



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

A Joint Powers Public Agency

Pursuant to the Governor's Executive Order N-25-20 the Finance Meeting scheduled for August 18, 2020 at 10:30 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #813 9221 9393. Members of the public are encouraged to dial in to the meeting using the same number. <https://us02web.zoom.us/j/81392219393>

ITEM NO. 10

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Tuesday, August 18, 2020

10:30 A.M.

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

Committee Members: Walters (Chair); Toy

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. List of Disbursements for July 2020

(The Committee will review the List of Disbursements for the month of July 2020.)

FM5. Preliminary Treasurer's Report for July 2020

(The Committee will review the Preliminary Treasurer's Report for the month of July 2020.)

FM6. FY 2019/2020 Financial Audit Schedule

(The Committee will review general information related to the FY 2019-2020 financial audit.)

FM7. Update on Cargill Mixed Sea Salt Brine Project

(The Committee will receive an update on the project.)

FM8. Motion Authorizing the General Manager to Execute a Contract with Larry Walker Associates for Technical Assistance Related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at the EBDA Outfall in the amount of \$59,000

(The Committee will consider the motion.)

FM9. Motion Authorizing the General Manager to Execute a Contract with Brown and Caldwell for Technical Assistance Related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at the EBDA Outfall in the amount of \$102,684

(The Committee will consider the motion.)

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
August 18, 2020

FM10. Resolution Adopting the Authority's Electronic Signature Policy

(The Committee will consider approval of the resolution.)

FM11. Adjournment

(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 (510) 278-5910 or jvillasenor@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 also posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.

(Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should 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 Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.)

**The next Financial Management Committee meeting is scheduled on
Tuesday, September 15, 2020 at 10:30 a.m.**

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
August 18, 2020

ITEM NO. FM4 LIST OF DISBURSEMENTS FOR JULY 2020

The itemized List of Disbursements for the month of July 2020 totaled \$404,469.29.

Reviewed and Approved by:

Dan Walters, Chair
Financial Management Committee

Date

Jacqueline T. Zipkin
Treasurer

Date

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
July 2020

CHECKS (SORTED BY AMOUNT)

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24792	7/16/2020	20-Jun-20	GSE CONSTRUCTION	HEPS MCC REPLACEMENT PROJECT - JUNE		74,346.05	74,346.05
24798	7/30/2020	378208	CITY OF SAN LEANDRO	O&M - MAY		39,168.37	39,168.37
24779	7/16/2020	040113	PUMP REPAIR SERVICE COMPANY	REPLACEMENT IMPELLER FOR AEPS PUMP NO. 6		32,960.72	32,960.72
24816	7/30/2020	0046041-2020-1	WATER RESEARCH FOUNDATION	UTILITY MEMBERSHIP		25,580.00	25,580.00
24799	7/30/2020	APR-JUN2020	CITY OF HAYWARD	QUARTERLY O&M APR - JUNE		21,231.41	21,231.41
24780	7/16/2020	6615	CSRMA	ALLIANT PROPERTY INSURANCE PROGRAM		15,661.00	15,661.00
24813	7/30/2020	48649407	UNIVAR	SODIUM BISULFITE - DELIVERED 07/10/20		5,978.19	11,877.78
24813	7/30/2020	48666793	UNIVAR	SODIUM BISULFITE - DELIVERED 07/24/20		5,899.59	
24791	7/16/2020	101731479-0001	SUNBELT RENTALS	SLEPS GENERATOR RENTAL		5,160.99	10,022.75
24791	7/16/2020	101731479-0002	SUNBELT RENTALS	SLEPS GENERATOR RENTAL		4,861.76	
24786	7/16/2020	2020050262	MEYERS NAVE	LEGAL SERVICES - MAY		8,298.16	8,298.16
24812	7/30/2020	2020060387	MEYERS NAVE	LEGAL SERVICES - JUNE		6,828.90	6,828.90
24788	7/16/2020	48636384	UNIVAR	SODIUM BISULFITE - DELIVERED 06/29/20		5,774.62	5,774.62
24776	7/16/2020	46911	CALCON	MDF & OPERATIONS CENTER SERVICE CALLS		3,050.75	5,162.00
24776	7/16/2020	46913	CALCON	SKYWEST SERVICE CALLS		1,131.75	
24776	7/16/2020	46912	CALCON	OLEPS PLC PROGRAMMING & PUMP STATION CLEAN UP		979.50	
24770	7/16/2020	APR-JUN2020	KARL ROYER	QUARTERLY RETIREE MEDICAL REIMBURSEMENT - APRIL - JUN		3,191.94	3,191.94
24811	7/30/2020	4246044555687620	US BANK	ANTENNA PRODUCTS CORP. - OLEPS SAFETY EQUIPMENT	719.46	2,733.27	2,733.27
24811	7/30/2020	4246044555687620	US BANK	REMOTE DATA BACKUPS	423.00		
24811	7/30/2020	4246044555687620	US BANK	ECONOMY GLASS SERVICE - OFFICE WINDOWS	250.00		
24811	7/30/2020	4246044555687620	US BANK	OFFICE GENERATOR PARTS	235.17		
24811	7/30/2020	4246044555687620	US BANK	ADOBE ACROBAT INDIVIDUAL ANNUAL SUBSCRIPTION	179.88		
24811	7/30/2020	4246044555687620	US BANK	ADOBE ACROBAT INDIVIDUAL ANNUAL SUBSCRIPTION	179.88		
24811	7/30/2020	4246044555687620	US BANK	OFFICE DEPOT	160.26		
24811	7/30/2020	4246044555687620	US BANK	CASA - VIRTUAL CONFERENCE	125.00		
24811	7/30/2020	4246044555687620	US BANK	INTERMEDIA	86.41		
24811	7/30/2020	4246044555687620	US BANK	OLEPS GENERATOR PARTS	82.31		
24811	7/30/2020	4246044555687620	US BANK	OFFICE GENERATOR PARTS	65.32		
24811	7/30/2020	4246044555687620	US BANK	OFFICE GENERATOR PARTS	42.41		
24811	7/30/2020	4246044555687620	US BANK	OFFICE DEPOT	41.53		
24811	7/30/2020	4246044555687620	US BANK	MALWARE ANTIVIRUS SUBSCRIPTION	24.95		
24811	7/30/2020	4246044555687620	US BANK	MALWARE ANTIVIRUS SUBSCRIPTION	24.95		
24811	7/30/2020	4246044555687620	US BANK	MALWARE ANTIVIRUS SUBSCRIPTION	24.95		
24811	7/30/2020	4246044555687620	US BANK	MALWARE ANTIVIRUS SUBSCRIPTION	24.95		
24811	7/30/2020	4246044555687620	US BANK	MALWARE ANTIVIRUS SUBSCRIPTION	24.95		
24811	7/30/2020	4246044555687620	US BANK	EAST BAY TIMES SUBSCRIPTION	9.95		
24811	7/30/2020	4246044555687620	US BANK	USPS	6.95		
24811	7/30/2020	4246044555687620	US BANK	APPLE CLOUD - CELL PHONE BACKUP	0.99		
24805	7/30/2020	Apr-20	DEBORAH QUINN	ACCOUNTING SERVICES - APRIL		2,643.75	2,643.75
24808	7/30/2020	00013.10-4	LARRY WALKER	PROFESSIONAL SERVICES - JUNE		2,589.50	2,589.50
24793	7/16/2020	104465	LOCAL GOVERNMENT COMMISSION	ANNUAL BAYCAN MEMBERSHIP		2,500.00	2,500.00
24772	7/16/2020	457-365800	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 07/15/20		2,317.94	2,317.94
24797	7/30/2020	374506	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 07/31/20		2,317.94	2,317.94
24782	7/16/2020	YT1378-INV1	SCHAEFFER'S MANUFACTURING CO.	OLEPS GEAR LUBRICANT		2,081.02	2,081.02
24818	7/30/2020	3198072-01	BUCKLES-SMITH ELECTRIC COMPANY	AEPS PUMP NO. 2 VFD FIELD SERVICE		1,639.00	2,043.52
24818	7/30/2020	3198118-00	BUCKLES-SMITH ELECTRIC COMPANY	AEPS PUMP NO. 2 VFD RELAYS		404.52	
24771	7/16/2020	APR-JUN2020	CHARLES WEIR	QUARTERLY RETIREE MEDICAL REIMBURSEMENT - APRIL - JUN		1,904.76	1,904.76
24795	7/16/2020	599588	MILES CHEMICAL	SKYWEST & OLEPS CAPTOR CHEMICAL		1,757.56	1,757.56

