

# EAST BAY DISCHARGERS AUTHORITY COMMISSION MEETING MINUTES

March 19, 2020

## 1. Call to Order

Chair Cutter called the telephonic meeting to order pursuant to the Governor's Executive Order N-25-20 at 9:36 A.M. on Thursday, March 19, 2020. EBDA's conference room at 2651 Grant Avenue, San Lorenzo, CA 94580 was available for any members of the public to attend, and the dial-in information for the meeting was provided in the agenda.

## 2. Pledge of Allegiance – Deferred.

## 3. Roll Call

<b>PRESENT:</b>	Sara Lamnin	City of Hayward
	Daniel Walters	Oro Loma Sanitary District
	Ralph Johnson	Castro Valley Sanitary District
	Pauline Cutter	City of San Leandro
	Thomas Handley	Union Sanitary District

**ABSENT:** None

## OTHERS

<b>PRESENT:</b>	Jacqueline Zipkin	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	Howard Cin	East Bay Dischargers Authority
	Kalena Yambao	East Bay Dischargers Authority
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Justin Jenson	City of San Leandro
	Roland Williams	Castro Valley Sanitary District
	Paul Eldredge	Union Sanitary District

## 4. Public Forum

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

## CONSENT CALENDAR

5. Commission Meeting Minutes of February 20, 2020

6. List of Disbursements for February 2020

7. Treasurer's Report for February 2020

Commissioner Handley moved to approve the consent calendar. The motion was seconded by Commissioner Lamnin and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter.  
Noes: None  
Absent: None  
Abstain: None

## REGULAR CALENDAR

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

The General Manager (GM) reviewed the current shelter-in-place mandate and options for April's Committee and Commission meetings via telephone. The GM then noted that there is no legal requirement to approve Committee reports. Henceforth, Committee reports will be informational items only. The GM reviewed a recent meeting with San Francisco Bay Regional Coastal Hazards Adaptation Resiliency Group (CHARG), an organization of flood control agencies that is addressing sea level rise. Currently, within CHARG, Alameda County Flood Control District is piloting a program entitled CIRCLE, which deals with utility intersection and builds on emergency planning processes. The District is requesting future involvement from EBDA and its member agencies. The GM will keep the Commission updated on progress.

The GM also recapped a recent meeting with the Transforming Shorelines Collaborative, which included a presentation on research at Oro Loma by Donna Ball and a working session on the Palo Alto Horizontal Levee Project. Staff is currently working on an RFP to procure an environmental consultant to help design the First Mile Horizontal Levee Project and a feasibility study for nature-based treatment systems at the Hayward Ponds.

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

The MAC met on March 12, 2020. The MAC discussed the LAVWMA Agreement, and feedback was incorporated into an initial draft term sheet, reviewed by the Finance Committee, and submitted to LAVWMA. The MAC also reviewed a preliminary project list for the Renewal and Replacement Fund for FY 2020/2021, which will be brought to the O&M Committee for review. The Brine Policy continues to be discussed and the MAC hopes to reach consensus next month and bring the policy forward to the Commission the following month. Finally, the MAC discussed COVID-19 contingency planning. Chair Cutter noted that there are currently heightened concerns regarding public flushing of wipes and other non-flushable items; the GM will distribute Castro Valley Sanitary District's Press Release materials along with public education materials from CASA to the Commission.

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

The Financial Management Committee met on March 16, 2020. The Committee reviewed the List of Disbursements and Treasurer's Report for February and recommended approval. The Committee also reviewed the Preliminary Draft Budget for FY 2020/2021, which the GM reviewed for the Commission with particular focus on Special Projects. EBDA staff will continue small revisions to the budget and bring it forward to the Commission for approval next month.

Per request of the Financial Management Committee, the Public Official Bonds portion of the Investment Policy was reviewed. The Committee recommends both positions remain bonded, but requests that the Committee revisit the cost and dollar amount of the policies upon renewal.

The Committee also reviewed EBDA's Audit Policy. The Committee agreed with staff's recommendations not to amend the policy, which targets five-year cycles with any one given audit firm. The Committee also agreed with the recommendation to grant a one-year extension with the current auditor, Maze & Associates, to close out the current JPA. EBDA will begin an RFP process for new Auditors at the close of the FY 2019/2020 Audit.

The Committee also reviewed the current Purchasing Policy. Staff recommended a 25k signing authority for the GM. The Committee recommended considering a higher threshold of 50-75k. After discussion, the Commission would like to see historical information showing how often the Authority has exceeded the current JPA's 10k threshold. The GM will circulate this information. Staff also highlighted that the Authority has a MBE/WBE (Minority Business Enterprise/Women's Business Enterprise) Policy adopted in 1993, and staff will propose language for incorporating this into to the Purchasing Policy.

