility list for the class, and if the needs of the service require that the position be filled before a selection process can be completed. A provisional appointee shall:

- Meet the requirements of training and experience established for the position;
- Not be continued for more than thirty (30) days after an eligibility list for the position has been established, unless there are no candidates on such eligibility list who are available or wish to be considered for appointment to the position;
- Not serve under provisional appointment for longer than a 12-month period except when employed for a specific contract undertaken by the Authority.

### ***Part-Time Appointment***

If an employee is needed for less than a total of 30 hours per week, a part-time appointment shall be made by the General Manager from eligible candidates that have indicated willingness to accept part-time employment. Part-time employees serve at the discretion of the General Manager. Candidates appointed to part-time positions do not serve probation and can be dismissed any time with or without cause. Part-time employees shall work no more than 1000 hours in a fiscal year.

## **SECTION IX – EMPLOYMENT STATUS**

### ***Probationary Status***

The first six (6) months of employment is a period of evaluation for all regular employees and is called a Probationary Period. This is a time to monitor both work performance and work habits of the newly appointed employee. The probationary period may be extended for an additional period, not to exceed six (6) additional months, if an employee requires additional evaluation. If an employee successfully completes the probationary period, the employee moves from probationary status to regular status.

If, at the sole determination of the Authority, the newly appointed employee is unsuccessful in completing the probationary period, the employee shall be terminated with no right of appeal or hearing.

Regular, full-time employees occupying management or supervisory positions are not subject to probationary periods and serve as “at will” employees at the pleasure of the Authority; they can be terminated anytime, with or without cause.

### ***Regular Status***

Employees with this employment status have completed the probationary period and work a forty (40) hour workweek on a regular basis.

### ***Part-Time Employment***

Part-time positions are those that are required on a long-term basis. Incumbents in these positions can expect to work less than 30 hours per week and will not be eligible for benefits, except sick leave. The General Manager shall periodically review the part-time positions to determine that there are appropriate staffing levels to meet the needs and requirements of the Authority and make adjustments as necessary. The Authority is responsible for following the same recruitment/selection process as for regular, full-time employees. Part-time employees do not serve a probationary period. Part-time employees are “at will” and can be terminated any time, with or without cause. At the end of each 2080 hours worked, the part-time employee is eligible for a salary step increase based on satisfactory performance.

### ***Temporary Employment***

Temporary full-time and part-time positions may be required to complete a one-time project or set of projects. Temporary, part-time employees will not be eligible for benefits.

### ***Resignation***

An employee who resigns shall present notice in writing to the Authority at least 14 calendar days prior to the effective date of the resignation.

### ***Reduction in Force***

The Commission may separate any employee, without prejudice, because of lack of work or funds, or because of material change in duties or organization. No regular employee, however, shall be separated while there are provisional, probationary or temporary employees serving in the same class; provided, however, a regular employee otherwise subject to separation under these Rules may elect voluntary demotion to a lower class if vacancies exist. The order of separation due to reduction in force shall be based upon seniority. All employees subject to separation under these provisions shall receive written notice at least 14 calendar days prior to the effective date.

## **SECTION X – DISCIPLINE AND GENERAL RULES OF CONDUCT**

It is expected that all employees shall render the best possible service and reflect credit on the Authority. Therefore the highest standards of professional conduct are essential and expected of all employees.

### **Disciplinary Actions**

The Authority may invoke the following types of disciplinary actions:

- a) Verbal Warning
- b) Written Reprimand
- c) Suspension With or Without Pay
- d) Reduction in Pay
- e) Demotion
- f) Disciplinary Probation
- g) Discharge/Termination

### ***Grounds for Discipline***

Disciplinary measures may be taken for any good and sufficient cause. Authority employees who are employed “at-will,” or who are temporary or probationary, are not subject to the requirement of good cause, and are not entitled to pre-discipline procedures or appeals under these policies.

Good cause exists not only when there has been an improper act or omission by an employee in the employee’s official capacity, but when any conduct by an employee brings discredit to the Authority, affects the employee’s ability to perform his or her duties, causes other employees to be unable to perform their duties, or involves any improper use of the employee’s position for personal advantage or the advantage of others. Rules requiring good cause do not apply to at-will employees. The type of disciplinary action shall depend on the seriousness of the offense and the relevant

employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

- a) Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the Authority.
- b) Furnishing knowingly false information in the course of the employee's duties and responsibilities.
- c) Inefficiency, incompetence, carelessness or negligence in the performance of duties.
- d) Violation of safety rules.
- e) Violation of any of the provisions of these personnel rules and regulations, department rules and regulations, or Authority policies.
- f) Inattention to duty.
- g) Tardiness, or overstaying lunch periods.
- h) Being under the influence of an intoxicating beverage or non-prescription drug, or prescription drugs not authorized by the employee's physician, while on duty or on Authority property, or when called in for emergency duty.
- i) Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor.
- j) Any violation of the Authority's No Harassment Policy.
- k) Unauthorized soliciting on Authority property.
- l) Unauthorized absence without leave; failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked or canceled; or any other unauthorized absence from work.
- m) Conviction of a felony, or a misdemeanor involving moral turpitude, or a violation of a federal, state or local law which negatively impacts the employee's ability to effectively perform his/her job or brings discredit to the Authority.
- n) Offensive treatment of the public or other employees.
- o) Falsifying any Authority document or record.
- p) Misuse of Authority property; improper or unauthorized use of Authority equipment or supplies, damage to or negligence in the care and handling of Authority property.
- q) Fighting, assault and/or battery.
- r) Theft or sabotage of Authority property.
- s) Sleeping on the job, except as specifically authorized for 24-hour duty personnel.
- t) Accepting bribes or kickbacks.