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
July 2020

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24785	7/16/2020	6/10/2020	CALIFORNIA SPECIAL DISTRICTS ASSOCIATION	CSDA MEMBERSHIP DUES		1,446.00	1,446.00
24800	7/30/2020	5220571	CITY OF HAYWARD	BENEFIT PREMIUMS - JULY		1,330.76	1,330.76
24774	7/16/2020	1746192-20	SCIF	WORKERS COMPENSATION PREMIUM - JULY		631.25	890.49
24774	7/16/2020	1746192-20	SCIF	WORKERS COMPENSATION PREMIUM ADJUSTMENT		259.24	
24814	7/30/2020	612071	CALTEST	LAB TESTING SERVICES - JUNE		864.90	864.90
24775	7/16/2020	PC240035455	PETERSON POWER SYSTEMS	HEPS BATTERY REPLACEMENT		787.24	697.24
24775	7/16/2020	PR240005774	PETERSON POWER SYSTEMS	HEPS BATTERY RECYCLING CREDIT		(90.00)	
24789	7/16/2020	357201	WONDERWARE	SCADA ALARM SOFTWARE		600.00	600.00
24783	7/16/2020	4161	DAVISON SYSTEMS, LLC	CMMS SUBSCRIPTION AND SUPPORT SERVICES		500.00	500.00
24777	7/16/2020	4HK30	BAAQMD	PERMIT TO OPERATE HEPS PLANT #14531		424.00	424.00
24809	7/30/2020	8202	CAYUGA	IT SERVICES - JUNE		315.00	315.00
24784	7/16/2020	32792574	PITNEY BOWES	POSTAGE METER RESERVE ACCOUNT		300.00	300.00
24773	7/16/2020	5102785910 914 3	AT&T	TELEPHONE SERVICE ADMIN BUILDING - JUNE		292.90	292.90
24804	7/30/2020	2020141726	UNDERGROUND SERVICE ALERT	ANNUAL MEMBERSHIP		256.50	256.50
24787	7/16/2020	38420	BA MORRISON	HVAC MAINTENANCE		235.00	235.00
24778	7/16/2020	9857750492	VERIZON WIRELESS	CELLPHONES - JUNE		193.95	193.95
24790	7/16/2020	EBD3061	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES - JUNE		165.00	165.00
24810	7/30/2020	10280	TOWN & COUNTRY	JANITORIAL SERVICES - JULY		165.00	165.00
24803	7/30/2020	2018004	GOVERNMENT FINANCE OFFICERS ASSOCIATION	ANNUAL MEMBERSHIP FEE FOR EBDA ACCOUNTANT		160.00	160.00
24801	7/30/2020	44777800001	EBMUD	WATER & SEWER AT ADMIN BUILDING MAY - JUL		114.82	114.82
24802	7/30/2020	510-483-0439	AT&T	TELEPHONE SERVICE MDF		108.74	108.74
24817	7/30/2020	45022	COMPUTER COURAGE	WEBSITE HOSTING		100.00	100.00
24781	7/16/2020	1388510	ALLIANT	MOBILE VEHICLE PROGRAM POLICY RENEWAL		64.00	64.00
24815	7/30/2020	3069479	CALTRONICS	COPIER USAGE - JUN - JULY		61.32	61.32
24796	7/16/2020	3923	CALGOVHR	ANNUAL MEMBERSHIP FEE		60.00	60.00
24794	7/16/2020	37576182743	DIRECTV	AT&T BUNDLE DISCOUNT		30.64	30.64
24806	7/30/2020	942039340-00001	VERIZON WIRELESS	MODEM FOR SCADA JUNE		15.13	15.13
24807	7/30/2020	942039340-00001	VERIZON WIRELESS	MODEM FOR SCADA JULY		7.57	7.57
TOTAL CHECK PAYMENTS							292,391.92
ELECTRONIC PAYMENTS							
	7/2/2020	5105948980-0	PACIFIC GAS & ELECTRIC	GAS AND ELECTRIC		36,957.75	36,957.75
	7/20/2020	6092533	CALPERS	ANNUAL UNFUNDED LIABILITY - FY 2020-21		14,869.00	14,869.00
	7/7/2020	16044815	CALPERS	HEALTH PREMIUMS - JULY 2020		7,794.28	7,794.28
	7/21/2020	07-2020-1	CALPERS	PENSION CONTRIBUTION, CLASSIC PLAN, 07/01/20-07/15/20		4,355.14	4,355.14
	7/13/2020	06-2020-2	CALPERS	PENSION CONTRIBUTION, CLASSIC PLAN, 06/16/20-06/30/20		4,055.06	4,055.06
	7/13/2020	06-2020-2	CALPERS	PENSION CONTRIBUTION, PEPR PLAN, 06/16/20-06/30/20		496.80	496.80
	7/21/2020	07-2020-1	CALPERS	PENSION CONTRIBUTION, PEPR PLAN, 07/01/20-07/15/20		247.82	247.82
	7/13/2020	N/A	WELLS FARGO	CLIENT ANANYSIS SERVICE CHARGE		84.83	84.83
TOTAL ELECTRONIC PAYMENTS							68,860.68
PAYROLL							
	7/30/2020	7/31/2020	ADP, LLC	PAYROLL PERIOD 07/16-31/2020		22,844.11	22,844.11
	7/14/2020	7/15/2020	ADP, LLC	PAYROLL PERIOD 07/01-15/2020		20,263.33	20,263.33
	7/3/2020	6/30/2020	ADP, LLC	PAYROLL PROCESSING FEE 06/16-30/2020		60.25	60.25
	7/24/2020	7/15/2020	ADP, LLC	PAYROLL PROCESSING FEE 07/01-15/2020		49.00	49.00
TOTAL PAYROLL							43,216.69
TOTAL DISBURSEMENTS							404,469.29

ITEM NO. FM5 PRELIMINARY TREASURER'S REPORT FOR JULY 2020

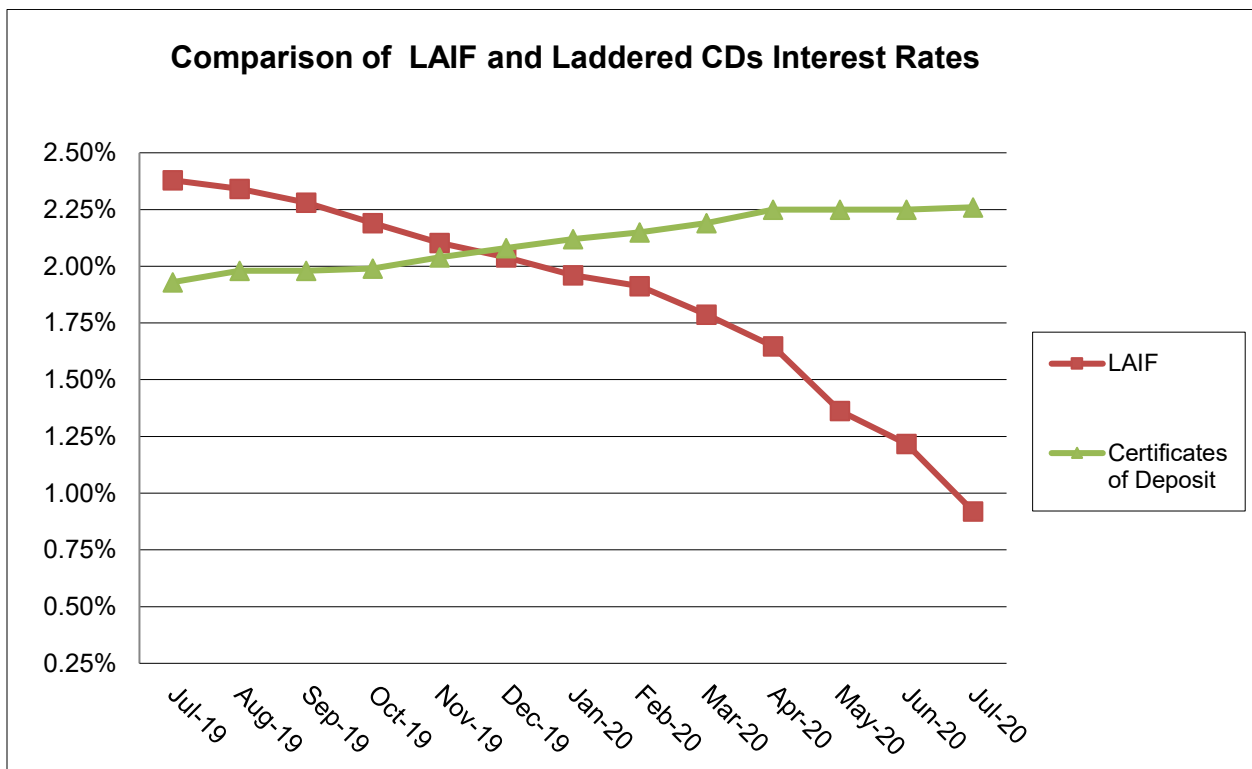
The beginning cash balance on July 1, 2020 was \$3,517,505.06. The ending cash balance on July 31, 2020 was \$ 3,409,137.35. Total receipts for the month were \$296,101.58, and disbursements were \$404,469.29.