#### **11. Report from the Regulatory Affairs Committee**

The Regulatory Affairs Committee met on March 18<sup>th</sup>, 2020. The GM briefly reviewed the NPDES Annual Report along with the BACWA Key Regulatory Issue Summary, and the Nutrients Group Annual Report. The GM highlighted that the Nutrients Group Annual Report, submitted through BACWA to the Regional Water Board regarding nutrient load into the SF Bay, showed very slight nutrient load growth in some subembayments and little to no trend in nutrient load growth in others.

The GM discussed a potential brine project where a third party would pay to discharge a brine solution into EBDA's Pipeline and out into the Bay.

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

The Operations and Maintenance Committee met on March 17, 2020, and discussed the status of the EBDA facilities. The O&M Manager reviewed NPDES Compliance for January and preliminary data for February and provided an update on current projects. At HEPS, the MCC stairs and the generator platform are the last major remaining items to be completed; they are scheduled to arrive at the end of this month. For AEPS, the Operations and Maintenance Committee recommends approval of the Resolution to authorize the GM to issue a purchase order to Buckles-Smith for a refurbished VFD and field service for Effluent Pump No. 6. At OLEPS, installation of the new switch for the generator has been postponed due to the shelter-in-place mandate; OLEPS continues to have one of OLSD's portable generators connected as backup, and Calcon is still set to install the wiring and conduits for the backup power the last week of March.

At the Commission's request, the O&M manager evaluated the use of renewable diesel. Given the limited available data on use of renewable diesel in emergency generators and/or generators with low-fuel turnover, staff and the O&M Committee are not recommending pursuing renewable diesel at this time. If more data becomes available, staff would explore the project further.

The GM notified the Commission that EBDA has received the final Disaster Cost Recovery Plan from Kermani Consulting Group. The next step is to develop RFPs for potential disaster recovery support. The Commission recommended that rosters of

approved contractors be updated on a defined schedule. The Commission discussed whether declaring a State of Emergency for EBDA is necessary at this time. EBDA staff and legal counsel do not currently foresee any potential increased cost that would be eligible for reimbursement but will continue to assess as current conditions evolve.

The installation of the X-band Radar for the AQPI project, scheduled for mid-March, may be potentially stalled due to the shelter-in-place mandate. The GM will continue to report on the progress of the project.

**13. Resolution Authorizing the General Manager to Issue a Purchase Order to Buckles-Smith in the Amount of \$23,429 for a Refurbished Variable Frequency Drive and Field Service for Effluent Pump No. 6 at the Alvarado Effluent Pump Station.**

Commissioner Lamnin moved to adopt the Resolution authorizing the GM to issue a purchase order to Buckles-Smith. The motion was seconded by Commissioner Handley and carried unanimously, 4-0 by roll call vote.

Ayes: Commissioners Lamnin, Handley, Johnson, Chair Cutter.  
Noes: None  
Absent: Commissioner Walters  
Abstain: None

**14. Report from the Personnel Committee.**

The Personnel Committee met on March 18, 2020. The Committee recommends approval of updates to the Authority's FY 2019/2020 and FY 2020/2021 Compensation Plans which will be brought to the Commission later this year for approval.

After review of workload for the administrative assistant position, staff and the Committee recommend a six-month trial of adding an additional half-time administrative assistant position and reassessing at the end of that period to see if the additional staff is warranted longer-term. The Commission discussed that the current shelter-in-place conditions may alter the time period for proper assessment of staff required to fulfill normal day-to-day operations. The Commission supported proceeding with implementing the pilot program, which is incorporated in the FY 2020/2021 Budget.

The Committee gave feedback to the Draft Rules of the Commission, and the GM will bring forward a new draft for review.

The Commission forwent the closed session of the GM evaluation due to the constricts of the telephonic meeting, and engaged in open discussion regarding the GM evaluation/process. The Commission would like to see a rating scale and discussion before next year's evaluation is distributed to normalize scoring. The Commission thanked the GM once again for her contribution to the successful completion of the Amended and Restated JPA. Lastly, the GM welcomed feedback to her Draft EBDA GM 2020/2021 Performance Plan.

**15. Closed Session**

Canceled. See item 14.

**16. Reconvene Open Session / Report from Closed Session**

Canceled. See item 14.

**17. Items from Commission and Staff**

No items from Commission and Staff.

**18. Adjournment**

With no further business, Chair Cutter adjourned the meeting at 11:28 A.M.



Jacqueline Zipkin  
General Manager