- u) Engaging in outside employment which conflicts with an employee's responsibilities.
- v) Intimidation or interference with the rights of any employee.
- w) Outside work or any other activity or conduct which creates a conflict of interest with Authority work, which causes discredit to the Authority, negatively impacts the effective performance of Authority functions or is not compatible with good public service.
- x) Failure to maintain the minimum qualifications, including necessary licenses or certifications specified for the position.
- y) Abusive or intemperate language toward or in the presence of others in the workplace.
- z) Any other conduct of equal gravity to the reasons enumerated above as determined by the Authority.

### ***Procedure for Disciplinary Action***

Regular employees covered by this policy shall be governed by the following provisions:

#### **Written Notice**

The General Manager shall issue a written notice of discipline, describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The affected employee may respond by submitting a rebuttal to be lodged in the employee's personnel file, and in the case of a suspension of one to four days, shall have the ability to present their side of the story by responding orally or in writing before the discipline becomes final within five working days of the notice being issued. Any such response to a proposed suspension of one to four days shall be considered before a final decision is made. For minor discipline—any action up to and including a suspension of four (4) working days—no further appeal shall be permitted. For disciplinary actions greater in severity than five (5) working days, employees shall retain pre-discipline meeting and post-discipline appeal rights as described below.

#### **Pre-Discipline Meeting**

For discipline that is greater in severity than a suspension of five (5) working days, the employee shall receive written notice of the charges upon which the disciplinary action is based, the materials upon which the charges are based, and the employee's rights under *Skelly vs. State Personnel Board*, 15 Cal.3d 194 (1975.) The employee then has an opportunity to respond, either orally or in writing.

The General Manager shall designate an individual to convene a meeting to review the employee's response and position before imposing discipline. As soon as practical following the meeting, the designated individual shall present his or her written opinion

for consideration by the General Manager. If the General Manager is not the direct supervisor of the employee, the General Manager him/herself may convene the meeting.

The employee shall be entitled to a representative of his/her choice; provided, however, that the inability of a particular representative to attend the meeting shall not cause a continuance of the meeting. At the meeting, the employee shall be provided the opportunity to respond to the charges and to present any new information for consideration by the General Manager or his/her designee.

#### Final Action

After the employee responds to the charges, he/she shall be given by the General Manager a final notice of discipline to be imposed and an opportunity to appeal the discipline after it is imposed, in accordance with the rules contained herein. The notice shall include the final decision, the effective date of the discipline and the facts upon which the discipline is based.

#### Appeal

For discipline that is greater in severity than a suspension of five (5) working days, employees shall have the right to appeal from the final decision. The notice of appeal must be received within seven (7) calendar days from the date of the final notice of discipline, or the right to appeal is waived and the discipline shall become final.

The appeal shall be heard by an independent hearing officer from the Office of Administrative Hearings of the State of California; a neutral from another recognized organization; or a neutral selected by mutual agreement of the employee and the Authority.

The costs of the hearing officer shall be borne by the Authority. Either party may request that the matter be transcribed. The requesting party shall bear the expense of the transcript.

The hearing officer shall have the authority to convene the hearing, receive evidence through testimony and documents and to make findings of fact and conclusions about the discipline. The hearing officer may recommend an outcome, but the final authority rests with the Commission. The hearing officer shall serve a recommended decision on the Authority and the employee. The Commission shall issue a final decision. The Commission's decision is reviewable by administrative writ of mandamus.

## **SECTION XI – HOURS OF WORK**

### ***Office Hours***

Normal hours on all days of the year, except Saturdays, Sundays and holidays, shall be 8:00 a.m. to 12 noon and 1:00 p.m. to 5:00 p.m.

### ***Attendance***

Employees, other than part-time employees, shall be required to be on duty for 40 hours during each seven-day work week, notwithstanding authorized leaves as hereinafter defined. When the needs of the Authority require, the General Manager may vary the working hours of any employee within the limits of State Law or other labor regulations. Daily attendance records shall be kept and certified for payroll purposes. Any employee absent without leave, who fails to return to work within 24 hours after notice to return, shall be subject to immediate discharge.

### ***Overtime***

Overtime is ordered and authorized working time in excess of the employee's regular forty-hour week. Overtime work shall be recognized only for employees occupying non-exempt positions.

### ***Overtime Rate***

Overtime for non-exempt employees shall accrue at the rate of one and one-half times the hours actually worked. Overtime hours may be paid on the next regular pay check or accrued as compensatory time at the discretion of the employee and with the approval of the General Manager prior to performance of the work. Compensatory time shall be used within a 12-month period from the date earned.

### ***Call Back***

When an employee is required to return to work following a lapse of at least one hour after his/her normal working hours, a minimum of two hours shall be recorded.

### ***Exception***

Exempt positions shall not accrue overtime but shall adjust their working hours in lieu thereof as approved by the General Manager.

## **SECTION XII – HOLIDAYS**

### ***Authority Holidays***

The following days shall be holidays for all full-time Authority employees:

New Year's Eve	December 31
New Year's Day	January 1
Martin Luther King Birthday	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

### ***Floating Holidays***

Twenty-eight hours of personal holiday may be taken anytime in the fiscal year with the approval of the General Manager. (The Authority's fiscal year is July 1 through June 30.) If the personal holidays are not taken during the fiscal year, they are lost and there shall be no compensation for them.

### ***Compensation for Holidays Worked***

Holidays shall be worked only on order and authorization of the General Manager. Work performed by a non-exempt employee on a holiday shall be compensated by pay at time and one-half the regular rate.

## **SECTION XIII – LEAVES AND VACATIONS**

### ***Vacation Leave Policy***

Vacation leave is an earned right of the employee; however, the use of it shall be approved by the General Manager. Vacation leave shall be taken in increments of not less than one hour.

### ***Vacation Leave Allowance***

All full-time regular employees other than temporary, provisional, or part-time employees shall earn vacation leave at the rate of 80 working hours per year from the date of employment. Employees shall not be permitted to take any vacation during the first six months of employment. Full time employees shall earn an additional eight (8) hours vacation leave allowance for each full year of continuous employment thereafter, up to a maximum of 160 working hours per year.

All part-time employees shall earn vacation leave at the rate of 8 working hours for each 200 hours worked from the date of employment, up to a maximum of 40 working hours per year.

All employees shall be permitted to accumulate unused vacation at a rate of 2-1/2 times his or her annual vacation allotment based on length of service. Vacation accruals will be reviewed the end of each fiscal year. If the accrual exceeds 2-1/2 times the annual allotment, no further accumulation will be earned until the balance returns to within its permitted limit. In years that the accrual exceeds the annual allotment, the value of the excess accrual shall be paid to the employee at the end of that fiscal year and those hours shall be subtracted from the balance.

### ***Method of Computing Credits***

Vacation leave credits shall be computed and recorded in increments of one hour. When periods of less than one full month have been worked, vacation leave credits shall be based on service computed to the nearest half month.

### ***Recording Credits***

On July 1st of each year, employees who have completed at least six months of satisfactory full-time continuous services shall be credited in advance with vacation leave allowance for the entire fiscal year. Vacation leave shall be earned during authorized leave with pay. When a holiday falls during an employee's absence on vacation leave, it shall not be deducted from his/her accrued leave. If an employee leaves the Authority service prior to the end of the fiscal year, reconciliation of vacation leave earned and taken to date of termination shall be made. If the vacation leave taken exceeds leave earned, the excess shall be deducted from the employee's final pay. If

vacation leave earned exceeds leave used at date of termination, the excess shall be added to employee's final pay.

### ***Payment for Unused Vacation Leave***

Unused vacation leave is not transferable to retirement service credit. Upon termination or death of an employee, the employee or the employee's heir(s) or beneficiary(ies) shall receive compensation for vacation leave earned but unused at the time of separation. Payment shall be equal to the number of hours of vacation earned but unused at the time of separation times the employee's hourly rate of pay at the time of separation.

### ***Sick Leave Policy***

Sick leave shall be allowed in case of actual sickness of the employee. Sick leave shall be granted only on approval of the General Manager in increments of not less than one hour. An employee may use a maximum of five (5) days of sick leave each fiscal year for absences caused by the illness or injury of a *family member*. A family member is defined as a child, parent, spouse or registered domestic partner, grandparent, grandchild or sibling. Use of sick leave for this purpose is intended to apply in serious and unforeseen conditions where the presence of the employee in the home or hospital is required for the care, legal requirement or health of the family member. Authorization to use additional sick leave beyond the five-day maximum may be granted by the General Manager when exceptional circumstances warrant.

If an employee will not be at work as scheduled, he/she must notify the supervisor within one-half hour of the time to report for work or at the first practical opportunity.

### ***Sick Leave Allowance***

Regular employees accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year. Sick leave shall be cumulative without limit.

Part-time and Temporary Employees who work thirty (30) or more days within a year from the beginning of employment are entitled to paid sick leave. The Authority will grant three days of paid sick leave upon hire, and on January 1 of each calendar year. An employee may use paid sick leave beginning on the 90<sup>th</sup> day of employment.

### ***Computing and Recording Sick Leave***

Initial crediting of sick leave shall be based on service computed to the nearest half month. Sick leave records shall be maintained on an hourly basis. On July 1st each year, an employee shall be credited in advance with the annual allowance. After an absence is approved as sick leave, it shall be deducted from the employee's leave balance. If at time of separation an employee owes the Authority for unearned sick leave, the actual time shall be deducted from his/her final pay.

### ***Medical and Dental Appointments***

Sick leave may be used for medical, dental, therapy or similar purposes for a minimum period of one (1) hour and should not exceed four (4) hours except in unusual circumstances. A maximum of five (5) days of sick leave per year may be used for medical, dental or therapy appointments for a family member when the employee's presence is required.

### ***Payment for Unused Sick Leave***

The Authority's contract for retirement benefits provides that sick leave earned but unused upon the termination or death of any employee enrolled in the pension plan shall be applied to the employee's total service credit subject to the following specifications.

Pursuant to GC§20965, the employee whose effective date of retirement is within four months of separation from employment shall receive credit toward his or her retirement equal to 0.004 years of service credit for each unused day (8 hours) of sick leave.

Upon the death of an employee prior to separation from employment, the employee's heir(s) or beneficiary(ies) shall receive compensation for sick leave earned but unused by the employee equal to 0.167% of the number of hours of sick leave, times the number of whole months of continuous employment, times the employee's hourly rate of pay at the time of death.

### ***Bereavement Leave***

All full-time regular employees, except temporary, provisional and part-time employees, shall be granted bereavement leave with pay not to exceed three (3) working days, as necessary, upon the occasion of the death of a close relative. When additional time is desired, employees may be allowed to take accumulated vacation leave or compensatory time off. Close relatives are defined as the employee's mother, father, brother, sister, wife, husband, domestic partner, child, grandparent, current mother-in-law or current father-in-law of the employee. The General Manager may grant bereavement leave for other relatives on a case-by-case basis. Additional leave for travel purposes not to exceed five (5) calendar days may be granted by the General Manager when circumstances warrant.

### **Catastrophic Leave**

Full-time regular employees, except temporary, provisional and part-time employees, are eligible to receive catastrophic leave donations in the following circumstances:

- The employee must have exhausted all available leave (i.e. vacation and sick leave, floating holidays).
- The absence must be due to the employee's or their spouse, domestic partner, or child's life threatening or debilitating illness, injury, or condition.

Employees may donate vacation leave on a voluntary basis. The employee making the donation must authorize in writing that a designated portion of his/her accrued vacation may be transferred from his/her leave account to the recipient employee's vacation account. Once made, donations are irrevocable.

All donated hours shall be converted to the donor's hourly rate, and the equivalent dollar amount shall be deposited and converted to hours at the recipient's hourly rate. Donors must retain a minimum of 80 hours of their own vacation leave.

### ***Personal Leaves of Absence***

Personal leaves of absence are legally required in the following situations:

#### **Family Leave**

#### **California Family Rights Act (CFRA) And Family Medical Leave Act (FMLA)**

The CFRA and FMLA were established to ensure secure leave rights for the following:

- Birth of a child for purposes of bonding
- Placement of a child in the employee's family for adoption or foster care
- For the serious health condition of the employee's child, parent or spouse
- For the employee's own serious health condition

Employers subject to CFRA/FMLA are those who do business in California and employ 50 or more employees. EBDA does not have a workforce of 50 or more employees, and therefore, CFRA and FMLA do not apply to EBDA employees.

#### **Time Off to Vote**

If an employee does not have sufficient time to vote outside of working hours, he or she may take off time to vote at the beginning or the end of the shift, whichever provides the most free time to vote. The employee may take off no more than two hours without loss of pay, providing he or she has given at least two working days' notice that time off is desired.

#### **Jury Leave**

All employers must provide leaves of absence for employees who serve on inquest or trial juries or who appear in court as a witness as required by law. The employee must give reasonable notice to the employer. It is not a requirement to compensate employees for time off to serve on juries or to appear as a witness.

An employee summoned to jury duty shall inform his/her supervisor, and if required to serve, may be absent from duty with full pay. Any jury fees received by an employee

shall be remitted to the Authority. Reimbursement fees such as mileage shall not be remitted to the Authority.

### **Witness Duty**

If an employee receives a subpoena to appear in court, he/she must notify his/her supervisor immediately. The employee is expected to return to work as soon as their service as a witness is complete.

### **Military Leave**

Any employee who is a member of the Reserve Corps of the Armed Forces of the United States, the National Guard or the National Militia is entitled to a temporary leave while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, and special duty or like activity. Such temporary leave does not have to exceed seventeen (17) calendar days including travel time and does not have to be compensated. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the General Manager an opportunity, within the limits of military requirements, to determine when such leave shall be taken. Military leave may be granted with pay provided employees reimburse the Authority for the amount of compensation, excluding travel and sustenance, which may be earned during the leave period.

### **Time Off To Appear At School When Required By the School**

All employers must allow a parent or guardian of a pupil to appear at the school when the school has given advance notice. It is not a requirement that the employee be compensated for the time. The employee is required to give reasonable notice to the employer. An employee may take vacation or personal leave.

### **Disability Leave**

For employee injury or disability falling within the provision of the State Workers' Compensation Disability Act, disability compensation at the rate allowed under said Act shall be basic remuneration during the employee's period of disability. In the case of full-time employees, other than temporary, provisional or part-time employees, additional compensation equal to the difference between said employee's regular pay and his/hers disability compensation allowance shall be granted not to exceed one year for any one period of incapacity. In the event a waiting period is required before an employee's disability compensation allowance is payable, his/her regular pay shall be provided during said waiting period.

Compensation for short- and long-term disability leave resulting from employee injury or disability not related to Workers' Compensation is addressed in the Compensation Plan. Authority employees do not pay into the California State Disability Insurance (SDI) Program.

### ***Voluntary Leave of Absence***

The Commission, upon written request of a full-time employee, other than a temporary, provisional or part-time employee, may grant a voluntary leave of absence, without pay, for a period up to six (6) months. Upon written request of the employee, accompanied by justification and assurance of intent to return to duty, such leave of absence may be extended by the Commission another six (6) months, for a total continuous leave not to exceed a period of one (1) year. Leaves hereby authorized shall include educational leave, maternity leave, and leave for any other purpose promoting the good of the service. Upon expiration of such a leave, the employee shall be reinstated to the position held at the time leave was granted. Failure of the employee to report promptly at its expiration, or within 24 hours after notice to return to duty, shall terminate his/hers right to be reinstated. During such leave an employee shall not earn sick leave or vacation leave, but shall maintain seniority at the time leave was first granted.

If the employee elects to maintain benefits during a voluntary leave of absence, prior to the start of the leave period, he/she shall pay to the Authority an amount equal to 100% of medical, dental, vision and long-term disability insurance premium costs that are due and payable during the scheduled leave period. If the employee elects to suspend or discontinue benefits during a voluntary leave of absence, he/she may re-enroll during the Open Enrollment period upon return to work.

## **SECTION XIV – EMPLOYEE EDUCATION OR TRAINING**

### ***Education***

An employee may be authorized to attend special training courses, seminars or conferences which are determined to be job-related or will enhance the employee's work performance.

### ***Reimbursement***

In addition to receiving leave with pay, the employee may be reimbursed for the cost of registration, tuition, books, supplies or other expenses incurred in attending special training courses, seminars or conferences which are job-related or will enhance work performance.

## **SECTION XV – EMPLOYEE HEALTH AND SAFETY**

### ***Accident Reports***

Any employee involved in an accident (whether involving injury or not) while on the job, must notify his/her supervisor and complete the required accident report forms within 24 hours of occurrence.

### ***Work Injury or Illness***

If an employee is unable to work as a result of what he/she believes to be an injury or illness arising out of or in the course of employment, he/she must visit a doctor for examination and the necessary forms shall be prepared for compliance with State laws and compensation insurance. If it is determined that the injury or illness is job related no deduction will be made from the employee's sick leave.

Filing a false or fraudulent workers' compensation claim is a violation of Authority policy, and will result in disciplinary action, up to and including immediate termination.

### ***Employee Health***

When, in the judgment of the General Manager, an employee's health or physical condition may have an adverse effect on the performance of his/her duties, or affect safety or health of fellow employees, he/she may be required to undergo a medical or psychological examination at the expense of the Authority.

On the basis of authoritative medical advice, the General Manager shall determine whether an employee is physically and psychologically incapacitated for the duties of his/her position and may take whatever action deemed appropriate.

### ***Safety Rules***

All employees shall be expected to comply with all safety rules which may be adopted by the Authority as an integral part of their job duties. Failure to comply with adopted safety rules shall be grounds for disciplinary action.

### ***Safety Equipment***

The Authority shall determine the need for protective clothing and safety equipment for all employees and shall require its use where necessary for the protection of the employee. The Authority will furnish, at no expense to the employee, all protective clothing and safety equipment required for the employee's performance of duties.

## **SECTION XVI – NO HARASSMENT POLICY**

The Authority does not tolerate harassment of any of our employees, customers or clients. Any form of harassment which violates federal, state or local law, including, but not limited to harassment related to an individual's race, religion, color, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap or disability is a violation of this policy and will be treated as a disciplinary matter. For these purposes the term "harassment" includes slurs and any other offensive remarks or jokes, and other verbal, graphic, or physical conduct. Harassment also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature.

Questions about what constitutes harassing behavior shall be directed to the General Manager or to the Commission Chair.

Harassment shall be immediately reported to the General Manager or to the Commission Chair. The Authority strictly prohibits retaliation of any kind and will not tolerate employees' attempts to hinder internal investigations and/or corrective actions. All complaints of harassment that are reported to management will be looked into as promptly as possible and may be investigated. All complaints of harassment that are reported to management will be treated to the extent allowable by law.

Harassment of our employees in connection with their work by non-employees is also strictly prohibited. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non-employee should report such harassment to the General Manager or Commission Chair. Harassment of our customers or clients by our employees is also strictly prohibited. Any violation of this policy will result in appropriate disciplinary action, up to and including termination.

Authority management and supervisory employees are required to attend sexual harassment prevention training and education that meet all requirements outlined by Government Code §12950.1.

## **SECTION XVII – GRIEVANCES**

### ***Definition***

A grievance is any dispute between the Authority and an employee or employees with respect to the meaning, interpretation, application or enforcement of Authority rules and regulations or other terms or conditions of employment. Grievance shall not include actions taken by the Authority under Section XI, Disciplinary Actions and Appeals, hereof.

### ***Policy***

It is the intent of the Authority to anticipate and diminish causes of grievances and to settle any which arise, at the lowest practicable level of supervision and as fairly and promptly as possible. Therefore, time limits have been established between initiation of a grievance and its occurrence and between steps of the procedure. Any grievance not initiated or pursued within these limits will be considered settled on the basis of the last timely demand or answer, unless the time is extended to a definite date by agreement of the Authority and the employee.

Any regular employee shall have the right to use this grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee or officer of the Authority. Each employee shall have the right to present the grievance individually or through a designated representative at any step of the procedure. Employees shall have the right to withdraw the grievance at any step in the procedure

## ***Procedure***

If an employee has a grievance which cannot be settled by informal discussion with his/her immediate supervisor, he/she shall proceed in the following manner:

- Step 1. Present the grievance, in writing, to the General Manager, within ten (10) working days following occurrence of the event on which the grievance is based. The General Manager shall make a thorough investigation of the reported grievance and circumstances surrounding it and render a decision, in writing, to the employee within three (3) working days.
- Step 2. If the employee is not satisfied with the decision in the first step, he/she may appeal to the Personnel Committee. Such appeal must be made within five (5) working days after the General Manager's decision is received. The Personnel Committee shall make a thorough investigation and shall arrange for a hearing of the grievance at which both the employee and the Authority shall have the right to call witnesses. The Personnel Committee shall render its decision in writing within five (5) days after close of the hearing.
- Step 3. If the employee is not satisfied with the decision of the Personnel Committee in the second step, he/she may appeal to the Commission. Such appeal must be made within five (5) working days after the Personnel Committee's decision is given. The Commission or its appointed representative shall conduct an investigation and hearing within twenty (20) days and shall render a decision in writing. The decision of the Commission shall be final in all grievance proceedings.

## **SECTION XVIII – PERSONNEL RECORDS**

Personnel records are maintained in accordance with State and Federal guidelines. The personnel file shall contain, but not be limited to, performance evaluations, as well as other forms, letters, and memoranda addressed to or pertaining to an employee. If an employee refuses to sign a form, letter, or document, the supervisor shall indicate "refused to sign" on the document and shall sign their name as witness to the fact, and the document shall then be placed in the employee's personnel file.

The personnel employment records are confidential. Only administrative staff specifically designated by the General Manager and those persons who are in a supervisory capacity to an employee may review an employee's file. Employees may review their own file upon request by scheduling an appointment with the Administrative Assistant.

## **SECTION XIX – WHAT THE AUTHORITY EXPECTS OF YOU**

### ***Attitude***

Every employee should display a positive attitude toward their job. A negative attitude creates a difficult working environment and prevents the Authority from providing quality service.

### ***Business Ethics and Conflict Of Interest***

The Authority requires its personnel to conduct Authority business with integrity and to maintain a high standard of personal conduct in outside activities.

Employees are expected to recognize and avoid activities or investment which involve, or might appear to involve, a conflict of interest. While it is impossible to list in this policy statement every circumstance which may suggest a possibility of conflict of interest, the standards for evaluating such activities or investments set forth in the paragraph below are suggested for use by employees in deciding whether a conflict may exist.

No employee may engage in any outside business activity, pursuit, action or investment which could by its nature or scope (with or without personal gain): be objectively construed as preventing or potentially preventing an impartial discharge of duties; or interfere with the satisfactory performance of assigned duties within the Authority; or reflect a compromise or misuse of Authority information; or adversely affect the interests or reputation of the Authority.

Commissioners, the General Manager and the Operations and Maintenance Manager (as an alternate director to BACWA) are required to attend Ethics training classes that meet all requirements outlined by Government Code Section 53234-53235.

### ***Electronic Systems and Media***

East Bay Dischargers Authority's electronic media is provided for employees to perform job functions. Electronic media includes but is not limited to: computers, software, laptops, telephones, cellular phones, e-mail and internet access. Personal use of the Authority's electronic media shall be kept to a minimum. The Authority reserves the right to access these items at any time with or without prior notice, and the employees should have no expectation of privacy when storing or exchanging information on these devices or system.

### ***Computers and E-Mail***

All files and records stored on Authority computers are the property of the Authority. Authority computers are for business purposes only. No personal information or personal advertising or soliciting is permitted on our computer system. Use of Authority computers for unauthorized purposes is prohibited.

Electronic mail is to be used for business purposes only and is considered Authority property. Inappropriate or offensive messages are prohibited. Passwords are assigned in complete confidence. Do not give your password to anyone. Should you suspect that someone has learned your password, contact the General Manager immediately. The Authority maintains the right to access these items at any time with or without prior notice, and the employees should not assume that such messages are confidential.

Employees shall conduct Authority business only on their Authority e-mail account, not on personal e-mail accounts.

### ***Telephone, Voice Mail, and Cell Phone Use***

The Authority has a limited number of telephone lines. It is essential that we keep those lines open for business calls. Therefore, employees are to minimize use of the Authority's telephone lines for personal calls. Use of the Authority's voice mail system for personal reasons shall also be kept to a minimum.

The Authority may provide managers with cellular phones to facilitate Authority business. Personal use of the employer-provided cell phone is excludable from the employee's income as a working condition de minimus fringe benefit.

Employees who prefer to use their personal cell phones for business reasons, shall be entitled to a tax-free reimbursement in an amount equal to the monthly cost per line for Authority provided cell phones, or the employee's actual cost for their cell phone plan, whichever is lower. The reimbursement shall be paid with the first payroll of every month. The reimbursement amount shall be reviewed every January and updated as needed, to reflect the then in-effect monthly cost per line under the Authority's cellular service plan. The Authority's cellular service plan will also be reviewed periodically to ensure that it is the most cost-effective available.

### ***Confidentiality***

All records and files of the Authority are property of the Authority and considered confidential. No employee is authorized to copy or disclose any file or record. Confidential information includes all letters or any other information concerning transactions with the public, payroll or personnel records of past or present employees, financial records of the Authority, all records pertaining to purchases from vendors or suppliers, correspondence and agreements with manufacturers or distributors and documents concerning operating procedures of the Authority.

Notwithstanding the confidentiality provision, requests for information are subject to the California Public Records Act, Government Code §§ 6250 - 6276.48, and shall be responded to in the manner permitted by law.

### ***Copy Machines and Facsimile***

The facsimile and copy machines are for legitimate business purposes only and should not be used for personal use. Employees are prohibited from using these machines for the purpose of transmitting, receiving or copying materials which may be deemed offensive or insulting. Any employee, who receives such materials via facsimile transmission, the mail, or from any other source, should report the transmission immediately to the General Manager.

### ***Gambling***

Gambling is prohibited on Authority property.

### ***Personal Mail***

Employees shall minimize personal mail deliveries to the Authority premises. Mail sent to an employee at the Authority will be opened by office personnel.

Authority postage meters and letterhead may not be used for personal correspondence.

### ***Searches and Inspections***

Employees do not hold any privacy rights in any Authority property. The Authority reserves the right, at all times and without prior notice, to inspect and search any and all of its property for the purpose of determining whether any policy, rule, or directive has been violated, or when the Authority determines an inspection is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or after business hours and in the presence or absence of the employee. These searches may include, without limitation, workspaces, desks, electronic devices and equipment, cabinets, motor vehicles and where appropriate non-Authority belongings that are brought onto District property.

All files and records stored on Authority computers are the property of the Authority and may be inspected at any time. Authority computers are for business purposes only and should not be used for non-work related matters. Use of Authority computers for unauthorized purposes is prohibited. Electronic mail and voice mail messages are to be used for business purposes only and are considered Authority property. The Authority may access these items at any time with or without prior notice and the employee should not assume that such messages are confidential.

### ***Unauthorized Interviews***

From time to time Authority employees may be contacted by outside parties to discuss Authority business. As a means of protecting yourself and the Authority, no unauthorized interviews are permitted to be conducted by individuals representing themselves as attorneys, peace officers, investigators, reporters, or someone who wants to "ask a few questions" regarding Authority business. If you are asked questions

about the Authority or its current or former employees, you are to refer that individual(s) to your supervisor. A decision will then be made as to whether that individual may conduct any interview and they will be introduced to you by your supervisor with a reason for the questioning. Similarly, if you are aware of an unauthorized interview occurring at the Authority, you must immediately notify the General Manager.

This provision is not intended to, nor does it interfere with any employee's ability to speak on matters of public concern; to report suspected harassment, discrimination, retaliation, fraud, misuse of public funds/resources and/or suspected criminal activity; or to engage in any lawful whistleblowing activities.

### ***Whistleblowing***

Notwithstanding the provisions of unauthorized interviews the Authority will not prevent an employee from disclosing information to a government agency or law enforcement agency when the employee has reasonable cause to believe the information discloses a violation of a state or federal statute or a violation or noncompliance with a state or federal rule or regulation. Furthermore, the Authority will not retaliate against an employee for making such a disclosure or for refusing to participate in an activity that would result in a violation of state or federal statute, or violation or noncompliance with a state or federal rule or regulation. Employees who believe they have been retaliated against shall promptly report such retaliation to the General Manager or Commission Chair.

**EAST BAY DISCHARGERS COMMISSION**  
**EAST BAY DISCHARGERS AUTHORITY**  
**ALAMEDA COUNTY, CALIFORNIA**

RESOLUTION NO. 19-35

INTRODUCED BY \_\_\_\_\_

**RESOLUTION APPROVING REVISIONS TO THE PERSONNEL POLICY**

**WHEREAS**, the East Bay Dischargers Authority is a joint powers public agency that is required to be in compliance with federal and state laws regarding its employees; and

**WHEREAS**, the Authority has determined that it is of benefit to the Authority to provide a framework in which employees can donate vacation leave to fellow employees; and

**WHEREAS**, the Authority has further determined that it is of value to the Authority to clarify policy regarding use of e-mail; and

**WHEREAS**, the Authority maintains a policy of being in compliance with all applicable laws by establishing policies that provide for a comprehensive personnel system and the administration thereof; and

**WHEREAS**, the proposed revisions are regarded by general counsel to comply with current law; and

**WHEREAS**, the revised policy has been reviewed and recommended for approval by the Personnel Committee.

**NOW, THEREFORE, BE IT RESOLVED**, the Authority hereby adopts revisions to the Personnel Policy effective August 15, 2019.

**SAN LORENZO, CALIFORNIA, AUGUST 15, 2019, ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**CHAIR**  
**EAST BAY DISCHARGERS COMMISSION**

**ATTEST:** \_\_\_\_\_  
**GENERAL MANAGER**  
**EAST BAY DISCHARGERS AUTHORITY**  
**EX OFFICIO SECRETARY**

**ITEM NO. P6 RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ISSUE A CHANGE ORDER TO AEROTEK, INC. FOR TEMPORARY ADMINISTRATIVE ASSISTANT SERVICES IN THE AMOUNT OF \$30,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$47,600**

**Recommendation**

Approve a resolution authorizing the General Manager to issue a Change Order to Aerotek, Inc. for Temporary Administrative Assistant services in the amount of \$30,000 for a total not to exceed the amount of \$47,600.

**Background**

As discussed at the June 2019 Personnel Committee and Commission Meeting, the Authority's Administrative Assistant, Juanita Villasenor, is on medical leave. To cover her duties, the General Manager has retained the services of a Temporary Administrative Assistant, Kalena Yambao. To simplify reporting and payroll and streamline the hiring process, Kalena was retained through Aerotek, a temporary staffing agency. Kalena started on June 4, 2019, under an existing agreement with Aerotek signed in 2017. On July 18, 2019, the Commission approved a Purchase Order with Aerotek for \$17,600 to cover Kalena's services through August 23, 2019.

**Discussion**

Juanita continues to undergo treatment and staff does not expect her to return full-time in August. Her leave has been extended, and her actual return date is not yet known. In order to ensure continuity of coverage, staff is requesting authorization to amend the Purchase Order (PO) for Kalena's services through Aerotek to cover the period up to Thanksgiving. That will represent approximately six months of temporary employment, which is the limit over which CalPERS reporting is required. Kalena's pay rate is \$35 per hour, for which Aerotek is charging the Authority \$55 per hour. To cover the period between August 26 and November 27, 2019, staff is requesting the addition of \$30,000 for a total of \$47,600.

If Juanita returns to work full time prior to Thanksgiving, staff proposes a brief period of overlap for handover, and then Kalena's employment will be discontinued. If Juanita's anticipated return date is after Thanksgiving, staff will consider whether to identify another temporary employee to be hired through Aerotek, or to begin recruitment for an employee to be hired directly, and will consult the Committee on these options. Staff recommends that there be overlap between Kalena and her successor to ensure a seamless training period and handover, which means that a decision will likely be needed in September to ensure that the new individual is in place by the end of October.

In the meantime, staff recommends continuing the part-time temporary employment of Maria through the end of the calendar year to assist with transitions and to help with overflow and backlog work. Maria's half-time employment through December was included in the FY 19-20 budget.

**EAST BAY DISCHARGERS COMMISSION**  
**EAST BAY DISCHARGERS AUTHORITY**  
**ALAMEDA COUNTY, CALIFORNIA**

RESOLUTION NO. 19-36

INTRODUCED BY \_\_\_\_\_

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ISSUE A CHANGE ORDER TO AEROTEK, INC. FOR TEMPORARY ADMINISTRATIVE ASSISTANT SERVICES IN THE AMOUNT OF \$30,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$47,600**

**WHEREAS**, the Administrative Assistant plays a critical role for the East Bay Dischargers Authority; and

**WHEREAS**, the Authority's current Administrative Assistant is currently on medical leave; and

**WHEREAS**, the Personnel Committee supports the hiring of a temporary administrative assistant to perform the duties of the role while the employee is on medical leave; and

**WHEREAS**, in April 2017, the Authority entered into an agreement for temporary staffing services with Aerotek, Inc.; and

**WHEREAS**, in July 2019, the Authority approved a Purchase Order with Aerotek, Inc. in the amount of \$17,600 for Administrative Assistant Services; and

**WHEREAS**, it is in the interest of the Authority to continue to retain a temporary administrative assistant through the agreement with Aerotek.

**NOW, THEREFORE BE IT RESOLVED**, the Commission authorizes the General Manager to issue a Change Order to Aerotek, Inc. on behalf of the Authority in the amount of \$30,000 for a total not to exceed amount of \$47,600.

**SAN LORENZO, CALIFORNIA, AUGUST 15, 2019, ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
**CHAIR**  
**EAST BAY DISCHARGERS COMMISSION**

**ATTEST:** \_\_\_\_\_  
**GENERAL MANAGER**  
**EAST BAY DISCHARGERS AUTHORITY**  
**EX OFFICIO SECRETARY**

**ITEM NO. 18 ITEMS FROM THE COMMISSION AND STAFF**

The Commission and staff may comment on items of general interest.

**ITEM NO. 19 ADJOURNMENT**