EBDA currently has a three-pronged investment approach that includes laddered CDs, Local Agency Investment Fund (LAIF), and Wells Fargo accounts. As directed by the Financial Management Committee, funds are currently being transferred to the Authority's checking account and/or LAIF as CDs mature. Staff will continue to work with the Committee on investment strategy.

Current market value of laddered CD investments is \$357,410.00 The average annual yield of the CDs is 2.26%.

EBDA's LAIF balance beginning July 1, 2020 was \$2,237,610.52. The ending balance on July 31, 2020 was \$2,246,110.12. The LAIF account was credited \$8,499.60 in interest earned for the quarter ending June 30, 2020. The LAIF interest rate for period ending July 31, 2020 is 0.92%.

Approval is recommended.



**EAST BAY DISCHARGERS AUTHORITY
PRELIMINARY
TREASURER'S REPORT
JULY 31, 2020**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	951,804.58	184,432.14	264,091.37	872,145.35
13	PLANNING & SPECIAL STUDIES	247,732.00	103,013.65	28,602.10	322,143.55
14	RECLAMATION O & M (SKYWEST)	161,006.23		2,175.53	158,830.70
31	REPLACEMENT	2,145,192.75	20,425.29	109,600.29	2,056,017.75
41	CONSTRUCTION	11,769.50		11,769.50	0.00
	TOTALS	3,517,505.06	307,871.08	416,238.79	3,409,137.35

Jul-20
8/12/20

SUPPLEMENTAL TREASURERS REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	CD TRANSFER	CD INTEREST & EXPENSES	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	WELLS FARGO CERTIFICATES OF DEPOSIT	TOTAL CASH
07/01/20	BALANCE								909,124.60	15,102.21	2,237,610.52	355,667.73	3,517,505.06
07/02/20	ELECTRONIC BILL PAY		36,957.75						872,166.85	15,102.21	2,237,610.52	355,667.73	3,480,547.31
07/03/20	PAYROLL FEES			60.25					872,166.85	15,041.96	2,237,610.52	355,667.73	3,480,487.06
07/06/20	PAYROLL TRANSFER				20,000.00				852,166.85	35,041.96	2,237,610.52	355,667.73	3,480,487.06
07/07/20	DEPOSIT	8.00							852,174.85	35,041.96	2,237,610.52	355,667.73	3,480,495.06
07/07/20	ELECTRONIC BILL PAY		7,794.28						844,380.57	35,041.96	2,237,610.52	355,667.73	3,472,700.78
07/09/20	DEPOSIT	1,085.85							845,466.42	35,041.96	2,237,610.52	355,667.73	3,473,786.63
07/13/20	ANALYSIS FEE		84.83						845,381.59	35,041.96	2,237,610.52	355,667.73	3,473,701.80
07/13/20	ELECTRONIC BILL PAY		4,055.06						841,326.53	35,041.96	2,237,610.52	355,667.73	3,469,646.74
07/13/20	ELECTRONIC BILL PAY		496.80						840,829.73	35,041.96	2,237,610.52	355,667.73	3,469,149.94
07/14/20	PAYROLL			20,263.33					840,829.73	14,778.63	2,237,610.52	355,667.73	3,448,886.61
07/14/20	INTEREST	7,859.71				7,859.71			840,829.73	14,778.63	2,245,470.23	355,667.73	3,456,746.32
07/16/20	DEPOSIT	451.79							841,281.52	14,778.63	2,245,470.23	355,667.73	3,457,198.11
07/16/20	DISBURSEMENT		171,877.74						669,403.78	14,778.63	2,245,470.23	355,667.73	3,285,320.37
07/20/20	ELECTRONIC BILL PAY		14,869.00						654,534.78	14,778.63	2,245,470.23	355,667.73	3,270,451.37
07/21/20	ELECTRONIC BILL PAY		4,355.14						650,179.64	14,778.63	2,245,470.23	355,667.73	3,266,096.23
07/21/20	ELECTRONIC BILL PAY		247.82						649,931.82	14,778.63	2,245,470.23	355,667.73	3,265,848.41
07/23/20	PAYROLL TRANSFER				20,000.00				629,931.82	34,778.63	2,245,470.23	355,667.73	3,265,848.41
07/24/20	DEPOSIT - LAVVMA	195,939.71							825,871.53	34,778.63	2,245,470.23	355,667.73	3,461,788.12
07/24/20	PAYROLL FEES			49.00					825,871.53	34,729.63	2,245,470.23	355,667.73	3,461,739.12
07/28/20	DEPOSIT - CSL	89,960.44							915,831.97	34,729.63	2,245,470.23	355,667.73	3,551,699.56
07/29/20	INTEREST	639.89				639.89			915,831.97	34,729.63	2,246,110.12	355,667.73	3,552,339.45
07/30/20	PAYROLL			22,364.11					915,831.97	12,365.52	2,246,110.12	355,667.73	3,529,975.34
07/30/20	PAYROLL			480.00					915,831.97	11,885.52	2,246,110.12	355,667.73	3,529,495.34
07/30/20	INTEREST	156.16						156.16	915,831.97	11,885.52	2,246,110.12	355,823.89	3,529,651.50
07/31/20	DISBURSEMENT		120,514.18						795,317.79	11,885.52	2,246,110.12	355,823.89	3,409,137.32
07/31/20	DIVIDEND	0.03						0.03	795,317.79	11,885.52	2,246,110.12	355,823.92	3,409,137.35
	TOTAL	296,101.58	361,252.60	43,216.69	40,000.00	8,499.60	-	156.19	795,317.79	11,885.52	2,246,110.12	355,823.92	3,409,137.35
	CURRENT BALANCE								①	②	③	④	

Reconciliation

① Per Bank Statement @07/31/20	\$ 923,907.91
Less: Outstanding Checks	128,590.12
	\$ 795,317.79
② Per Bank Statement @ 07/31/20	\$ 12,365.52
Less: Outstanding Checks	480.00
	\$ 11,885.52
③ Per LAIF Statement @ 07/31/20	\$ 2,246,110.12
④ Per Treasurer's Report @07/31/20	\$ 355,823.92
Fair Market Value Increase/Decrease	1,586.08
Per Investment Statement @07/31/20	\$ 357,410.00

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
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	1.94%	50,000	50,134.50
BARCLAYS BANK Total						50,134.50
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	1.99%	50,000	50,249.50
CAPITAL ONE BK USA NA Total						50,249.50
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	2.83%	50,000	51,140.50
CITIBANK NA Total						51,140.50
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	1.89%	100,000	100,118.00
COMENITY BANK Total						100,118.00
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	2.46%	50,000	50,625.50
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	2.74%	50,000	50,916.50
MORGAN STANLEY BK NA Total						101,542.00
Grand Total						353,184.50
Average Estimated Annual Yield						2.26%
Cash & Sweep Balances						4,225.50
Snapshot Market Value on June 30th 2020						357,410.00

ITEM NO. FM6 FY 2019/2020 FINANCIAL AUDIT SCHEDULE

Recommendation

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

Background

The field work for the FY 2019/2020 financial audit is scheduled for October 19-22, 2020. In April 2020, the Commission approved an amendment to the Maze & Associates contract to cover the FY 2019/2020 audit. The Finance Committee is scheduled to review the audit report on November 17, 2020. Maze & Associates will present the report to the EBDA Commission at the November 19, 2020 meeting.

ITEM NO. FM7 UPDATE ON CARGILL MIXED SEA SALT BRINE PROJECT

Recommendation

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

Background

At its July 2020 meeting, the Commission approved a non-binding Term Sheet with Cargill, Incorporated (Cargill) to jointly develop a project to introduce mixed sea salt (MSS) brine from Cargill's Newark facility into EBDA's system for discharge to San Francisco Bay. As part of the Term Sheet, Cargill agreed to pay EBDA labor and consultant costs associated with EBDA's evaluation of NPDES, stakeholder, and other project development issues during the due diligence phase.

Discussion

Authority staff has been working with Cargill to define tasks that will be undertaken during the due diligence phase to give EBDA confidence that its infrastructure will be protected and compliance maintained if and when the project moves forward.

Attached is a Letter of Commitment from Cargill to reimburse EBDA for staff time associated with the due diligence process, as well as for consultant contracts, which will be considered in Items FM8 and FM9. Upon approval of these contracts, staff will commence work on due diligence tasks. These efforts are expected to take through approximately January 2021, at which time the Authority and Cargill would negotiate a long-term project contract and initiate the CEQA process, assuming no significant concerns have been identified in the due diligence phase.

Two items of due diligence work require additional scoping and will be brought to the Commission as a subsequent phase (in parallel with continuing work under the current scope). Those items are field work associated with the corrosion evaluation and a dilution study to assess the impacts of brine on mixing at the Authority's outfall.

In parallel with due diligence work, the MAC is also continuing to discuss the allocation of Cargill project revenue among the Member Agencies. Cargill is also continuing to implement its stakeholder outreach plan. The current focus is on outreach to staff at the cities that the new pipeline to EBDA will traverse – Newark, Fremont, and Union City.



August 11, 2020

Ms. Jacqueline Zipkin, P.E.
General Manager
East Bay Dischargers Authority (EBDA)
2651 Grant Avenue
San Lorenzo, CA 94580

Dear Ms. Zipkin:

We received and reviewed the EBDA Due Diligence Scope and Cost Estimate documents dated August 7, 2020. I am writing to confirm that pursuant to the Term Sheet executed by Cargill and EBDA, Cargill intends to reimburse EBDA for its actual reasonable project development costs. Please keep the Cargill team apprised of these costs and any potential deviations from the cost estimates.

Sincerely,

A handwritten signature in black ink that reads "Keith Schuessler".

Keith Schuessler
Solar Operations Leader
Assistant Vice President



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

A Joint Powers Public Agency

To: Don Brown – Cargill, Inc.
From: Jackie Zipkin – East Bay Dischargers Authority
Subject: EBDA Due Diligence Scope for Cargill MSS Brine Project
Date: August 7, 2020

Background

On July 16, 2020, the Commission of the East Bay Dischargers Authority (EBDA) approved a Non-Binding Term Sheet with Cargill, Incorporated (Cargill) for jointly developing a project in which Cargill would discharge a Mixed Sea Salts (MSS) brine through EBDA’s outfall to the San Francisco Bay. After capturing commercial product at Cargill’s Newark solar salt facility, the residual MSS brine would be dissolved in Bay water and transferred through a new pipeline to the EBDA Wastewater System, connecting north of Union Sanitary District’s Alvarado Treatment Facility in Union City. Cargill expects the proposed project to have a duration of approximately 15 to 20 years. Cargill also anticipates value in maintaining a brine discharge to EBDA beyond the project, for as long as their Newark solar salt facility remains operational.

In the Term Sheet, Cargill agreed to “pay EBDA labor and consultant costs associated with EBDA’s evaluation of NPDES, stakeholder, and other project development issues during the due diligence phase. This Scope of Work presents EBDA’s estimated tasks and costs for completing due diligence work.

This Scope is presented in terms of the parties undertaking the work.

Scope of Work

Brown and Caldwell

Brown and Caldwell (BC) is a highly respected engineering consulting firm specializing in water and wastewater. BC has a long history of supporting EBDA, including a recent Condition Assessment Project for EBDA’s Transport System and Outfall. Under the attached scope, BC will assess and advise on potential infrastructure impacts of the brine addition to EBDA’s system, including precipitation and sedimentation, corrosion, and effects on disinfection and dechlorination. BC’s work includes assessment of corrosion risks by JDH Corrosion Consultants (JDH). JDH will perform their work in two phases. The first phase, included in this fee proposal, includes a desktop assessment and development of a scope for field assessment. An updated proposal will be provided subsequently for the field work in Phase 2.

Larry Walker Associates

Larry Walker Associates (LWA) is a local environmental consulting firm with technical expertise in water quality regulation and permitting. LWA has recent experience working with other wastewater agencies on permitting of brine addition projects, and they have relationships with key regulators and stakeholders. Under the attached scope, LWA will assist EBDA in identifying and assessing regulatory requirements and risks, including NPDES permit compliance.

CHAIR	VICE-CHAIR	COMMISSIONER	COMMISSIONER	COMMISSIONER	GENERAL MANAGER
Daniel Walters	Ralph Johnson	Jennifer Toy	Pauline Russo Cutter	Sara Lamnin	Jacqueline T. Zipkin
Oro Loma S.D.	Castro Valley S.D.	Union S.D.	City of San Leandro	City of Hayward	LEGAL COUNSEL
					Eric S. Casher

EBDA Counsel (Meyers Nave)

Meyers Nave is a California-focused law firm that served as EBDA's legal counsel for many years. EBDA's Authority Counsel is Meyers Nave Principal, Eric Casher, and Eric is supported by a team of legal experts and staff. Meyers Nave will prepare a first draft of the agreement between Cargill and EBDA for the project and will then work with Cargill staff and attorneys, along with EBDA staff, to refine the agreement to the point that both parties are ready to approve.

EBDA Technical and Management Staff

EBDA's General Manager, Jackie Zipkin, will serve as the overall Project Manager for this effort and will also engage in stakeholder and technical discussions and analyses. Jackie may also consult EBDA's Operations and Maintenance Manager, Howard Cin, on certain technical issues.

Technical and management work EBDA staff expects to undertake is presented per the agreed upon Due Diligence Task List as follows:

1. Stakeholder Outreach
 - Participation in meetings with key stakeholders including the Regional Water Board and BayKeeper, as well as local elected officials as appropriate.
 - Advice and engagement with Cargill on Stakeholder Outreach Plan implementation.
 - Updates to EBDA's Commission on outreach efforts.
 2. Analyze Effluent:Brine Blends
 - Review water quality analyses and toxicity testing with respect to future NPDES permit compliance, working with Cargill and EOA.
 - Direct and oversee LWA work.
 3. Mixing/Dilution Study at EBDA Outfall Diffusers
 - Guide and oversee RMA study, working with Cargill and EOA, including development of scenarios for analysis.
 4. Analyze Precipitation, Sedimentation, and Corrosion Risks, as well as Potential Impacts on Disinfection and Dechlorination
 - Direct and oversee BC work.
 - Work with Cargill to agree on risk mitigation and accountability and develop contract provisions.
 5. Clarify Basis of Design/Operation - Work with Cargill, using input from consulting studies where appropriate, to agree on:
 - Brine flow rate and concentration, targets and flexibility
 - Project timeline
 - Criteria/process for flow interruptions, including linkage with use current wet-weather SOP
 - Criteria/process for interruptions due to potential to exceed effluent limits for the EBDA system.
 - Criteria/process for treatment requirements due to potential to exceed effluent limits for the EBDA system.
 - Design criteria for point of connection to EBDA, with input from BC.
-

6. Clarify Self-Monitoring Program, including
 - Components to monitor (sampling and analytical methods to be used)
 - Where to sample
 - Frequency of sampling/analysis
7. Permitting/CEQA Planning – working with Cargill:
 - Review Initial Study prepared by AECOM
 - Define permitting strategy
 - Define easement strategy
 - Identify resourcing requirements
 - Determine process for selection of contractor(s)
 - Determine processes and expectations for communications
 - i. Processes for planning, tracking, and reporting
 - ii. Public documents vs. confidential information
8. Fees and Reimbursable Costs
 - Determine milestones/criteria for Capacity Charge
 - Determine process for calculating, invoicing/paying Flow-Based Fees
9. Contract Language
 - Working with Meyers Nave, develop initial draft
 - Review and refine
10. Project Management and Meetings

EBDA Administrative Staff

EBDA administrative staff will oversee the administrative aspects of the project, including contracting, invoicing, and accounting for the consultant contracts, as well as tracking, accounting, and invoicing to Cargill.

Optional Task - Resource Management Associates

Resource Management Associates (RMA) is a water resources engineering firm focusing on numeric modeling. RMA runs a hydrodynamic model of the San Francisco Bay that was recently used to develop a dilution study for a new shallow water discharge from Oro Loma Sanitary District and will be adapted to evaluate dilution at EBDA's outfall. If required by the Regional Water Board, EBDA will engage RMA to perform a dilution study. The scope and cost for this task will be developed at a later date.

Cost Estimate

Please see attached cost estimate for EBDA's Due Diligence Scope.

Schedule

Assuming that this Scope of Work and associated consultant contracts are approved in August 2020, EBDA anticipates completing the Scope of Work by the end of December 2020. EBDA staff will work closely with Cargill throughout the project so that interim decision-making can occur prior to completion of the entire scope, and will perform tasks in parallel to the extent feasible.



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

A Joint Powers Public Agency

**EBDA Due Diligence Cost Proposal for Cargill Brine Project
 August 7, 2020**

Larry Walker Associates (Regulatory)	\$59,000
Brown & Caldwell (Infrastructure) Phase 1 - Desktop	\$102,684
Meyers Nave (Legal)	\$20,000
EBDA Admin - 5% on contracts plus 40 hrs	\$11,975
EBDA Staff Time	\$ 60,854
Resource Management Associates (Dilution)*	-
Brown & Caldwell (Infrastructure) Phase 2 - Field**	-
Grand Total	\$255,000

*Optional - to be added later if needed

**To be scoped during Phase 1

EBDA Tech & Management hourly rate	\$	160
EBDA Admin hourly rate	\$	72

	Hours	Cost
1. Stakeholder Outreach	40	\$ 6,406
2. Analyze Effluent:Brine Blends	30	\$ 4,804
3. Mixing/Dilution Study at EBDA Outfall Diffusers	20	\$ 3,203
4. Analyze TSS and Corrosion Risk	40	\$ 6,406
5. Clarify Basis of Design/Operation	20	\$ 3,203
6. Clarification of Self-Monitoring Program	20	\$ 3,203
7. Permitting/CEQA Planning	50	\$ 8,007
8. Fees and Reimbursable Costs	40	\$ 6,406
9. Contract Language	50	\$ 8,007
10. Project Management and Meetings	70	\$ 11,210
Total	380	\$ 60,854

ITEM NO. FM8 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH LARRY WALKER ASSOCIATES FOR TECHNICAL ASSISTANCE RELATED TO ACCEPTANCE OF CARGILL MIXED SEA SALT BRINE FOR DISCHARGE AT THE EBDA OUTFALL IN THE AMOUNT OF \$59,000

Recommendation

Approve a motion authorizing the General Manager to execute a contract with Larry Walker Associates in the amount of \$59,000.

Background

Larry Walker Associates (LWA) is a specialized consulting firm focusing on regulatory technical support for water and wastewater agencies. LWA has experience working on many NPDES permit negotiations, including recently supporting Delta Diablo on NPDES permitting issues related to their project to accept brine from a desalination project proposed by the City of Antioch. Under a staff-authorized Purchase Order, LWA has provided technical support associated with the Cargill project to date.

Discussion

Under the proposed contract, LWA will participate in discussions with Regional Water Board staff, analyze water quality data, and advise on NPDES compliance issues at the direction of Authority staff. Staff is recommending a sole source award to LWA based on their unique experience negotiating NPDES permits with the San Francisco Bay Regional Water Board. The firm that has historically supported the Authority on NPDES permit issues and negotiations, EOA, Inc., is under contract to Cargill for technical assistance on this project. Authority staff believes that the combination of EOA and LWA will truly identify and address the breadth of regulatory issues related to brine acceptance.

Per Item No. FM7, Cargill will reimburse the Authority fully for the LWA contract, including a 5% markup for administration.

July 21, 2020

Ms. Jacqueline Zipkin, P.E.
General Manager
East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580
By Email: jzipkin@ebda.org



Subject: Proposal – Technical Assistance related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at EBDA Outfall (July 1, 2020 to June 30, 2021)

Dear Jackie:

Larry Walker Associates (LWA) has prepared the following scope of work and cost estimate to provide technical assistance to the East Bay Dischargers Authority (EBDA). EBDA operates a common outfall in the Lower San Francisco Bay for discharge of secondary treated wastewater and reverse osmosis reject water from its member agencies. Cargill, Incorporated (Cargill) operates a solar salt facility in Newark, California that collects and evaporates San Francisco Bay water through a series of solar evaporation ponds for commercial production of crystalline salt and liquid bittern. Cargill is considering a project to enhance recovery of Mixed Sea Salts (MSS) for additional product value and dissolve the residual MSS brine in Bay water for discharge to the EBDA Wastewater System. EBDA and Cargill are currently developing an agreement for conveyance and disposal of the MSS brine in compliance with provisions specified in the EBDA Common Outfall NPDES permit No. CA0037869 (currently implemented as Order No. R2-2017-0016) and terms of the EBDA Amended and Restated Joint Powers Agreement and EBDA Brine Policy.

EBDA has requested technical assistance from LWA to support discussions with regulatory agencies, evaluate NPDES permit compliance, and to review special studies reports prepared by Cargill. The specific efforts will be conducted at EBDA's direction, but the expected tasks and level of support are described below.

Scope of Work

Task 1 – Technical Support and Communication with the Regional Water Board

LWA will edit and/or prepare meeting materials, respond to emails, participate in conference calls, and attend meetings with the San Francisco Bay Regional Water Quality Control Board (Regional Water Board). Two meetings with Regional Water Board staff are anticipated during the contract term to discuss technical study results and develop permit provisions related to

Antidegradation Policy¹ compliance, changes to effluent quality and dilution from MSS brine addition, and Cargill-EBDA operational procedures.

Task 2 – Review and Prepare Comments on Special Study Reports

LWA will review and prepare comments on technical studies completed by Cargill to evaluate the impacts of MSS brine addition on NPDES permit compliance and to support revisions to NPDES permit provisions. The special studies are expected to include chronic toxicity testing of MSS brine and EBDA effluent mixtures, sensitive species screening for future chronic toxicity testing, chemical analyses of MSS brine quality, and findings to demonstrate Antidegradation Policy compliance.

Task 3 – Review Preliminary Reasonable Potential Analysis, Calculate Effluent Limits and Evaluate Compliance

LWA will review the preliminary Reasonable Potential Analysis (RPA) prepared by EOA/Cargill to examine data quality and the accuracy and completeness of the RPA process. Based on the preliminary RPA results, LWA will calculate expected effluent limits, identify EBDA compliance feasibility, and develop action items (as needed) for three discharge scenarios. The scenarios are anticipated to be 50:1 and 25:1 (ratio of EBDA effluent to MSS brine) as well as discharge of EBDA effluent only. A technical memorandum will be prepared to document the findings and determine the appropriate discharge conditions and dilution credits based on compliance feasibility.

Task 4 – Assist with Other “Due Diligence” Tasks

EBDA is completing due diligence on behalf of its member agencies by investigating possible operational and water quality concerns and then developing an approach to address those concerns. As identified by EBDA, LWA will assist with “due diligence” efforts not described in Tasks 1 to 3. The assistance may include reviewing/editing CEQA documents, preparing responses-to-comments on the EIR, developing a brine monitoring program, and providing technical support for communication with other regulators (resource agencies such as CDFW, USFWS) and stakeholders (such as Baykeeper).

Task 5 – Review and Prepare Comments on Dilution Modeling Report

The NPDES permit includes a requirement for EBDA to operate and maintain its common outfall to ensure a minimum initial dilution of 79:1 (ratio after mixing in the receiving water). The 79:1 requirement was determined in 2006 by conservative dilution modeling conducted for a future, higher flowrate that is not currently permitted. Initial dilution is expected to change when modeling is conducted using updated EBDA effluent flowrate projections, representative receiving water characteristics, and the addition of MSS brine. Cargill has agreed to conduct the dilution modeling and prepare a modeling report for EBDA’s review. The modeling will be done to determine initial dilution under representative discharge scenarios and to calculate applicable dilution credits for regulated constituents. LWA will review and prepare comments on the dilution modeling report and provide written comments to EBDA for discussion with Cargill. The final report will be submitted to the Regional Water Board to support changes to approved dilution credits in the reissued NPDES permit.

¹ State Water Resources Control Board Resolution No. 68-16, “Statement of Policy with Respect to Maintaining High Quality Waters in California.”

Cost Estimate and Schedule

The estimated cost for LWA technical assistance is \$59,000. The projected costs by task are shown in the following table and the work will be completed during the 2020/21 Fiscal Year (July 1, 2020 to June 30, 2021).

Task No.	Description	Cost
1	Technical Support and Communication with the Regional Water Board	\$16,167
2	Review and Prepare Comments on Special Study Reports	\$15,029
3	Review Preliminary Reasonable Potential Analysis, Calculate Effluent Limits and Evaluate Compliance	\$ 6,145
4	Assist with Other "Due Diligence" Tasks	\$11,659
5	Review and Prepare Comments on Dilution Modeling Report	\$10,000
	Total	\$59,000

LWA is ready to provide assistance immediately and is looking forward to working with EBDA and its member agencies. Please contact me at (530) 753-6400 or denisec@lwa.com if you have any questions.

Sincerely,



Denise H. Connors
Associate

ITEM NO. FM9 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH BROWN AND CALDWELL FOR TECHNICAL ASSISTANCE RELATED TO ACCEPTANCE OF CARGILL MIXED SEA SALT BRINE FOR DISCHARGE AT THE EBDA OUTFALL IN THE AMOUNT OF \$102,684

Recommendation

Approve a motion authorizing the General Manager to execute a contract with Brown and Caldwell in the amount of \$102,684.

Background

Brown and Caldwell (BC) is an engineering consulting firm focusing on water and wastewater infrastructure. In 2016-2018, BC conducted a condition assessment of the Authority's transport system and outfall. BC has experience supporting wastewater agencies on a range of transport system issues, including a recent project assessing infrastructure risks associated with desalination brine inputs to the Monterey One Water system.

Discussion

Under the proposed contract, BC will assess infrastructure risks associated with addition of Cargill Mixed Sea Salt (MSS) brine into the transport system. This assessment will include development of a water chemistry model to assess potential for precipitation, sedimentation, corrosion, and impacts to disinfection and dechlorination. BC will provide advice on risks as well as design elements for the project to mitigate those risks.

BC's specialty subcontractor, JDH Corrosion Consultants, Inc. (JDH), has performed corrosion analyses for several Member Agencies. This scope includes Phase 1 of JDH's work, which is a desktop analysis and development of a field assessment plan. Staff expects to return to the Commission for an amendment to this contract when the scope for the Phase 2 field work is developed.

Staff recommends a sole source award of this contract to BC based on their detailed knowledge of the Authority's transport system and outfall from the prior condition assessment work.

Per Item No. FM7, Cargill will reimburse the Authority fully for the BC contract, including a 5% markup for administration.

Attachment A: Scope of Work
East Bay Dischargers Authority
Effluent Outfall Evaluation for Receiving Brine Water
August 6, 2020

Project Understanding

The East Bay Dischargers Authority (Authority) is a joint-powers agency consisting of five local wastewater agencies: City of San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary District, City of Hayward and Union Sanitary District. The Authority also serves Pleasanton, Dublin and Livermore through an agreement with the Livermore-Amador Valley Water Management Agency. The Authority serves a population of over 900,000 people in the East Bay Area.

The Authority owns and maintains facilities that collect treated wastewater effluent from Authority members using the transport system pump stations and pipelines. It discharges the effluent into the San Francisco Bay (Bay) using the disposal system effluent pump station, outfall pipeline and diffusers. The transport pipelines are approximately 11.5 linear miles long, comprised of 48-inch, 60-inch and 96-inch diameter reinforced concrete pipe (RCP). The disposal pipeline is comprised of about 7 linear miles of 96-inch diameter RCP. The Authority planned, designed and constructed these facilities in the 1970s. Brown and Caldwell (BC) completed condition assessments for the offshore disposal system outfall pipeline and diffusers in 2017, and the onshore transport system pipeline in 2018. The results for both condition assessments indicated that the outfall system was in generally good condition and did not require major repair work.

Cargill, Incorporated (Cargill) operates a solar salt facility in Newark, CA that collects and evaporates Bay water through a series of solar evaporation ponds to produce two primary types of commercial products: crystalline salt (sodium chloride) and liquid bittern (concentrated magnesium chloride brine). Mixed sea salts ("MSS") are naturally occurring salts in sea water that remain after these commercial salt products have been harvested. Cargill is proposing a project to discharge the dissolved MSS to the Authority's outfall pipeline. The residual MSS brine would be transferred through a new pipeline to the Authority outfall pipeline, connecting north of Union Sanitary District's Alvarado Treatment Facility in Union City. The Authority and Cargill expect the proposed project to have a duration of approximately 20 years.

The project proposed by Cargill will result in a MSS brine effluent discharge through the Authority's outfall pipeline to the Bay. For this project Brown and Caldwell (Consultant) will prepare a desktop review of the Authority's outfall pipelines, downstream of Cargill's proposed pipeline connection point, including the capability of its onshore and offshore RCP and its diffuser to receive this MSS brine effluent. The desktop review will include an analysis of the scaling and sedimentation potential of the MSS brine effluent in the outfall pipeline, an assessment of possible acceleration of corrosion due to the MSS brine effluent, recommendations for preventative measures to maintain the condition of the outfall pipeline, and monitoring and remedial actions to be taken to protect the outfall pipeline until 2040.

Authority and Cargill Tasks

The Authority and Cargill will provide the following information as part of execution of this project including but not limited to the listed parameters. A complete data request will be provided at the kickoff meeting.

- Cargill brine discharge data, including proposed flow rate and water quality variations for: pH, temperature, alkalinity, major cations and anions, sulfates, TSS, BOD, NH₃-N, TP-P, NO₃+NO₂, TDS, metals, and chloroform.
- Cargill's proposed connection point to the Authority's outfall pipeline and description of connection infrastructure, especially any provisions to ensure complete mixing.
- Effluent flow rates including diurnal variation/typical diurnal profiles and water quality data from the Authority and each Authority member agency for: pH, temperature, alkalinity, major cations and anions, sulfates, TSS, BOD, NH₃-N, TP-P, NO₃+NO₂, TDS, metals and chloroform.
- Previous sample results for any tests combining EBDA effluent and brine and results from ongoing evaluations should any such data become available.

Scope of Services

BC will complete the following tasks as part of this contract.

Phase 001. Project Management

Perform project management activities.

Task 001.001 - Project Administration

Perform administrative tasks and coordination with project team, as follows:

- Assign staff resources.
- Monitor progress of the project and coordinate completion of work products.
- Monitor task budgets and project schedule.
- Prepare and submit invoice(s).
- Produce a change management log to track progress against the project schedule, identify project delays and potential deviations from the scope and budget.

Task 001.002 - Project Meetings with Authority Staff and Cargill

Prepare for and hold one (1) project kick-off meeting and one (1) progress meeting after completion of the Draft TM. BC has assumed that meetings will be conducted virtually using Microsoft Teams during current COVID-19 restrictions and for the duration of the project.

At the kick-off meeting, identify and discuss the scope of work and responsibilities of the key team members (i.e., project manager, technical advisor(s), and staff engineer) and establish dates for future meetings and project milestones (data delivery to Consultant and Consultant delivery of draft TM). Submit data request. At progress meetings, review draft deliverables with the Authority and Cargill ahead of finalizing these documents.

Prepare and circulate meeting agendas via email ahead of each meeting. Prepare meeting minutes and circulate via email following each meeting.

Phase 001 Deliverables:

- Monthly invoices
- Meeting agendas and meeting minutes

Phase 002. Reporting

Review background information, complete desktop evaluation, present preliminary results, and prepare TM summarizing findings.

Task 002.001 – Review Background Information

Gather, review, and summarize pertinent information including:

- Outfall pipeline inspection and/or evaluation reports from BC and the Authority.
- Outfall effluent flow and water quality data.
- Planning information for the diluted brine discharge.
- Seawater/brackish water/brine performance information on RCP (e.g. inspection reports for the San Francisco Public Utilities Commission Southeast Outfall, City of Crescent City outfall, Orange County Sanitation District and City of Los Angeles ocean outfalls, Monterey One Water outfall, City of Antioch outfall, and manufacturers' reports and anecdotal information)

Task 002.002 – Draft TM

Carry out a desktop review for the Authority's outfall pipeline, downstream of the point of Cargill's proposed pipeline connection, including the onshore and offshore RCP and diffuser components. Build on previously completed study where BC estimated the reasonable service life with existing operations, and estimate the reasonable service life with addition of brine from the Cargill facility. Compare the two cases to identify whether addition of brine will lead to accelerated corrosion potential.

The review also will consider whether protective liners or coatings may be required both at and immediately adjacent to the brine injection location and within the entire outfall pipeline interior; to mitigate corrosion from the addition of brine for the options listed above or repair the outfall pipeline in the event corrosion does occur.

BC has included JDH Corrosion Consultants (JDH) to assist with performing the review. Because of the change of use in the outfall pipe, additional field testing is recommended to determine the extent to which chlorides have penetrated the RCP, and what the potential impacts of brine addition would be to the condition of the pipe. This scope of work includes a development of a field data collection plan that will identify the number of locations and access plans to collect this data. It is anticipated that an amendment to this contract will be provided for JDH to complete field testing.

Conduct a desktop evaluation of the sedimentation and precipitation potential. The desktop evaluation will consider the effect of brine addition on water quality within the EBDA pipeline. Water chemistry will be modeled using OLI Flowsheet, a chemical equilibrium model. Using anion, cation and other chemical composition data provided by EBDA of the Cargill MSS brine and of each agency's discharge, Consultant will model up to 15 scenarios (e.g., water chemistry in five reaches of the EBDA pipe with three different blending ratios). This model will indicate whether constituents in the agencies' discharges (e.g. phosphate, ammonia, and/or alkalinity) could react with constituents in the MSS brine to form insoluble solids. The model will provide the projected water quality and potential for inorganic solids precipitation, which could cause scale on the pipeline and/or generate total suspended solids (TSS).

The evaluation will also consider sedimentation potential of TSS in the pipeline, considering typical detention times in the system. Consultant will evaluate pipeline velocities in each reach of pipe during both low-flow and average-flow conditions. Compare velocities to typical velocities required to keep solids in suspension. Although the solids in the MSS brine itself are not likely to settle in the pipeline since they will be decanted from large settling ponds, there could be settleable solids that form due to precipitation and/or flocculation of colloidal material resulting from blending the brine

and treatment plant effluent. Prepare a mass balance to estimate TSS concentrations in each reach, assuming no significant precipitation or flocculation. Depending on results, recommendations will be included for field testing of flocculation and settling characteristics.

The evaluation will consider impacts of brine addition on the Authority's chlorination and dechlorination system. Changes in water chemistry may impact the required chlorination and dechlorination dose. Projected water chemistry from the modeling described above will be used in this analysis.

As part of overall reporting, Consultant will provide recommendations for monitoring and mitigating sedimentation and corrosion. For example, Consultant may recommend periodic diver and /or ROV inspections within the onshore pipelines and the submarine outfall pipeline and diffuser. Recent work by BC should provide suitable baseline data. Include order-of-magnitude inspection costs based on discussions with local diving contractors and recommended initial inspection frequency. JDH will assist in development of monitoring requirements from a corrosion perspective.

Consultant will present preliminary results in a 1-hour conference call with Authority and Cargill. The preliminary results will be summarized in a PowerPoint presentation. The preliminary results will be presented prior to the draft technical memorandum (TM) submittal.

Develop a draft technical memorandum (TM) summarizing findings and recommendations and submit electronically to the Authority and Cargill for review and comment. Meet once with the Authority and Cargill to present findings, conclusions, and recommendations and receive review comments.

Task 002.003 – Final TM

Address the Authority's and Cargill's draft TM review comments and submit a final TM.

Phase 002 Deliverables:

- Electronic submittal of preliminary results in PowerPoint format
- Electronic submittal of draft TM
- Electronic submittal of meeting minutes
- Electronic submittal of final TM

Phase 003. Agreement Assistance

Review agreement between Cargill and the Authority, and provide comments to the Authority.

Task 003.001 – Agreement Review

Review one (1) version of the agreement between Cargill and the Authority and submit comments in an Excel file to the Authority. BC will provide tabular comments for the technical aspects related to the interior outfall pipeline corrosion and sedimentation, evaluated as part of this Project. This task assumes only the Project Manager and Technical Advisor will provide review of the proposed agreement.

Phase 003 Deliverables:

- Electronic submittal of agreement review comments in Excel

Phase 004. Prepare Amendment

Develop technical content for a contract amendment for additional work related to this Project.

Task 004.001 – Amendment Scope

Develop technical content for a contract amendment to provide design support to the Authority for facilities related to brine discharge to the Authority's transport and outfall system.

Notes and Assumptions

- Meetings and workshops are assumed to include the Project Manager and Technical Advisor only and will be up to 2 hours in duration. These meetings are assumed to be held virtually.
- The Authority and Cargill will provide the required documentation and data pertaining to the effluent outfall up to one week after the Project Kick Off Meeting. Delays in receipt of information will impact the project schedule.
- Authority will provide compiled, written comments in one consolidated version within two weeks for all deliverables. BC will respond to comments in a written response. Comments from the Draft TM will be addressed as part of the Final TM submittal. BC will discuss any outstanding review comments with the Authority via email or phone conversations with a mutually agreeable approach before finalizing deliverables.
- BC will rely solely on existing information and will not conduct inspections of existing outfall or tests of the proposed brine and effluent discharge samples.
- BC will perform no field work.
- No diffuser or brine discharge mixing evaluation will be performed. Consultant understands this evaluation is being completed separately from this assignment.
- This scope does not include evaluation of permits required for the modified discharge. Permitting will be addressed by others.
- This scope does not include evaluation of regulatory compliance of the brine mixture for parameters measured at the discharge location (e.g. toxicity, enterococcus, fecal coliform, metals, cyanide, nutrients, dioxin). Evaluation of regulatory compliance will be addressed by others.
- The project will take up to five months to complete, assuming the Authority and Cargill reviews not exceeding ten (10) working days for the draft report.
- BC assumes all parties will attend project meetings. Delays in scheduling meetings may impact the project schedule.
- TM will be in BC standard format.

Compensation

BC will perform the work on a time-and-materials basis, for a limiting fee not to exceed \$121,694. Table 1 presents the estimated fee by phase. BC labor will be billed using a 3.23 effective labor multiplier. Labor costs include phone, fax and, computer charges.

Table 1. Project Fee	
Phase	Total Fees
Phase 001 - Project Management	\$12,055
Phase 002 - Reporting	\$84,870
Phase 003 - Agreement Assistance	\$3,997
Phase 004 - Prepare Amendment	\$1,762
Total	\$102,684

Schedule

The work defined herein shall begin not more than ten (10) business days after BC receives the signed contract from the City.

The estimated time for completion for the project is five months following authorization. Delays in obtaining background information, scheduling of meetings, and receipt of comments will impact overall project schedule. Table 2 presents a summary of project milestones with estimated dates. This schedule assumes the District will provide review comments within 10 days for all BC deliverables.

Table 2. Project Schedule	
Milestone	Estimated Timeline
Notice to Proceed	9/1/2020
TM Kickoff	9/8/2020 (or one week after NTP)
Draft TM	12/1/2020
Review of TM	12/1/2020 - 12/11/2020
Project Update Meeting	12/7/2020
Final TM	12/30/2020

COVID-19 Disclaimer

While Brown and Caldwell has made reasonable efforts to incorporate into our proposal known current project impacts of the COVID-19 pandemic, we have not accounted for, and are not responsible for, unknown future changes due to the COVID-19 pandemic, including, without limitation, additional restrictions by government agencies or others (such as the availability of the site for access or client or consultant staff or others) to the extent they delay or otherwise impact the project. In that event, Brown and Caldwell will notify you and work in good faith to equitably address any unexpected impacts therefrom.

East Bay Dischargers Authority -- Brine Addition to Outfall Eval

Phase	Phase Description	Philipson, Rachel	Rouhani, Shouhreh G	Romero Urbina, Mary Lou	Faisst, William K	Merlo, Rion P	Sawyer, Linda K	Gerhardt, Matthew B	Oza, Shubhashini	Tanner, Deanna L	Total Labor Hours	Total Labor Effort	APC	JDH Cost	Total Sub Cost	Total Expense Cost	Total Expense Effort	Total Effort
		\$182.66	\$114.21	\$151.91	\$300.91	\$312.57	\$259.14	\$277.68	\$169.67	\$123.71								
001	Project Management	26	16	0	8	5	4	0	0	0	59	11,583	472	0	0	0	472	12,055
001	Project Administration	14	16	0	0	5	0	0	0	0	35	5,947	280	0	0	0	280	6,227
002	Meetings with Authority	12	0	0	8	0	4	0	0	0	24	5,636	192	0	0	0	192	5,828
002	Reporting	40	0	100	30	0	58	24	68	8	328	65,746	2,624	15,000	15,000	15,000	19,124	84,870
001	Review Background Info	8	0	8	0	0	0	0	0	0	16	2,677	128	15,000	15,000	15,000	16,628	19,305
002	Draft TM	28	0	80	26	0	50	24	56	8	272	55,203	2176	0	0	0	2,176	57,379
003	Final TM	4	0	12	4	0	8	0	12	0	40	7,866	320	0	0	0	320	8,186
003	Agreement Assistance	8	0	0	8	0	0	0	0	0	16	3,869	128	0	0	0	128	3,997
001	Agreement Review	8	0	0	8	0	0	0	0	0	16	3,869	128	0	0	0	128	3,997
004	Amendment Preparation	6	0	0	2	0	0	0	0	0	8	1,698	64	0	0	0	64	1,762
001	Amendment Scope	6	0	0	2	0	0	0	0	0	8	1,698	64	0	0	0	64	1,762
GRAND TOTAL		80	16	100	48	5	62	24	68	8	411	82,896	3,288	15,000	15,000	15,000	19,788	102,684

Hours and Dollars are rounded to nearest whole number. To display decimals, change the format of the cells.

ITEM NO. FM10 RESOLUTION ADOPTING THE AUTHORITY'S ELECTRONIC SIGNATURE POLICY

Recommendation

Approve the resolution adopting an Electronic Signature Policy.

Background

Current shelter-in-place orders in response to the COVID-19 pandemic have necessitated new ways of working and accelerated trends that had already begun, with more people working remotely and conducting business digitally. In order for the Authority to conduct business efficiently in a remote-work environment while still ensuring legal requirements are consistently met, staff is recommending that the Authority adopt an Electronic Signature Policy. A draft of the Policy was reviewed in July 2020, and the Committee's input has been incorporated.

Discussion

Staff has received a number of requests recently to electronically sign documents, including contracts. These requests prompted a review of legal requirements as well as best practices for issuance and acceptance of electronic signatures. The attached Policy outlines the proposed approach, including a summary of situations where an electronic signature is acceptable, and those where, by code, it is not.

As noted in last month's Committee meeting, EBDA does not have an IT Department, so a revision was made to the Policy to reflect that the Administrative Assistant will maintain the security procedure and audit trails for various electronic signature technologies. In addition, the Committee recommended that the Policy reflect the Authority's currently selected electronic signature certification service, in order to avoid confusion. After reviewing a number of options, staff recommends implementation of DocuSign eSignature. The Policy has been updated to reflect this selection, while also noting that the vendor may change in the future.

POLICY NUMBER: 3

NAME OF POLICY: Electronic Signature

LAST REVISED: ~~DRAFT July 8~~August 20, 2020

PREVIOUSLY REVISED: NA

PURPOSE: This Policy establishes the acceptable technologies and procedures for the use of electronic signatures in EBDA-related business.

EBDA recognizes the need to increase efficiency, reduce waste, and provide members of the public with convenient access to EBDA services. Advances in technology can assist EBDA in achieving these goals while providing security for document management. This policy balances the need for efficient services against the risks of unauthorized activities by providing the approved electronic signature method and guidelines for certain documents and transactions.

This Policy applies to EBDA's acceptance of electronic signatures from parties outside of EBDA, and the use of electronic signatures on documents executed on behalf of EBDA. It does not increase the scope of authority of EBDA's authorized signatories, rather it provides an alternative means to execute EBDA-related documents. These are minimum standards. Nothing in this policy prohibits an EBDA official or employee, with the consent of the EBDA General Manager, from requiring a wet signature or higher form of secure electronic signature if he or she believes it is prudent or necessary. The General Manager may accept or authorize the acceptance of an electronic signature when the circumstances surrounding the transaction address authentication and security concerns. This Policy does not apply to electronic signatures accepted or utilized before the original effective date, and is intended to provide guidance for electronic signatures accepted thereafter. Any transaction must be analyzed under the facts and circumstances existing at the time a transaction was executed.

DEFINITIONS:

An "**electronic record**" is defined by California's Uniform Electronic Transactions Act ("UETA") (Civil Code section 1633.1, et seq.), as "a record created, generated, sent, communicated, received, or stored by electronic means." An electronic record generally contains information or a data file that was created and stored in digitized form through the use of computers, machines, and software applications. The format of an electronic

record does not change the fact that it is a record subject to applicable public records law, but its electronic form and its dependence on machines for creation and reference do change the way these records must be stored and managed.

An “**electronic signature**” is defined both in the federal Electronic Signatures in Global and National Commerce Act and the UETA. It is defined as “any sound, symbol, or process attached to or associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.” (Civil Code section 1633.2(h).) It is the electronic equivalent of a handwritten, wet, or manual signature on paper, and therefore must have certain characteristics for evidentiary purposes. EBDA divides this broad scope of electronic signatures into categories of documents based upon the level of security needed both to ensure the proper person is conducting the transaction and that the technology for transmission of the signature is adequate.

Under California law, a “**digital signature**” is defined as “an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.” Government Code section 16.5 states a digital signature shall have the same force and effect as a manual signature if and only if:

1. It is unique to the person using it.
2. It is capable of verification.
3. It is under the sole control of the person using it.
4. It is linked to data in such a manner that if the data are changed, the digital signature is invalidated, and
5. It conforms to regulations adopted by the Secretary of State.

Government Code section 16.5 also states that the use or acceptance of a digital signature is at the option of the parties to the transaction and nothing in the law requires a public entity to use or accept the submission of a document containing a digital signature.

For the purpose of this policy, “digital signature” and “electronic signature” shall have the same meaning.

An “**electronically signed record**” is a record, file, or document that has been electronically signed by means of an electronic signature and that is related to the conduct of the EBDA’s official business.

POLICY:

Requirements for Electronic Signatures

EBDA staff shall establish and maintain a software system to be used by EBDA staff for the purposes of requesting, collecting, and executing digital signatures and electronic records, consistent with the encryption standards established by, and selected from the “Approved List” of digital signature providers, authorized by the State of California. [Staff](#)

has selected DocuSign eSignature as EBDA's current Digital Signature System. EBDA may change Digital Signature System vendors in the future via Commission approval of changes to this Policy.

For electronic signatures and records created and executed using EBDA's Digital Signature System, the criteria below shall be considered met:

1. **Intent to Sign**

Electronic signatures, i.e. not traditional wet ink signatures, are only valid and legally binding if both parties intend to sign and execute the agreement electronically.

2. **Consent of the Signing Party**

EBDA will accept electronic signatures when the parties:

- consent to the transaction,
- consent that the transaction be completed electronically, and
- consent to receive disclosures electronically.

3. **Documentation of Effect of Signature**

The ~~Information Technology Department~~Administrative Assistant will maintain the security procedure and audit trails for various electronic signature technologies.

Routing of Electronically Signed Documents

Use of electronic signatures will not change who within EBDA must approve or execute a transaction, nor will it change the routing process for the transaction. Agreements and contracts will continue to require the attestation of the General Manager.

Signed Copies Provided to All Parties

When a document is electronically signed by all parties, EBDA will provide a copy of the electronically signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.

Storage and Archiving of Electronically Signed Documents

EBDA staff primarily responsible for execution of a transaction shall ensure that a fixed version of the final electronic document, and any supporting documentation, is executed and collected in a manner determined by the General Manager. EBDA staff is responsible for filing and maintaining electronic records in a manner that complies with EBDA's document retention schedule and policies.

For example, the following methods of electronically securing the final version of a document are acceptable, starting with the more secure methods: creating a final PDF that includes an encrypted signature which "breaks" if the document is modified; or saving

a native file (Word Document) that is locked to prevent future changes. Storage and archive locations may include EBDA's electronic filing system, a networked drive, or other electronic system, as may be determined by the General Manager.

Classes of Documents Permitted by the General Manager

The security requirements for electronic signatures range from simple to complex, depending on the transaction. A list of the documents for which electronic signatures are approved by the General Manager is available below. This list is not intended to be an exhaustive list, nor does it impose electronic signature as a requirement for any particular transaction.

EBDA staff should work with the General Manager to determine if EBDA's Digital Signature System can be used for specific documents and with EBDA Legal Counsel to determine where applicable law permits an electronic signature be used. Any other document that, by law, requires a wet signature shall not be signed electronically.

A digital signature may be used or accepted on the following documents:

- i. Requests for proposals
- ii. Certificates and Permits (if permitted by law)
- iii. HR-related items, such as Employee Reviews and Personnel Action Forms
- iv. Commission/committee applications
- v. Legal filings such as Declarations
- vi. Service Agreements for Consulting & Professional Services
- vii. Financial Documents (if allowed by law)
- viii. Non-Professional Services Agreements
- ix. Internal and External Memoranda
- x. Letters and other correspondence

EBDA may accept an electronic signature form, and utilize the electronic signature software for the execution of documents for any other public entity, regulatory body, or non-profit public benefit corporation that has adopted electronic signature protocols acceptable to EBDA. Further, EBDA may accept any signature and execute any document using the digital signature technology with a certificate authority as approved by the California Secretary of State.

Classes of Documents for which Electronic Signatures are Prohibited

Civil Code section 1633.3 contains a list of transactions for which electronic signatures are not available. Any other document that, by law, requires a wet signature shall not be signed electronically.

A digital signature may not be used or accepted on the following documents:

- i. Documents or transactions that require a handwritten signature, including but not limited to transfers of interest in real property
- ii. Documents or transactions requiring a signature to be notarized or acknowledged
- iii. Unless the County Recorder issues an order or directive that otherwise permits electronic signatures, documents that are to be recorded with the County Recorder (including but not limited to Deeds, Conditional Use Permits, and Regulatory Agreements)
- iv. Initiative petitions
- v. Authority Resolutions
- vi. Authority Minutes

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

RESOLUTION NO. 20-23

INTRODUCED BY _____

RESOLUTION ADOPTING THE AUTHORITY'S ELECTRONIC SIGNATURE POLICY

WHEREAS, the East Bay Dischargers Authority (Authority) is often called upon to sign documents including contracts and agreements, financial documents, legal filings, and other official documents; and

WHEREAS, the legality and use of Electronic Signatures is governed by federal law at 15 U.S.C. section 7001 (U.S. Federal Electronic Signatures in Global and National Commerce Act, *et seq.*, and state law at Cal. Gov. Code section 16.5, and Cal. Civ. Code section 1633.1, *et seq.*; and

WHEREAS, under Government Code section 16.5, an Electronic Signature has the same force and effect as a manual signature if certain conditions are met; and

WHEREAS, the COVID-19 pandemic has increased the need for the Authority to conduct business remotely; and

WHEREAS, an Electronic Signature Policy is necessary to outline such conditions to ensure that electronic signatures may be used in place of manual signatures where desired; and

WHEREAS, one condition is the use of a state-approved certification service, and the Authority has selected DocuSign eSignature, though this may be changed by action of the Commission.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the Authority hereby Adopts the Electronic Signature Policy.

SAN LORENZO, CALIFORNIA, AUGUST 20, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIR
EAST BAY DISCHARGERS COMMISSION

ATTEST: _____
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY