Pursuant to the Governor’s Executive Order N-25-20 the Commission Meeting scheduled for October 15, 2020 at 9:30 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #832 8766 0276. Members of the public are encouraged to dial into the meeting using the same number. https://us02web.zoom.us/j/83287660276

COMMISSION MEETING
AGENDA

Thursday, October 15, 2020
9:30 A.M.

EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA  94580

1. Call to Order
2. Pledge of Allegiance (Deferred Due to Remote Meeting)
3. Roll Call
4. Public Forum

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

MOTION 5. Commission Meeting Minutes of September 17, 2020
6. List of Disbursements for September 2020 – See Item FM4

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

INFORMATION 8. General Manager’s Report
(The General Manager will report on EBDA issues.)

INFORMATION 9. Report From the Managers Advisory Committee
(The General Manager will report on the meeting.)

INFORMATION 10. Report From the LAVWMA Ad Hoc Committee
(The General Manager will report on the meeting.)

INFORMATION 11. Report From the Financial Management Committee
(The General Manager will report on the meeting.)
RESOLUTION 12. Resolution Authorizing the General Manager to Suspend Recycled Water Charges to Hayward Area Recreation and Park District (HARD) for Skywest Golf Course for July, August, and September 2020 – See Item FM7
(The Commission will consider a resolution waiving fees associated with delivery of recycled water to Skywest Golf Course.)

MOTION 13. Motion Authorizing the General Manager to Execute Amendment No. 1 to the Contract with Brown and Caldwell for Field Work Related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at the EBDA Outfall in the Amount of $68,427, for a Total Not to Exceed Amount of $170,560 – See Item FM8
(The Commission will consider the motion.)

(The Commission will consider a Resolution to fix this typo in the JPA.)

INFORMATION 15. Report From the Operations & Maintenance Committee
(The General Manager will report on the meeting.)

INFORMATION 16. Report From the Personnel Committee
(The General Manager will report on the meeting.)

INFORMATION 17. Items From the Commission and Staff
(The Commission and staff may address items of general interest.)

18. 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. 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 Commission meeting will be held
Thursday, November 19, 2020 at 9:30 a.m.
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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 September 17, 2020
Item No. 6 List of Disbursements for September 2020 – See Item FM4
Item No. 7 Preliminary Treasurer’s Report for September 2020 – See Item FM5

Recommendation

Approve Consent Calendar Items No. 5, 6, and 7.
ITEM NO. 5  COMMISSION MEETING MINUTES OF SEPTEMBER 17, 2020

EAST BAY DISCHARGERS AUTHORITY
COMMISSION MEETING MINUTES

September 17, 2020

1. Call to Order
Chair Walters called the telephonic meeting to order pursuant to the Governor's Executive Order N-25-20 at 9:33 A.M. on Thursday, September 17, 2020. Dial-in information for the meeting was provided in the agenda for public attendees.

2. Pledge of Allegiance – Deferred

3. Roll Call
PRESENT:  Sara Lamnin     City of Hayward
          Daniel Walters     Oro Loma Sanitary District
          Ralph Johnson    Castro Valley Sanitary District
          Pauline Russo Cutter City of San Leandro
          Jennifer Toy     Union Sanitary District

ABSENT:   None

OTHERS
PRESENT:  Jacqueline Zipkin East Bay Dischargers Authority
          Howard Cin East Bay Dischargers Authority
          Kalena Yambao East Bay Dischargers Authority
          Juanita Villasenor East Bay Dischargers Authority
          Eric Casher Legal Counsel, East Bay Dischargers Authority
          Jason Warner     Oro Loma Sanitary District
          Alex Ameri City of Hayward
          David Donovan City of Hayward
          Justin Jenson City of San Leandro
          Landon Lochrie Castro Valley Sanitary District
          Anjali Lathi Union Sanitary District
          Jeff Carson Dublin San Ramon Sanitary District
          Alexandra Barnhill Legal Counsel, Livermore-Amador Valley Water Management Agency

4. Public Forum
No member of the public requested to address the Commission at the meeting.
Commissioner Toy moved to approve the consent calendar. The motion was seconded by Commissioner Cutter and carried unanimously 5-0, by roll call vote.

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

REGULAR CALENDAR

9. General Manager’s Report
The General Manager (GM) provided an update on State Water Board Permit Fees which may be increasing above EBDA’s current budget. The GM then provided an update on microplastics. The GM is planning to attend and report on a webinar series hosted by the Ocean Protection Council on the health effects of microplastics on humans and the environment.

10. Report from the Managers Advisory Committee (MAC)
The GM reported on the MAC meeting of September 10, 2020 noting discussion on emergency response contract procurement and thanking Union Sanitary District who plans to initiate the Request for Proposals (RFP) process and include EBDA, Oro Loma Sanitary District, and Castro Valley Sanitary District in the request.

11. Report from the Financial Management Committee
The GM reported on the Financial Management Committee, which met on September 15, 2020. The GM discussed the Fiscal Year End Expense Summary and provided details on EBDA’s budget surplus, noting four special projects that will be carried over as previously approved. The MAC and the Financial Management Committee recommend returning the budget surplus to the member agencies.

Next, the GM provided an overview of the Authority’s OPEB and pension fund status. The GM explained that beginning this fiscal year, if the Authority’s OPEB funded ratio continues to be over the policy target of 80% funded, the Authority will request disbursements from the fund to reimburse the Authority for retiree health benefits. If under-funded, an additional discretionary payment to reach the target would be included in the next year’s budget proposal, and no disbursements would be requested. Similarly, staff will assess status of the Authority’s pension fund in the spring and recommend an additional discretionary payment be included in next year’s budget if the funded status is below the 95% policy target.
The GM then provided an update on the Authority’s inquiries into local alternative banking solutions. The GM explained the Authority recently changed to a new banking structure with Wells Fargo (WF), thus staff recommends staying with WF for an additional six months to provide an accurate comparison between WF’s fees and fraud protection services and other local banking alternatives.

Lastly, the GM reported that negotiations with LAVWMA continue. The Financial Management Committee recommends adding an Ad Hoc Committee to advise staff on the negotiation. Chair Walters has appointed Commissioner Cutter and himself to the new Ad Hoc.

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

The GM reported on the Regulatory Affairs Committee, which met on September 16, 2020 and discussed key regulatory developments. The GM referenced the reporting checklist then provided an update on Nature-Based Solutions, highlighting the First Mile Horizontal Levee Project and Hayward Feasibility Study. An RFP seeking a consultant to assist with engineering and permitting on these projects has been posted on the Authority’s website, with responses due October 16. Staff intends to bring a contract with the recommended consultant to the Commission for consideration in November.

The GM then provided a brief overview of the Recycled Water Summary Report provided by the San Francisco Bay Regional Water Quality Control Board. EBDA’s future role in recycled water will be a topic of discussion as part of the Authority’s strategic planning process in early 2021.

The GM then reviewed key concepts from the BACWA Key Regulatory Issue Summary, in particular the latest information regarding the chlorine residual Basin Plan Amendment and updates on nutrients. The GM noted her participation in a virtual retreat held by BACWA and Regional Water Board staff focused on regional collaboration for the next nutrients watershed permit. Lastly, the GM provided a brief update on the Cargill Brine Project and noted that the Committee supported approval of the Larry Walker Associates work order for dilution modeling.

13. **Motion Authorizing the General Manager to Execute a Work Order with Larry Walker Associates for a Dilution Study Related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at the EBDA Outfall in the Amount of $56,617**

Commissioner Johnson moved to approve the motion authorizing the GM to execute a work order with Larry Walker Associates. The motion was seconded by Commissioner Cutter and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Cutter, Johnson, Toy, Lamnin, Chair Walters

Noes: None

Absent: None

Abstain: None
14. **Report from the Operations and Maintenance Committee (O&M)**

The O&M Manager reported on the Operations and Maintenance Committee, which met on September 15, 2020 and discussed the status of EBDA facilities. The O&M Manager reviewed NPDES Compliance data for August, and preliminary data for September, noting hot weather has necessitated higher dosing of sodium hypochlorite.

The O&M Manager provided an overview of current projects. At UEPS, the VFD transformer for Pump No. 2 is set for installation in the coming week. This project, along with installation of the impeller for Pump No. 6, will be the last of the capital improvement projects undertaken by the Authority at UEPS. Union will be responsible for future projects per the terms of the Amended and Restated Joint Powers Agreement. For the HEPS MCC Project, the Authority is finalizing paperwork with the contractor; a filing notice will then be placed with the county, and after a 30-day waiting period, the retained funds for the project may be released.

For OLEPS, the O&M Manager reviewed the main electrical switchboard upgrade project. The Authority has received quotes for the project, and staff expects to bring a contract to the Commission for consideration next month. For OLSD’s Pavement Reconstruction and Rehabilitation Project, EBDA received quotes for the portion of additional asphalt replacement which EBDA has previously agreed to cover.

At Skywest, the O&M Manager reported on the pending insurance claim for the recycled water pipeline leak and provided information on recycled water production. Lastly, for the force main, the 60-inch encapsulating coupling is scheduled to ship at the end of October, which will complete EBDA’s commitment to provide spare parts for earthquake preparedness.

15. **Items from Commission and Staff**

Commissioner Lamnin asked for additional information regarding the cost that the University of California at Berkeley estimates it needs to cover the per-sample analysis when testing effluent for the presence of SARS-CoV-2. The GM identified several factors that may reduce this cost in the future, noting the cost per-analysis may be a worst-case scenario for budgeting purposes. The GM reported letters have been submitted by a large national coalition to the Rockefeller and Gates Foundations requesting funding for wastewater surveillance, also known as wastewater-based epidemiology. The GM plans to attend a working group meeting next week with the wastewater, health, and academic communities on this topic and will report back.

Commissioner Lamnin thanked the GM and reiterated the importance of treating the transparency and control-of-costs of the project the same as any other publicly funded project. Commissioner Lamnin plans to forward information on potential partners who are interested in helping jurisdictions and governments during the pandemic.

The GM then gave an update on the AQPI project. The GM reported the radar network has been useful in collecting data from wildfire smoke which has been shared with the National Weather Service and others. The new date Sonoma County Water District
expects to approve the East Bay Agreement and the lease agreement with American Tower for the East Bay radar site is November 10.

The Chair wished everyone stay safe and continue vigilance during the pandemic.

16. Adjournment
Chair Walters adjourned the meeting at 10:34 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, October 8, 2020
1:30 P.M.
Via Zoom

1. LAVWMA Agreement
2. Brine Project
   a. Due Diligence Updates
   b. Operations and Monitoring Plans
   c. CEQA Process
   d. Revenue Allocation
   e. Agreement
3. Member Agency Agreements
4. Procurement Policy
5. COVID Response and Wastewater-based Epidemiology
6. EBDA Commission Package
   • Finance
   • O&M
   • Personnel
7. EBDA Managers Round Robin
ITEM NO. 10  REPORT FROM THE LAVWMA AD HOC COMMITTEE

LAVWMA AD HOC COMMITTEE
AGENDA

Monday, October 5, 2020

9:00 A.M.

Via Zoom

1. Background and Summary of Negotiations to Date

2. Review of LAVWMA Term Sheet dated October 2, 2020

3. Next Steps
Pursuant to the Governor's Executive Order N-25-20 the Finance Meeting scheduled for October 13, 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. # 876 4047 3517. Members of the public are encouraged to dial in to the meeting using the same number. [https://us02web.zoom.us/j/87640473517](https://us02web.zoom.us/j/87640473517)

ITEM NO. 11
FINANCIAL MANAGEMENT COMMITTEE
AGENDA
Tuesday, October 13, 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 September 2020
(The Committee will review the List of Disbursements for the month of September 2020.)

FM5. Preliminary Treasurer's Report for September 2020
(The Committee will review the Preliminary Treasurer's Report for the month of September 2020.)

FM6. Agency Credits for Fiscal Year Ending June 30, 2020
(The Committee will review credits that will be issued to each Member Agency as a result of the FY 2019/2020 budget underrun.)

FM7. Resolution Authorizing the General Manager to Suspend Recycled Water Charges to Hayward Area Recreational and Park District (HARD) for Skywest Golf Course for July, August, and September 2020
(The Committee will discuss waiving fees associated with delivery of recycled water to Skywest Golf Course.)

FM8. Motion Authorizing the General Manager to Execute Amendment No. 1 to the Contract with Brown and Caldwell for Field Work Related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at the EBDA Outfall in the Amount of $68,427, for a Total Not to Exceed Amount of $170,560
(The Committee will consider the motion.)
FM9. Resolution Correcting Schedule B of the Amended and Restated Joint Exercise of Powers Agreement to Correct the Oro Loma Sanitary District Fixed Fee Percentage
(The Committee will consider the Resolution to fix this typo in the JPA.)

FM10. Adjournment

(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.)

(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.

The next Financial Management Committee meeting is scheduled on Tuesday, November 17, 2020 at 10:30 a.m.
ITEM NO. FM4 LIST OF DISBURSEMENTS FOR SEPTEMBER 2020

The itemized List of Disbursements for the month of September 2020 totaled $288,309.87.

Reviewed and Approved by:

_____________________________ Date
Dan Walters, Chair
Financial Management Committee

_____________________________ Date
Jacqueline T. Zipkin
Treasurer
<table>
<thead>
<tr>
<th>Check #</th>
<th>Check Date</th>
<th>Invoice #</th>
<th>Vendor Name</th>
<th>Description</th>
<th>Itemized Charges</th>
<th>Invoice Amount</th>
<th>Check Amount</th>
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<td>WATER &amp; SEWER, MDF</td>
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<td>LAB SAMPLES - AUG</td>
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**CHECKS (SORTED BY AMOUNT)**

**Cash Disbursement**

**September 2020**
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<th>Vendor Name</th>
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<td>TEST &amp; INSPECT BACKFLOW - MDF</td>
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**Total Check Payments:** 228,470.28

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<td>CALPERS</td>
<td>PENSION CONTRIBUTION, CLASSIC 09/01/20-09/15/20</td>
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<td>CALPERS</td>
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<td>PENSION CONTRIBUTION, PEPRA 09/01/20-09/15/20</td>
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<td>WELLS FARGO</td>
<td>CLIENT ANALYSIS SERVICE CHARGE - AUG</td>
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**Total Electronic Payments:** 16,622.90

**Payroll**

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<tbody>
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<td>ADP, LLC</td>
<td>PAYROLL PERIOD: 09/01-15/2020</td>
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<td>PAYROLL FEES, PERIOD: 09/01-15/2020</td>
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</table>

**Total Payroll:** 43,216.69

**Total Disbursements:** 288,309.87
ITEM NO. FM5 PRELIMINARY TREASURER'S REPORT FOR SEPTEMBER 2020

The beginning cash balance on September 1, 2020 was $3,335,118.66. The ending cash balance on September 30, 2020 was $3,047,432.81. Total receipts for the month were $624.02 and disbursements were $288,309.87.

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 EBDA’s CD investment portfolio is $252,664.00. The average annual yield of the CDs is 2.52%.

EBDA’s LAIF balance ending on September 30, 2020 was $2,246,110.12. The LAIF interest rate for period ending September 30, 2020 is 0.69%.

Approval is recommended.
### EAST BAY DISCHARGERS AUTHORITY
### PRELIMINARY
### TREASURER'S REPORT
### SEPTEMBER 30, 2020

<table>
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<tr>
<th>FUND</th>
<th>DESCRIPTION</th>
<th>BEGINNING CASH BALANCE</th>
<th>DEBITS (INCREASE)</th>
<th>CREDITS (DECREASE)</th>
<th>ENDING CASH BALANCE</th>
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<td>124.22</td>
<td>270,117.37</td>
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<td>13</td>
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<td>14</td>
<td>RECLAMATION O &amp; M (SKYWEST)</td>
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<td>3,583.00</td>
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<td>31</td>
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**TOTALS**

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<th>BEGINNING CASH BALANCE</th>
<th>DEBITS (INCREASE)</th>
<th>CREDITS (DECREASE)</th>
<th>ENDING CASH BALANCE</th>
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<td><strong>TOTALS</strong></td>
<td>3,335,118.66</td>
<td>624.02</td>
<td>288,309.87</td>
<td>3,047,432.81</td>
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### SUPPLEMENTAL TREASURERS REPORT

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and...
<table>
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<tr>
<th>Institution</th>
<th>Description</th>
<th>Purchase Date</th>
<th>Maturity Date</th>
<th>Estimated Annual Yield</th>
<th>Quantity</th>
<th>Current Market Value</th>
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<td>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</td>
<td>11/1/2017</td>
<td>11/2/2020</td>
<td>1.99%</td>
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<td>CAPITAL ONE BK USA NA Total</td>
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<td>CITIBANK NA</td>
<td>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</td>
<td>5/23/2018</td>
<td>5/24/2021</td>
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<td>50,921.00</td>
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<td>MORGAN STANLEY BK NA</td>
<td>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</td>
<td>1/30/2018</td>
<td>2/8/2021</td>
<td>2.47%</td>
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<td>MORGAN STANLEY BK NA Total</td>
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<td>101,144.00</td>
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<td>MORGAN STANLEY BK NA</td>
<td>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</td>
<td>4/5/2018</td>
<td>4/5/2021</td>
<td>2.76%</td>
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<td>Grand Total</td>
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Average Estimated Annual Yield 2.52%

Cash & Sweep Balances 50,510.00

Snapshot Market Value on September 30, 2020 252,664.00
ITEM NO. FM6 AGENCY CREDITS FOR FISCAL YEAR ENDING JUNE 30, 2020

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

Background
As presented to the Committee in September 2020, EBDA’s annual expenses for Fiscal Year 2019/2020 were 15.85% under budget. Accounting for the $107,000 that will be carried over for Special Studies projects that are still underway, approximately $515k was collected from the Member Agencies and not spent. The Commission’s direction at the September meeting was to return these funds to the Member Agencies as a credit against their FY 2020/2021 bills.

Discussion
The table below shows estimates of the amounts owed by each agency for FY 2019/2020 Operations & Maintenance (O&M) and Special Studies, as well as the amounts collected. The difference is the credit that will be issued to each agency. These numbers are approximate and are likely to change slightly as expenses for the fiscal year are finalized.

<table>
<thead>
<tr>
<th></th>
<th>San Leandro</th>
<th>O.L.S.D.</th>
<th>C.V.S.D.</th>
<th>Hayward</th>
<th>U.S.D.</th>
<th>LAVWMA</th>
<th>Total</th>
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<td>$283,398</td>
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<td>$877,186</td>
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<td>Total O&amp;M Paid</td>
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<td>$650,177</td>
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<td>O&amp;M Credit</td>
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<td>$(58,853)</td>
<td>$(35,245)</td>
<td>$(69,199)</td>
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<td>Total Special Studies Owed</td>
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<td>$191,861</td>
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<td>Total Special Studies Paid</td>
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<td>$(56,525)</td>
<td>$(515,067)</td>
</tr>
</tbody>
</table>
ITEM NO. FM7 RESOLUTION AUTHORIZING THE GENERAL MANAGER TO SUSPEND RECYCLED WATER CHARGES TO HAYWARD AREA RECREATION AND PARK DISTRICT (HARD) FOR SKYWEST GOLF COURSE FOR JULY, AUGUST, AND SEPTEMBER 2020

Recommendation
Adopt a resolution approving a suspension of recycled water charges for July, August, and September 2020.

Background
Since 1982, EBDA has provided recycled water to Skywest Golf Course, which was managed by Hayward Area Recreation and Park District (HARD). EBDA’s goal has been for Skywest revenues to match expenses so that the Member Agencies are not subsidizing HARD. Per Resolution 20-07 approved by the Commission in May 2020, the Authority set the price of recycled water delivery to HARD for Fiscal Year (FY) 2020/2021 at $10,000 per month, consistent with the prior several years.

As a result of system optimization in recent years, as well as deferred capital due to the system’s uncertain future, the Authority’s Skywest fund currently has a balance of $155k.

In May 2020, at the same time as it adopted the price for FY 2020/2021, the Commission adopted Resolution 20-06 suspending the collection of fees from HARD for May and June of 2020. As a result of the COVID-19 pandemic, the Skywest Golf Course closed to the public in March 2020. In the spirit of collaboration with a fellow public agency, the Commission suspended collection of $20,000 for recycled water deliveries for May and June to alleviate some of the financial hardship being incurred by HARD.

In addition, the Commission directed staff to refrain from billing HARD for recycled water deliveries over the summer as the future of golf course operation was uncertain, and to return with a recommendation addressing fees in the fall.

Discussion
Recycled water deliveries to the golf course have been minimal since the Shelter-in-Place order was initially issued in March. Deliveries in July through September of 2020 were 3.56 MG, as compared to 30.04 MG during the same period in 2019. These limited deliveries primarily function to maintain pond levels for wildlife rather than irrigation of the course. As such, recycled water expenses incurred by EBDA have been minimal and are easily covered by the existing fund balance.

Before officially recommending waiving fees, staff was awaiting a decision on the insurance claim that EBDA filed to address expenses resulting from repairing the leak on the recycled water line that occurred in May 2020 and associated damage. Staff has confirmed that the claim has been accepted, and available funds are sufficient to cover incident-related expenses. Staff therefore recommends that the Commission waive fees.
to HARD associated with recycled water for July, August, and September of 2020.

HARD’s lease for the Skywest Golf Course from the City of Hayward (City) expired at the end of September 2020, and the parties elected not to renew it. The City is developing a Facilities Plan for the site and surrounding areas that will determine future recycled water needs. Likely, any long-term recycled water service will be provided by the City of Hayward through expansion of their recycled water project. EBDA staff is coordinating with City staff on whether recycled water deliveries from the existing Skywest system should continue in the interim. Once that determination has been made, if service will continue, EBDA staff will return to the Commission with a recommendation on appropriate recycled water fees.

Once the fate of the system is determined and any repairs and/or decommissioning is complete, staff will recommend return of any remaining balance in the Skywest account to HARD.
RESOLUTION AUTHORIZING THE GENERAL MANAGER TO WAIVE RECYCLED WATER CHARGES TO HAYWARD AREA RECREATION AND PARK DISTRICT (HARD) FOR SKYWEST GOLF COURSE FOR JULY, AUGUST, AND SEPTEMBER 2020

WHEREAS, on December 21, 1982, Hayward Area Recreation and Park District (HARD) and East Bay Dischargers Authority (Authority) entered into an Interagency Agreement for Construction and Operation of Skywest Golf Course Reclamation Irrigation Project; and

WHEREAS, per Resolution 20-06, the Authority set the price of recycled water to be charged to HARD for fiscal year 2020/2021 at $10,000 per month; and

WHEREAS, the COVID-19 crisis has forced the temporary closure of the Skywest Golf Course and thereby stressed HARD’s finances; and

WHEREAS, in the spirit of collaboration, the Authority wishes to support HARD as a fellow public agency during this time of need; and

WHEREAS, the Authority’s expenses for operation of the recycled water system for July, August, and September 2020 can be covered out of the existing Skywest fund balance.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby authorizes the General Manager to waive recycled water charges to HARD for the Skywest Golf Course Water Recycling Project for the period of July 1, 2020 through September 30, 2020.

SAN LORENZO, CALIFORNIA, OCTOBER 15, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________________       ATTEST:____________________________________
CHAIR      GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION                                      EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. FM8 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE CONTRACT WITH BROWN AND CALDWELL FOR FIELD WORK RELATED TO ACCEPTANCE OF CARGILL MIXED SEA SALT BRINE FOR DISCHARGE AT THE EBDA OUTFALL IN THE AMOUNT OF $68,427, FOR A TOTAL NOT TO EXCEED AMOUNT OF $170,560

Recommendation
Approve a motion authorizing the General Manager (GM) to execute Amendment No. 1 to the contract with Brown and Caldwell in the amount of $68,427.

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.

In August 2020, the Commission authorized the GM to enter into a contract with BC for due diligence work to assess infrastructure risks associated with addition of Cargill Mixed Sea Salt (MSS) brine into the transport system. That scope, for which Cargill committed to reimbursing the Authority, included Phase 1 of work for BC’s specialty subcontractor, JDH Corrosion Consultants, Inc. (JDH). JDH had recommended Phase 2 field work to further assess the baseline condition of the transport system with respect to corrosion.

Discussion
Under the proposed amendment, JDH will perform a detailed condition assessment at up to four locations in the transport system. At each location, JDH will perform a visual inspection including photographs, conduct concrete sounding to identify shallow subsurface discontinuities, measure surface hardness and pH, and collect a sample of the concrete for lab testing. The goal of this field work is to establish the baseline state of the transport system with respect to corrosion and chloride penetration. This baseline can then be used to assess any future impacts associated with the brine addition.

To perform this field work, it is necessary to shut down upstream flows so that JDH staff can enter the pipe. These shutdowns require significant coordination with Member Agency staff and can only be performed during dry weather. To take advantage of an already planned shutdown by Union Sanitary District, EBDA staff worked with BC and JDH to conduct the first field inspection under this scope in the early hours of October 1, 2020. Staff recommends back-dating the amendment to September 18, 2020 to cover this work, which was provisionally conducted under the existing contract.

The October 1 inspection went as planned, and collected data and samples are currently being processed. The location selected for this first inspection was a high point on the
Union to Hayward segment of the transport system; a location that had shown some signs of corrosion in previous inspections. Once the results are reviewed, BC will work with EBDA staff to determine whether the results are sufficient to establish a “worst-case” baseline for the system, or whether data from additional locations would still be useful. If the latter, staff will work with the Member Agencies to coordinate additional shutdowns, likely next spring after the conclusion of the wet season.

Per the attached letter, Cargill will reimburse the Authority fully for this amendment, including a 5% markup for administration.
Amendment 1: EBDA Transport Pipeline Condition Assessment
East Bay Dischargers Authority
Effluent Outfall Evaluation for Receiving Brine Water
September 4, 2020

Purpose
The Effluent Outfall Evaluation for Receiving Brine Water scope will be amended to include a condition assessment of the concrete surface of the interior of the East Bay Dischargers Authority (EBDA) Transport Pipeline. The condition assessment will document the current condition of the interior surface of the EBDA transport pipeline prior to the addition of brine effluent from Cargill. This will provide baseline quantitative information for analyzing the future degree and concrete rate of deterioration following the addition of brine.

Amendment 1 Scope of Services
Brown and Caldwell (BC), along with JDH Corrosion Consultants, Inc (JDH) will complete the following tasks as part of Amendment 1.

Phase 001. Project Management
Remains unchanged.

Phase 002. Reporting
Remains unchanged.

Phase 003. Agreement Assistance
Remains unchanged.

Phase 004. Prepare Amendment
Remains unchanged.

Phase 005. Transport Pipeline Condition Assessment

Task 005.001 – Interior Baseline Pipeline Condition Assessment
One virtual meeting will be held with EBDA to coordinate and prepare for the field work associated with the EBDA transport pipeline condition assessment. JDH will develop a Health and Safety Plan identifying the goals of the project, locations of the field work (selected by JDH and BC), test methods and procedures, and specific procedures and specific hazards for entering the structures. The Health and Safety Plan will also include ventilation plans and certifications for each field team member. JDH will electronically submit a draft Health and Safety Plan for one round of comments by EBDA prior to any work being performed in confined spaces. A final Health and Safety Plan incorporating EBDA’s review and comments will be electronically submitted.

JDH will perform a manned entry condition assessment (with BC oversight) at up to four (4) manholes. The following tests of the pipes will be performed by JDH:

- Visual Inspection – The visual inspection will consist of the subject piping structures including accessible portions of the subject reinforce concrete pipe adjacent to the manhole entry locations. Pipe defects, such as cracks, joint separation, spalling and corrosion staining will be collected and noted in a report by JDH.
• Photographic Documentation – Digital Photographic documentation will be recorded in order to support the analysis and conclusions. Photographs will be presented as part of the evaluation report.

• Concrete Sounding – Sounding adjacent to the manhole entry location will be performed by using a hammer to strike concrete surfaces. The sound from the hammer strike can indicate shallow subsurface discontinuities, such as voids, delamination, or honeycombing.

• Surface Hardness – Surface hardness measurements will be taken to evaluate concrete surface hardness by applying a consistent level of force from a chipping hammer scraped along the surface of the concrete denting soft concrete, until solid, hard material is reached, and then measuring the depth of the resulting cavity or groove. Digital micrometers and profile gauges will be utilized to determine degree and extent of degradation to the concrete and to provide a two-dimensional profile of pitted areas.

• Concrete Surface pH Testing – In-situ pH measurements within each structure will be collected to determine the environment corrosivity towards exposed concrete and steel.

• Concrete Sample Testing – Step drilling at two locations at each manhole entry point will be conducted. Concrete samples will be collected at four different depths (i.e. ½ inch, 1 inch, 1.5 inches and 2 inches) so that the chlorides, sulfates, and pH are measured at each depth. The concrete dust from the drilling will be collected in plastic bags and transported to CERCO Analytical, Inc. in Concord, CA for chemical analysis. All holes will be filled using a quick set, non-shrink sika patch product.

DW Nicholson will provide a 2-man crew, tools and equipment to remove manhole access covers before inspections and refasten covers with new hardware after inspections. Additionally, DW Nicholson will assist with dewatering of Station 268+91.

JDH will prepare a draft and a final TM presenting the results of the confined space entry field testing including photographic documentation of existing conditions, field data, chemical analysis and necessary illustrative figures as required to present the information gathered during the assessment. The draft and final TMs will be submitted in electronic format. Three weeks after submittal of the draft TM, one virtual meeting will be held with EBDA and Cargill to discuss the results of pipeline inspection. The final TM will incorporate one round of comments from EBDA on the draft TM.

Phase 005 Deliverables:

• Electronic submittal of draft Health and Safety Plan
• Electronic submittal of final Health and Safety Plan
• Electronic submittal of draft Pipeline Condition Assessment Results TM
• Electronic submittal of final Pipeline Condition Assessment Results TM
• Electronic submittal of meeting minutes (Field Work Preparation Meeting and Inspection Results Meeting)

Field Work Notes and Assumptions

• The pipeline condition assessment field work is assumed to occur over 3 non-consecutive nights during dry season (before October 2020).
• Encroachment permit acquisition will be by others with assistance provided by JDH. It is assumed that traffic control will not be required for any of the entry locations.
• EBDA shall conduct all shut down and valve operation activities required for isolation of the pipeline during inspection. Initial lock out/tag out (LOTO) shall be performed by EBDA and the assigned JDH safety supervisor shall apply one lock to the lockout system. Only the
assigned JDH safety supervisor shall remove the JDH lock following egress from the pipeline(s) following inspection.

- EBDA shall provide coordination as needed for access to the pipeline entry point.
- All permit documents including Confined Space Release Forms will be completed and presented to EBDA prior to accessing the interior of the inspected pipeline(s). The documents will be signed by the EBDA’s Project Manager responsible for the space & the JDH entry supervisor.
- JDH shall provide all fall restraint and gas monitoring equipment for use with entry into the pipeline(s).
- Once the inspection is completed, all JDH personnel, tools & supplies will be removed from the work space, all locks & tags will be removed & all required signs and labels will be put back.
- JDH entry supervisor will inform the EBDA Project Manager of any problems created or discovered in the work space, and at the completion of the job, the JDH entry supervisor will confirm that the work space can be returned to service. LOTO release will only be allowed upon acceptance by the JDH entry supervisor.
- Only confined space trained persons will be allowed into the pipeline. An attendant will be located outside of the structure at all times. The persons entering the structure will wear personal protection equipment.

Compensation

BC will perform the work on a time-and-materials basis, for a limiting fee not to exceed $170,560. Table 1 presents the estimated fee. BC labor will be billed using a 3.23 effective labor multiplier. Labor costs include phone, fax and, computer charges.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Total Fees</th>
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<tbody>
<tr>
<td>Effluent Outfall Evaluation for Receiving Brine Water Project</td>
<td>$102,684</td>
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<tr>
<td>Amendment 1 -- Transport Pipeline Condition Assessment</td>
<td>$68,427</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$170,560</strong></td>
</tr>
</tbody>
</table>

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 two 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>
<thead>
<tr>
<th>Milestone</th>
<th>Estimated Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Safety Plan Submittal</td>
<td>1 week after NTP</td>
</tr>
<tr>
<td>Field Work</td>
<td>September 2020</td>
</tr>
<tr>
<td>Inspection Results TM Draft Submittal</td>
<td>3 weeks after field work completion</td>
</tr>
<tr>
<td>Inspection Results Workshop</td>
<td>3 weeks after field work completion</td>
</tr>
<tr>
<td>Inspection Results TM Final Submittal</td>
<td>One week after receipt of EBDA comments</td>
</tr>
<tr>
<td>Phase</td>
<td>Phase Description</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>005</td>
<td>Pipeline Condition Assessment</td>
</tr>
<tr>
<td></td>
<td>GRAND TOTAL</td>
</tr>
</tbody>
</table>
9/21/2020

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

Jackie,

We received the scope and cost proposal for EBDA’s Pipeline Condition Assessment dated September 4, 2020 for Cargill’s MSS Discharge Project. This work is to determine baseline data regarding the interior concrete surface of the discharge pipe. Per the previously agreed Term Sheet with EBDA’s Commission, Cargill intends to reimburse EBDA for these estimated costs.

Sincerely,

Keith Schuessler
Solar Operations Leader
Assistant Vice President
ITEM NO. FM9 RESOLUTION CORRECTING SCHEDULE B OF THE AMENDED AND
RESTATED JOINT EXERCISE OF POWERS AGREEMENT TO CORRECT THE ORO
LOMA SANITARY DISTRICT FIXED FEE PERCENTAGE

Recommendation
Adopt a resolution correcting Schedule B of the Amended and Restated Joint Exercise of Powers Agreement.

Background
The Authority’s Amended and Restated Joint Exercise of Powers Agreement (JPA) was adopted unanimously by the Commission in October 2019, subsequently approved by each Member Agency’s governing body, and went into effect on July 1, 2020. The JPA governs how Authority costs are allocated among the Member Agencies. Schedule B details the allocation of Operations and Maintenance Costs and states:

The total Fixed Costs, less any amounts received by the Authority to offset Fixed Costs, will be apportioned to the Agencies based on their current Maximum Flow Rate Capacity (as shown in Schedule F) normalized out of 100 as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Leandro</td>
<td>13.74%</td>
</tr>
<tr>
<td>Oro Loma</td>
<td>19.44%</td>
</tr>
<tr>
<td>Castro Valley</td>
<td>10.30%</td>
</tr>
<tr>
<td>Hayward</td>
<td>14.72%</td>
</tr>
<tr>
<td>Union</td>
<td>42.10%</td>
</tr>
</tbody>
</table>

Unfortunately, a typo was made in this table for Oro Loma’s normalized capacity. The correct number is 19.5 MGD / 101.9 MGD = 19.14%

This same calculation is used in Schedule E where agency voting percentages are outlined, and in that table, the Oro Loma number is correctly shown as 19.14, further supporting the case that this was a typo and not intentional.

Discussion
EBDA’s legal counsel recommends that the Commission adopt a resolution to correct the typo to create a clear record and avoid any confusion with future interpretation of the JPA. Legal counsel considers this to be a substantive change that requires Commission approval because it impacts the total Fixed Cost calculation and apportioning costs between the Member Agencies. If adopted, new corrected copies of the JPA will be distributed to all parties.
RESOLUTION CORRECTING SCHEDULE B OF THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT TO CORRECT THE ORO LOMA SANITARY DISTRICT FIXED FEE PERCENTAGE

WHEREAS, the East Bay Dischargers Authority (Authority) was created by a Joint Exercise of Powers Agreement (JPA), which was first adopted on February 13, 1974; and

WHEREAS, the JPA has been amended and supplemented at various times; and

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement (Amended and Restated JPA) was adopted by the Commission on October 29, 2020 and was subsequently approved by the governing body of each Member Agency; and

WHEREAS, the Amended and Restated JPA became effective on July 1, 2020; and

WHEREAS, the Fixed Cost percentage allocated to Oro Loma Sanitary District (Oro Loma) in Schedule B of the Amended and Restated JPA is incorrect and does not mathematically represent Oro Loma’s Maximum Flow Rate Capacity as a percentage of the Member Agencies’ total Maximum Flow Rate Capacity.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby revises Schedule B of the Amended and Restated JPA to replace the Oro Loma Fixed Cost percent with the value 19.14.

BE IT FURTHER RESOLVED, this change shall be retroactive to the effective date of the Amended and Restated JPA.

SAN LORENZO, CALIFORNIA, OCTOBER 15, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________________       ATTEST:____________________________________
CHAIR                                                                                   GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION                                    EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
Pursuant to the Governor’s Executive Order N-25-20 the Operations & Maintenance Meeting scheduled for October 13th at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. # 833 5493 0638. Members of the public are encouraged to dial in to the meeting using the same number. [https://us02web.zoom.us/j/83354930638](https://us02web.zoom.us/j/83354930638)

**ITEM NO. 15**

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, October 13, 2020

9:00 A.M.

East Bay Dischargers Authority

2651 Grant Avenue, San Lorenzo, CA  94580

Committee Members: Cutter (Chair); Johnson

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. 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 juanita@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 will be held
Tuesday, November 17, 2020, at 9:00 a.m.
ITEM NO. OM4 EBDA PERFORMANCE

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

Permit Compliance Issues
There were no NPDES permit violations in August and preliminary data from September are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included. Sodium hypochlorite dosing was increased as the temperatures rose to prevent bacterial outbreaks during the summer months.
<table>
<thead>
<tr>
<th>Date</th>
<th>FECAL Limit (90th Percentile)</th>
<th>FECAL Limit (Geomean)</th>
<th>ENTERO Limit (90th Percentile)</th>
<th>ENTERO Limit (Geomean)</th>
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</thead>
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<td>32</td>
</tr>
<tr>
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<td>&lt; 2</td>
<td>January 2020 Geomean</td>
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<tr>
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<td>March 2020 Geomean</td>
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<td>2</td>
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<td>July 2020 Geomean</td>
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<td>9/2/2020</td>
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<tr>
<td>9/7/2020</td>
<td>27</td>
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<td>9/8/2020</td>
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<tr>
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<td>6</td>
<td>9/10/2020</td>
<td>&lt; 2</td>
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<tr>
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<td>9/29/2020</td>
<td>22</td>
</tr>
<tr>
<td>September 2020 Geomean</td>
<td>41</td>
<td>5</td>
<td></td>
<td></td>
</tr>
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</table>
ITEM NO. OM5 STATUS REPORT

Union Effluent Pump Station (UEPS – Formerly AEPS)

Effluent Pump No. 2 Variable Frequency Drive (VFD)
On September 24, 2020, Rockwell Automation Field Service installed the new VFD transformer for Effluent Pump No. 2 with assistance from USD maintenance staff. During that service call, upgraded timer relays were installed, and the VFD programming was modified to include additional VFD safeguards. Because Effluent Pumps No. 2 and No. 6 have the same VFDs, the upgraded timer relays and the VFD programming modifications were duplicated for the Effluent Pump No. 6 VFD. The upgrades were incorporated into the VFD wiring diagrams and documentation and forwarded to USD staff.

Hayward Effluent Pump Station (HEPS)

Generator Service
On September 22, 2020, Peterson Power Systems, Inc. performed a major preventative maintenance service on the HEPS Generator in preparation for wet weather. This service followed the manufacturer’s recommended standards and included an oil change, coolant change and replacement of hoses, belts, filters and numerous other parts.

Motor Control Center (MCC) Replacement Project
This project is substantially complete, and staff and the contractor are currently processing the paperwork to finalize the project.

Oro Loma Effluent Pump Station (OLEPS)

Wet Well Hypochlorite (Hypo) System
This project will allow for automatic control of hypo to the OLEPS wet well, reducing the cost of hypo, sodium bisulfite (SBS), and staff time. Calcon Systems, Inc. (Calcon) is in the process of procuring product information for the equipment that will be installed. Prior to purchase, OLSD staff will have an opportunity to review and comment on the selected equipment.

Main Electrical Switchboard Upgrade
As part of the Renewal and Replacement Fund (RRF) project list for FY 2020/2021, the Commission approved $260,000 for the replacement of the breakers and refurbishment of the main switchboard, and installation of two new automatic transfer switches (ATSs). Replacement of the 75 kW generator is also included and will be evaluated further as the project proceeds. These upgrades will improve the electrical reliability of the station, particularly in the event of a power outage.

Beecher Engineering, Inc., EBDA’s contract electrical engineering firm, produced single-line drawings and a draft scope of work for the OLEPS main electrical switchboard upgrade project. EBDA staff received two quotes for the switchboard upgrade and is
currently negotiating the scope and fee with the low bidder. A motion will be presented to
the Commission next month.

Paving Repair/Upgrade
OLSD’s Pavement Reconstruction and Rehabilitation Project is underway. As part of that
project, the asphalt behind OLEPS next to the 8,000 gallon above-ground diesel storage
tank will be replaced. EBDA requested a quote for additional paving around OLEPS,
specifically to the east of the pump station. This additional paving will reduce tripping
hazards and match the rest of the plant where the paving is most noticeable. The
additional paving will cost EBDA approximately $10,000 over the current funds budgeted
for this project in the RRF.

San Leandro Effluent Pump Station (SLEPS)

No change; all equipment is operational.

Skywest Pump Station

Recycled Water Production
During the month of September 2020, the Skywest Recycled Water System only operated
three days and produced 1.37 million gallons of recycled water.

Recycled Water Pipeline Leak
An insurance claim was filed for reimbursement of the costs associated with the Skywest
recycled water pipeline leak and the embankment repair. CSRMA authorized settlement
of the claim.

Marina Dechlorination Facility (MDF)

Generator Service
On September 23, 2020, Peterson Power Systems, Inc. performed a major preventative
maintenance service on the MDF Generator in preparation for wet weather. This service
followed the manufacturer’s recommended standards and included an oil change, coolant
change and replacement of hoses, belts, filters, batteries and numerous other parts.

Force Main

Transport System Repair Coupling & Seals
As part of the Amended and Restated Joint Powers Agreement (JPA) negotiations, the
Authority agreed to purchase encapsulating couplings and flexible internal seals and
sleeves that can be used to repair the force main in the event of a failure. The 48-inch
seals and sleeve were given to and are being stored at San Leandro, the 60-inch seals
and sleeve are being stored at Hayward, and the 96-inch seals and sleeve are being
stored at OLEPS. The last remaining item to complete the Authority’s commitment is the
60-inch encapsulating coupling, which is scheduled to ship at the end of October.
Development Along the EBDA Force Main Easement
EBDA was recently contacted regarding site development near the EBDA force main easement in Hayward. The preliminary design calls for fill over the easement for a driveway and a warehouse constructed next to the easement. This design is consistent with development directly to the north of this site and in other areas of the easement. Staff contacted Dave Mathy with DCM Consulting, Inc. (DCM) to prepare a Technical Memorandum (TM) that included recommendations and requirements for the site development. DCM has performed this type of geotechnical engineering review for EBDA in the past and has also worked with EBDA’s Member Agencies. The TM prepared by DCM and forwarded to the site development engineering firm is attached at the end of the O&M status report.

Operations Center
No change; all equipment is operational.

Miscellaneous Items

Underground Service Alerts
EBDA received eighteen (18) Underground Service Alert (USA) tickets during the month of September 2020. Three required field verification.

USA Service Area Update
On September 10, 2020, EBDA updated its Service Area Registration (SAR) polygon shapefiles in the USA North 811 system removing the 48-inch force main between SLEPS and MDF. The City of San Leandro staff will field verify USAs for the 48-inch force main.

COVID-19 Response
Authority staff is continuing to implement the Pandemic Response Plan, which includes staff working from home and alternating time in the office to ensure social distancing. Signage regarding closure of the office to the public and the Authority’s social distancing measures has been posted on the office door. All meetings are being conducted by phone and web conference until further notice.

Staff is also continuing to track research efforts utilizing data on the prevalence of SARS-CoV-2 virus in wastewater influent to identify and anticipate COVID-19 community trends, termed wastewater-based epidemiology. Researchers at UC Berkeley secured foundation funding to develop a pop-up lab that can process 100 samples per day. The lab began operation in late September. They are still working to identify funding for the sample analysis, which they estimate at $100/sample. A Working Group has been created to inform regional efforts and ensure coordination. The group includes representatives from UC Berkeley, Stanford, county public health offices, and wastewater treatment plants, coordinated by the Bay Area Clean Water Agencies (BACWA).
As an outgrowth of the regional Working Group, a call is planned for October 12, 2020, with representatives from UC Berkeley, Alameda County Public Health Department, East Bay Municipal Utility District, and EBDA. The goal of the meeting is to begin framing a sewer surveillance program for Alameda County that will produce meaningful and actionable data. Staff will report on the outcomes of this meeting and next steps at the October O&M Committee and Commission meetings.

**Special Projects**

**Cargill Brine Project Due Diligence – Transport System Inspection**

On October 1, 2020, in conjunction with a USD plant shutdown, EBDA shut down the southern portion of the transport system to assess the condition of the concrete pipe. During the shutdown, HEPS flow was diverted to the Hayward Ponds. The inspection was conducted on a section of the force main just south of Highway 92 in Hayward. JDH Corrosion Consultants, Inc. (JDH) was subcontracted by Brown and Caldwell (BC) to perform the inspection. GSE Construction Inc. (GSE) was subcontracted by BC to remove the Air Relief Valve (ARV) and open the manway cover to allow JDH entry to the force main. The City of San Leandro force main crew assisted with draining the force main. The southern portion of the transport system was shut down from approximately 2:00 am to 5:30 am. Two different sections of the concrete pipe were tested, both upstream and downstream of the manway. EBDA is awaiting the results of this inspection to determine if two additional locations will be inspected next spring.

The purpose of this work is to establish a quantitative baseline for corrosion in the transport system against which any impacts resulting from Cargill brine addition can be measured. For more information on the scope, see Item No. FM8.

![Inspection Preparation](image-url)
Inspector In Manhole

Inspector In Force Main

Advanced Quantitative Precipitation Information (AQPI) Project

The regional AQPI project to improve prediction of rainfall events in the Bay Area continues to move forward. The Cooperative Agreement for installation of the X-band radar in the East Bay has been approved by the East Bay agencies, but approval by Sonoma County Water District (Sonoma Water), the implementing agency, was slowed by the COVID-19 emergency and subsequent wildfires. Sonoma Water is expected to approve the East Bay agreement, as well as the lease agreement with American Tower for the site, on November 10, 2020. Staff are readying plans for installation of the X-band at Rocky Ridge as they await approval of the agreement, in hopes that the radar will be installed to capture as much as possible of the upcoming wet season.
1.0 INTRODUCTION

This technical memorandum presents the results of a geotechnical engineering review of currently available site development plans for expansion of Heat and Control’s facilities at 21121 Cabot Drive in Hayward with respect to impacts on East Bay Dischargers Authority’s (EBDA) transport system pipeline on the west side of the property (see Figure 1). The EBDA transport system pipeline consists of approximately 11.5 miles of reinforced concrete pipe (RCP) extending along the eastern margin of San Francisco Bay from Union City to San Leandro. The pipeline transports treated (and chlorinated) waste water effluent from Union Sanitary District, Hayward, Oro Loma and San Leandro waste water treatment plants as well as from Livermore Amador Valley Water Management Agency to EBDA’s outfall pipeline in San Francisco Bay. At the Heat and Control project site the EBDA transport pipeline is a 60-inch-diameter reinforced concrete pipe (RCP) located within a 40-foot-wide easement over a length of approximately 600 feet on the west side of the property. Current site development plans for the Heat and Control expansion (see Figure 2) illustrate a new building abutting the EBDA easement with a paved driveway allowing access around the building over the EBDA easement. Site development will involve approximately 5 to 6 feet of engineered fill to be placed over the EBDA easement with final grades matching the property and parking lot immediately south of the site (i.e. the EBDA transport pipeline has already been filled over on the property to the south by a like amount of fill).

The 60-inch RCP EBDA transport pipeline was constructed in 1977 by open-cut trenching. At the Heat and Control site the pipeline has approximately 8 feet of cover (see Figure 3). Immediately north of the Heat and Control site at an Alameda County Flood Control District (ACFCD) channel, the pipeline has approximately 13 feet of cover under existing channel berms. The original geotechnical investigation for the transport pipeline by Harding Lawson Associates includes a boring (B-35) drilled at or near the ACFCD channel in 1975 (see Figure 4). Test boring B-35 indicates that the EBDA transport pipeline is directly underlain by medium stiff to stiff sandy clay (CL) with a Standard Penetration Test Blow Count, N-value of N = 8.

2.0 CONCLUSIONS

1. The EBDA transport pipeline at the Heat and Control property has approximately 8 feet of cover and is underlain by medium stiff to stiff sandy clay soils. There is no indication of very soft to soft Bay Mud underlining the pipeline in the nearest available reference test boring.
2. The addition of 5 to 6 feet of fill over the EBDA easement and pipeline will not produce large-scale consolidation settlement of the underlying medium stiff to stiff clays (e.g., as would occur if the pipeline were underlain by very soft to soft Bay Mud).

3. The EBDA transport pipeline has already experienced a similar addition of fill over the easement with past development of property directly to the south with no reported issues (e.g., settlement and joint stretching) with the 60-inch RCP. The development of the property directly to the south is limited to a parking/storage lot (i.e. no building foundations adjacent to the easement).

3.0 RECOMMENDATIONS

1. The 60-inch EBDA transport pipeline should be potholed in two locations on the Heat and Control property by vacuum excavation to:
   a. verify the existing pipeline cover thickness of 8 feet; and
   b. determine the location and alignment of the pipeline within the 40-foot-wide easement.

2. Review the Heat and Control project geotechnical report and test borings to verify that no very soft to soft Bay Mud underlies the site and EBDA easement.

3. Review the project grading plan to confirm that new fills placed over the EBDA easement will not exceed 6 feet in thickness.

4. Review the Heat and Control new building foundation plans to verify no impacts on the EBDA pipeline (e.g., see Figure 5 for a schematic diagram of the approximate zone of influence of spread footing foundation loading).

5. At time of site grading and trenching, field mark the alignment of the EBDA transport pipeline with stakes and flagging at no more than 100-foot spacings (see item 1.b.) with signage to protect the underlying EBDA 60-inch RCP transport pipeline during construction.

6. Limit construction equipment on the EBDA easement with a minimum of 6 feet of pipeline cover to rubber-tired vehicles conforming to H20 highway loading and track-mounted equipment to a track contact pressure of less than 10 psi.

7. Limit excavation within the EBDA easement to only that required for clearing and grubbing and subgrade preparation for engineered fill placement (e.g. approximately 12 inches deep).

8. Limit excavation in the bio-retention area at the north end of the EBDA easement, maintain no less than 6 feet of cover on the EBDA transport pipeline with final grades.

9. Limit vibrations from vibratory compaction equipment and foundation construction (e.g., in the case of driven piles) to a peak particle velocity (PPV) of less than 2 inches/second at the nearest edge of pipeline.
10. Do not allow localized stockpiling of soils or construction materials on the EBDA easement rough or final grades.

11. Protect, or reinstall after site development, the EBDA pipeline location bollard on the north end of the EBDA easement. Install a new matching EBDA pipeline location bollard on the south end of the EBDA easement.

12. Large trees of any kind should not be planted at any location within the 40-foot-wide EBDA easement. Small landscaping shrubs with shallow root structures can be planted within the 40-foot-wide EBDA easement.

Let me know if you have any questions or need any additional review of Heat and Controls development geotechnical investigation report, grading plans and foundation plans.

_____________________________________________
David C. Mathy
C.E. 28082
G.E. 569
**Figure 1** – Heat and Control expansion site, empty lot behind 21121 Cabot Drive in Hayward.
Figure 2 – Heat and Control expansion, preliminary development plan (untitled, undated). Note that the western edge of the planned new building is adjoining the eastern edge of the EBDA easement. The location of the EBDA transport pipeline within the 40-foot wide easement is not established at this time. (see also Figure 5)
**Figure 3** – EBDA 60-inch transport pipeline, 1977 plan and profile at the Heat and Control site.
Figure 4 – 1975 Harding Lawson test boring B-35 located at or near the ACFCDO channel on the north side of the Heat and Control site. The test boring indicates that the pipeline should be underlain by medium stiff to stiff clay (no Bay Mud).
Figure 5 – Schematic spread footing foundation load distribution influence zone (1H:1V). If the verified location of the EBDA 60-inch RCP transport pipeline falls within the influence zone of a shallow spread footing foundation, further geotechnical analysis should be required to estimate pipeline loading.
Pursuant to the Governor’s Executive Order N-25-20 the Personnel Committee Meeting scheduled for October 12th at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. # 893 6668 8464. Members of the public are encouraged to dial-in to the meeting using the same number. https://us02web.zoom.us/j/89366688464

ITEM NO. 16
PERSONNEL COMMITTEE AGENDA
Monday, October 12, 2020
9:00 a.m.

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

Committee Members: Lamnin (Chair), Toy

P1. Call to Order
P2. Roll Call
P3. Public Forum
(The Committee will review proposed revisions to the Policy.)
P5. General Manager Remote Work Arrangements
(The Committee will discuss current and planned remote work arrangements.)
P6. 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. 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 Personnel Committee meeting will be held
Monday, November 16, 2020 at 9:00 a.m.
ITEM NO. P4 REVIEW OF DRAFT PERSONNEL POLICY REVISIONS

Recommendation
Review proposed changes and provide feedback to staff.

Background
The Authority’s Personnel Policy was last revised in January 2020. Prior to that, tweaks were made in August 2019 and October 2018. In reviewing the Compensation Plan for Fiscal Year 2020/2021, the Commission directed staff to make revisions to the Personnel Policy to clarify the process for determining the cost-of-living-adjustment (COLA). Upon reviewing the Personnel Policy, staff determined that a more comprehensive set of updates to the Policy was warranted.

In the draft revised Personnel Policy presented to the Committee in August 2020, staff updated various sections to reflect current laws and regulations. In addition to minor formatting and grammatical changes, redundant language was removed. The following items were addressed, and where needed, changes were made to reflect current practices:

- Gender-specific pronouns were replaced with neutral terminology
- The Compensation Plan section was revised to include the Personnel Committee’s COLA recommendation of using the consumer price index (CPI) with a floor and ceiling
- The Appointments section was updated to reflect current laws
- Employment statuses were clarified, including benefit eligibility
- Hours of work were updated to be more in-line with Member Agencies, to address varying schedules, and to clearly define overtime
- Leaves and Vacations – Updates to this section include stating which employment statuses are eligible to receive leave benefits
- Anti-Harassment Policy was updated to reflect that as of January 1, 2020, Government Code 12950.1 requires that all employees receive anti-harassment training
- Lactation Accommodation Policy was added in compliance with SB 142

Discussion
The latest draft Policy is attached. Tracked changes are shown as compared with the adopted Policy currently in effect. New changes made since the August 2020 draft are highlighted in yellow. At the August 2020 Personnel Committee Meeting, the Committee requested the following changes, which have been made in the attached version:

- Since part-time employment was defined as 30 hours or fewer and full-time is 40 hours, the Committee requested clarification on the status of employees working between 30 and 40 hours per week. In the attached version, part-time has been redefined as fewer than 40 hours per week to eliminate this gap.
• At the Committee’s request, a sentence was added stating that the Commission may also consider short- and long-term financial status of the Authority in making a COLA determination.
• Several sections repeated a list of protected classes. At the Committee’s suggestion, those lists were replaced with a reference to the list in the Non-Discrimination section of the Policy.
• In the discipline section, the term “neutral” was replaced with “neutral mediator” for clarity.

Staff also made the following updates:

• Aligned step increases with reviews in the Compensation Plan section.
• Changed days of leave to the equivalent number of hours for leave (e.g. bereavement) to provide flexibility.

At the August 2020 Committee meeting, the Committee also requested that staff seek information from Member Agencies and other peers regarding practices on the following topics:

• Benefits for regular part-time employees
• Benefits for temporary full-time employees
• Discipline process for regular part-time employees and other at-will employees
• Floating holidays – Do agencies claw back if an employee separates before the end of the year and has used their full allotment?

The table below summarizes the results of staff’s inquiries.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>TEMPORARY EEs</th>
<th>PART-TIME EEs</th>
<th>USE</th>
<th>FLOATING HOLIDAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>USD</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>CCWD</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes, &lt;1,000 hrs</td>
</tr>
<tr>
<td>OLSD</td>
<td>No</td>
<td>No</td>
<td>Yes, &lt;1,000 hrs</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>CVSan</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>ACWD</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>Vallejo</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>DSRSD</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>CentralSan</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>FSSD</td>
<td>Yes, EE only health</td>
<td>Yes, prorated</td>
<td>Yes</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>SMCSD</td>
<td>No</td>
<td>No</td>
<td>State SL Only</td>
<td>Does not have FHs</td>
</tr>
<tr>
<td>WBSD</td>
<td>No</td>
<td>State SL Only</td>
<td>No, unless required</td>
<td>State SL Only</td>
</tr>
</tbody>
</table>

Based on this feedback, staff is recommending changing the benefits afforded to temporary full-time employees to sick leave only. This would be a change from past Authority practice, but is consistent with the practices of all agencies surveyed. Though the Authority did hire a full-time temporary employee last year to address an emergency vacancy, staff believes that it is unlikely this status will be used for employment much in
the future.

With respect to leave for part-time employees, the results of the survey were mixed. Staff is therefore maintaining the recommendation presented last meeting to make sick leave proportional to hours worked.

With respect to the question of requiring repayment of floating holiday time, agencies' practices are mixed. For fairness and consistency, staff recommends retaining current policy language that does require staff to pay back floating holiday time if they separate prior to the end of the fiscal year and have used more than their pro-rata share.

On the issue of discipline, agencies generally indicated that if a temporary or part-time employee were not performing as expected, they would end the assignment. In light of this, staff is continuing to recommend that the Authority’s policy consider employees in these statuses at-will and indicate that the General Manager may use discretion to implement progressive discipline.
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**SECTION I – DEFINITIONS**

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<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocation</td>
<td>The assignment of a position to an appropriate class on the basis of the nature, difficulty and responsibility of duties actually performed.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Any person who has made application for a position.</td>
</tr>
<tr>
<td>Authority</td>
<td>The East Bay Dischargers Authority.</td>
</tr>
<tr>
<td>Candidate</td>
<td>A qualified applicant who has been selected to participate in the selection process.</td>
</tr>
<tr>
<td>Class or Classification</td>
<td>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.</td>
</tr>
<tr>
<td>Class Specification</td>
<td>A written description of duties, responsibilities and desirable qualifications for employment in a classification.</td>
</tr>
<tr>
<td>Commission</td>
<td>The East Bay Dischargers Authority Commission, the legislative and governing body of the Authority.</td>
</tr>
<tr>
<td>Compensation</td>
<td>The salary, wage, allowances and all forms of valuable consideration paid to any employee by reason of service in any position.</td>
</tr>
<tr>
<td>Demotion</td>
<td>A change of an employee from one position to any other position having a lower maximum salary.</td>
</tr>
<tr>
<td>Eligible</td>
<td>A person whose name is on an active employment list.</td>
</tr>
<tr>
<td>Employment List</td>
<td>A list of persons who may be considered for appointment to a specific position with the Authority.</td>
</tr>
<tr>
<td>Employee</td>
<td>A person officially appointed to a position in the adopted Classification Plan.</td>
</tr>
<tr>
<td>Examination</td>
<td>The selection procedure used to measure the relative fitness of persons applying for positions with the Authority.</td>
</tr>
</tbody>
</table>

**Full-Time Schedule**  The Authority considers full-time employment to be forty (40) hours per week.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Manager</td>
<td>The General Manager of the Authority, as appointed by the Commission or his/her duly designated representative.</td>
</tr>
<tr>
<td>Job Description</td>
<td>A written description of duties, responsibilities and desirable qualifications for employment in a specific position.</td>
</tr>
<tr>
<td>Part-time Position</td>
<td>A position to which an employee shall be assigned for less than thirty-four hours per week.</td>
</tr>
<tr>
<td>Personnel Committee</td>
<td>A panel advisory to the Commission on personnel matters consisting of two members of the Commission.</td>
</tr>
<tr>
<td>Position</td>
<td>A group of current duties and responsibilities designated by the Commission as requiring the employment of one person.</td>
</tr>
<tr>
<td>Probationary Appointment</td>
<td>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.</td>
</tr>
<tr>
<td>Promotion</td>
<td>A change of an employee from one position to another position that has a higher maximum salary.</td>
</tr>
<tr>
<td>Provisional Appointment</td>
<td>Appointment for a period not to exceed six months to a position for which no employment list exists.</td>
</tr>
<tr>
<td>Reallocation</td>
<td>Change in the assignment of a position from one existing class to a new class resulting from a change in the Classification Plan.</td>
</tr>
<tr>
<td>Regular Appointment</td>
<td>The type of status granted to an employee who has successfully completed a probationary period.</td>
</tr>
<tr>
<td>Seniority</td>
<td>The total length of satisfactory service of an employee within each specific class.</td>
</tr>
<tr>
<td>Suspension</td>
<td>Temporary separation of employment with or without pay.</td>
</tr>
<tr>
<td>Temporary Appointment</td>
<td>Assignment of an employee to a position for a period of up to one year limited duration.</td>
</tr>
<tr>
<td>Termination</td>
<td>Permanent separation of an employee from Authority service.</td>
</tr>
</tbody>
</table>
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 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, Transgender 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 the employee from completing assigned duties 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 Policy.

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 for All Urban Consumers (CPI-U), the base figure for comparison shall be the SFSan Francisco-Oakland-SJ city Hayward, CA 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. Beginning with FY 2020/2021, the cost of living adjustment (COLA) shall be based on the above index within a floor-to-ceiling range of 0% - 4.0%. The COLA range shall be reviewed every three years. In adopting a COLA, the Commission may also consider the short- and long-term financial status of the Authority. The approved salary adjustments shall be applied to all of the classifications, effective the following July 1, by adoption of an amended Compensation Plan, and the salary adjustments shall be applied 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. Effective July 1, by adoption of an amended Compensation Plan, adjustments shall be applied to the salary range of each position to reflect the COLA.

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’s 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. After an employee completes twelve (12) months of continuous service in the same position, the employee may be advanced to the next higher rate of compensation as set forth in the Compensation Plan upon approval of the General Manager. Subsequent step increases shall be effective annually on the anniversary date of the employee’s last merit increase hire date 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 or a Member Agency 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. Request by the 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 faith 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

In accordance with California Constitution Article 20, Section 3, and as mandated by California Government Code Sections 3100-3109, all public employees are declared to be disaster service workers, and must take and subscribe to an oath of loyalty as a condition of employment. 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.
**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.

**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, provisional, and temporary 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, if any are available, 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, but through a comparable process.
**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 Appointments**

If an employee is needed for less than a total of 340 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. The Authority is responsible for following the same recruitment/selection process for part-time employees as for regular, full-time employees. 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 **Full-Time** Status

Regular full-time employees are not in a temporary status and are regularly scheduled to work the Authority's full-time schedule. Generally, they are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefit program.

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

**At-will Status**

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, provisional and/or temporary 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 those listed in the Non-Discrimination section of the General Provisions in Section II2. 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.

Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees.

**Part-Time Employment**

Part-time positions are those that are required on a long-term basis. Incumbents in these positions can expect and are scheduled to work less than 30-40 hours per week. Employees in this class are not eligible for benefits or accrued leaves, with the exception of sick leave. Part-time employees do not serve a probationary period and will not be eligible for benefits except sick leave. At the end of each 2080 hours worked, the part-time employee is eligible for a salary step increase based on satisfactory performance. 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. Such employees serve at the discretion of the General Manager. Part-time employees are "at will" and can be terminated any time, with or without cause. 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. Part-time employees shall work no
more than 1000 hours in a fiscal year. At the end of each 2080 hours worked, the part-
time employee is eligible for a salary step increase based on satisfactory performance.
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.

Temporary Employment

Temporary employees are hired as interim replacements if regular staff are unavailable,
to temporarily supplement the workforce, or to assist in the completion of a specific
project or set of projects for a limited duration. Employment beyond any initially-stated
period does not in any way imply a change in employment status.

Temporary full-time employees are scheduled to work the Authority’s full-time schedule.
Generally, they are eligible for the full benefits package, subject to terms, conditions and
limitations of each benefit program.

Temporary part-time employees are scheduled to work less than 340 hours per week
with a maximum of 1,000 working hours. Employees in this temporary classes are not
eligible for benefits or accrued leaves, with the exception of sick leave.

Temporary full-time and part-time positions may be required to complete a one-time
project or set of projects. Temporary part-time employees are not eligible for paid leaves
or benefits unless stated in this Policy to the contrary. Temporary full time
full-time
employees are entitled to paid leaves and benefits as outlined in the Authority’s
Compensation Plan to this extent this Policy does not state to the contrary.

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 this Policy 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.

A summary of employment types and relevant status and benefits is provided in the
following table:
<table>
<thead>
<tr>
<th>Status</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary Part-time</td>
<td>At-will</td>
</tr>
<tr>
<td></td>
<td>Sick leave only</td>
</tr>
<tr>
<td>Temporary Full-time</td>
<td>At-will</td>
</tr>
<tr>
<td></td>
<td>All Sick leave only</td>
</tr>
<tr>
<td>Regular Part-time</td>
<td>At-will</td>
</tr>
<tr>
<td></td>
<td>Sick leave only</td>
</tr>
<tr>
<td>Probationary Full-time</td>
<td>At-will</td>
</tr>
<tr>
<td></td>
<td>All</td>
</tr>
<tr>
<td>Regular Full-time</td>
<td>Subject to discipline procedures</td>
</tr>
<tr>
<td></td>
<td>All</td>
</tr>
</tbody>
</table>

### 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. This Section X does not apply to temporary, probationary, and provisional employees, though the Authority holds these employees to the same high standards of professional conduct. Discipline for temporary at-will employees is at the discretion of the General Manager.

#### 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,” including temporary, provisional, and probationary employees, are not subject to the requirement of good cause, and are not entitled to pre-discipline procedures or appeals under these policies and may be separated with or without advance notice.

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 assigned 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 of suspensions of more than four (4) working days, a reduction in pay resulting in loss of pay equal to or exceeding a suspension of more than four (4) days, demotion or termination (“serious disciplinary discipline”), employees shall retain pre-discipline meeting and post-discipline appeal rights as described below.

Pre-Discipline Meeting

For “serious” discipline, 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 “serious” discipline, 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 mediator from another recognized organization; or a neutral mediator 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 of Work

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. A full-time employee shall be scheduled to work a forty (40) hour work week within a seven (7) day work period. Employees may vary their starting and ending times with management approval, and provided there is sufficient coverage during the hours the Authority is open to the public.

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 should the need arise. 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 dischargedisciplinary action.

Overtime

Authorized or required work performed by non-exempt employees in excess of forty (40) hours per week shall be deemed overtime. For the purpose of calculating overtime, the hours worked shall not include vacation, sick, or any other type of leave taken. Overtime is ordered and authorized time worked by regular full-time employees in excess of forty (40) hours in a week. Overtime work shall be paid only for full-time employees occupying non-exempt positions, and part-time non-exempt employees if ordered and authorized to work in excess of forty (40) hours in a week.

Overtime Rate

Overtime for non-exempt employees shall be paid at the rate of one and one-half (1.5) times the straight-time hourly rate. Overtime hours may be paid on the next regular pay check. With the approval of the General Manager prior to performance of the overtime work, employees may choose to receive compensatory time off rather than overtime pay. Compensatory time shall be used or paid to the employee 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 may 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’s Birthday: 3rd Monday in January
- President's Day: 3rd 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

Full-time employees are allotted twenty-eight (28) hours of personal floating holiday to be used within the fiscal year, July 1 – June 30, may be taken anytime in the fiscal year with the approval of Use of the allotted hours shall be approved by 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. Floating holiday leave hours do not accrue and employees will not be compensated for unused hours.
A person hired after July 1, or a temporary full-time employee hired to work for less than 12 months, shall be provided the pro rata share of floating holiday hours for the number of months of work in the fiscal year compared to the annual allotment of twenty-eight (28) floating holiday hours per year.

Floating holiday hours shall be reconciled upon an employee’s permanent separation from the Authority. Hours used in excess of those earned shall be deducted from the employee’s final pay.

Should an employee separate employment prior to June 30, or, for a temporary employee sooner than the period of time for which the temporary employee was hired, the employee’s final paycheck will be reduced by an amount equal to the value of the same floating holiday hours provided as the portion of the fiscal year or temporary employment not worked. For example, if a regular employee received 28 floating holiday hours on July 1st and left employment six months later on December 31st, the employee’s final paycheck would be reduced by 6/12 x 28 hours x hourly rate.

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 at the rate of one and one-half (1.5) times the straight-time hourly 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 is an earned benefit of eligible employees and its use shall be approved by the General Manager. Employees shall take vacation leave in increments of one (1) hour. Leave begins to accrue upon date of hire, but shall not be granted to the employee for use during the first six (6) months of employment. Vacation is accrued for all regular hours worked and shall continue to be earned during other authorized leaves with pay.

Vacation Leave Allowance

All full-time regular employees (i.e. temporary, provisional and part-time employees are excluded from vacation accrual) 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 eligible 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 at 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 service 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.

Vacation leave shall be reconciled upon an employee's permanent separation from the Authority. Unused vacation leave is not transferable to retirement service credit. If the vacation leave taken exceeds leave earned, the excess leave used in excess of earned leave shall be deducted from the employee's final pay. If vacation leave earned exceeds leave used at date of termination, the excess leave that is earned but unused at the time of separation 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. If an employee will not be at work as scheduled, he/she/they must notify the supervisor within one-half hour of the time to report for work or at the first practical opportunity.

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.

Sick Leave Allowance Accrual

Employees who work thirty (30) days or more within a year shall receive sick leave in accordance with the Healthy Workplace, Healthy Families Act of 2014.

Regular and Temporary Full-time employees accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year. Part-time employees shall accrue sick leave proportionate to their scheduled work hours, with a minimum of 24 hours per year. Sick leave shall be cumulative without limit.

Regular Part-time and Temporary Part-time Employees and Temporary Full-time Employees Part-time 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 90th 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/their 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-forty (540) days hours 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 (i.e. excludes temporary, provisional, probational and part-time employees), shall be granted bereavement leave with pay not to exceed three (3) working days twenty-four (24) hours, 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 (i.e. excludes temporary, provisional, probational, 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.
• Use of catastrophic leave must be approved by the General Manager.

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 eighty (80) hours of their own vacation leave.

**Personal Leaves of Absence**

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

**Family Leave**

The 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. Full-time regular employees are eligible for short-term disability leave as outlined in the Compensation Plan.

**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 (2) hours without loss of pay, providing reasonable notice is given to their supervisor.

**Jury Leave and Witness Duty**

Leave is provided for employees who are called to serve jury duty or who are summoned to appear as a witness in a judicial proceeding, pursuant to a subpoena or other court order. Employees must notify the Authority as soon as practicable of the need for leave under this policy. Employees will receive time off with regular base pay for the length of
service. If an employee does not have to attend court, the employee is expected to report to work. Any jury fees received by an employee shall be remitted to the Authority. Reimbursements for mileage or food may be retained by the employee.

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 employee's 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 regular employee (i.e. excludes temporary, provisional probational, and part-time employees), 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/her 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 employee 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 their 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-ANTI-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, the items listed in the Non-Discrimination section of the General Provisions in Section II 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 complete sexual harassment prevention training and education that meet all requirements outlined by Government Code §12950.1.

The Authority shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California. Thereafter, each employer covered by this section shall provide sexual
harassment training and education to each employee in California once every two years.

SECTION XVII – LACTATION ACCOMMODATION POLICY

Per California Senate Bill (SB) 142, the Authority will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. The employer shall make reasonable efforts to provide the employee with the use of a room, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room may include the place where the employee normally works.

Employees requesting an accommodation under this policy are responsible for communicating their needs to the General Manager. The General Manager will work with the employee to make the appropriate accommodations needed, including allowing for flexible break periods if necessary.

Management will not discriminate or retaliate against any employee for exercising or attempting to exercise their rights under this policy.

If an employee feels that their rights, as described in this Policy, have been violated, they may file a complaint with the California Labor Commissioner.

SECTION XVII-XVIII – 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 in accordance with Section X, Discipline and General Rules of Conduct, 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 (i.e. excludes temporary, probationary, and provisional part-time employees) 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 XX – 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 investments 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 **and**, the General Manager **and** the Operations and Maintenance Manager (as an alternate director to BACWA) are required to attend eEthics 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, electronic mail (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 Authority e-mail is to be used for business purposes only and is considered Authority property. 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. Inappropriate or offensive messages are prohibited. Passwords are assigned in complete confidence. Do not give your Employees are not to share their passwords to with anyone. Should you Upon suspecting that someone has learned your his/her their password, the employee shall 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.

Employees must comply with submitting data from personal cell phones used for Authority business in the event of a public records request for such information.

**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 only be used for 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, employees, 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 an employee 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 become 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.
ITEM NO. P5  GENERAL MANAGER REMOTE WORK ARRANGEMENTS

Recommendation
Review information and provide feedback to staff.

Background
The Authority’s General Manager (GM) has been working from home since March 13, 2020, when Alameda County’s initial Shelter-in-Place Order went into effect. Even as restrictions have begun to ease, the GM has continued to work remotely to prevent unnecessary contact with Authority and Member Agency staff and colleagues and to minimize the number of staff present in the EBDA office at any time. Other Authority staff have been staggering their time in the office to minimize overlap to the extent feasible, and continue to mask and social distance. All meetings continue to be held via Zoom until further notice.

The GM communicates frequently with Authority and Member Agency staff as well as Commissioners via phone, text, and email. Generally, the GM approves documents via email or DocuSign. Any documents that require wet signature are signed every two weeks.

Discussion
The GM is proposing to work remotely in Hawaii for a period of seven weeks, from November 23, 2020 through January 7, 2021. The GM will remain in contact with the Commission and staff by the same means, will participate in all meetings via Zoom, and expects to maintain the same level of productivity, with any unproductive time taken as vacation. The GM will continue to approve documents via email or DocuSign. It is anticipated that the only time-sensitive documents that require wet signature are checks. Commissioner Johnson is authorized to sign on behalf of the Authority and has indicated he will be available to sign checks during this period. In the event of an emergency (earthquake, major illness among staff, etc.), the GM would consult with the Commission Chair to determine whether in-person attention is necessary or helpful. If it is, the GM would return to the area as soon as practical.

The GM is seeking Committee feedback on any particular considerations or requirements the Committee would like to see to make this arrangement successful.
ITEM NO. 17  ITEMS FROM THE COMMISSION AND STAFF
The Commission and staff may comment on items of general interest.

ITEM NO. 18  ADJOURNMENT
12. RESOLUTION AUTHORIZING THE GENERAL MANAGER TO SUSPEND RECYCLED WATER CHARGES TO HAYWARD AREA RECREATION AND PARK DISTRICT (HARD) FOR SKYWEST GOLF COURSE FOR JULY, AUGUST, AND SEPTEMBER 2020 (FM7)
RESOLUTION AUTHORIZING THE GENERAL MANAGER TO WAIVE RECYCLED WATER CHARGES TO HAYWARD AREA RECREATION AND PARK DISTRICT (HARD) FOR SKYWEST GOLF COURSE FOR JULY, AUGUST, AND SEPTEMBER 2020

WHEREAS, on December 21, 1982, Hayward Area Recreation and Park District (HARD) and East Bay Dischargers Authority (Authority) entered into an Interagency Agreement for Construction and Operation of Skywest Golf Course Reclamation Irrigation Project; and

WHEREAS, per Resolution 20-06, the Authority set the price of recycled water to be charged to HARD for fiscal year 2020/2021 at $10,000 per month; and

WHEREAS, the COVID-19 crisis has forced the temporary closure of the Skywest Golf Course and thereby stressed HARD’s finances; significantly reduced HARD’s demand for recycled water; and

WHEREAS, in the spirit of collaboration, the Authority wishes to support HARD as a fellow public agency during this time of need; and

WHEREAS, the Authority’s expenses for operation of the recycled water system for July, August, and September 2020 can be covered out of the existing Skywest fund balance.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby authorizes the General Manager to waive recycled water charges to HARD for the Skywest Golf Course Water Recycling Project for the period of July 1, 2020 through September 30, 2020.

SAN LORENZO, CALIFORNIA, OCTOBER 15, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________________         ATTEST:____________________________________
CHAIR                                                                             GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION                                EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY