

# EAST BAY DISCHARGERS AUTHORITY COMMISSION MEETING MINUTES

December 17, 2020

## 1. Call to Order

Vice Chair Johnson called the telephonic meeting to order pursuant to the Governor's Executive Order N-25-20 at 9:32 A.M. on Thursday, December 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  
Rita Duncan 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
Juanita Villasenor	East Bay Dischargers Authority
Eric Casher	Legal Counsel East Bay Dischargers Authority
Roland Williams	Castro Valley Sanitary District
Jason Warner	Oro Loma Sanitary District
Paul Eldredge	Union Sanitary District
Anjali Lathi	Union Sanitary District
Justin Jenson	City of San Leandro
Alex Ameri	City of Hayward
David Donovan	City of Hayward
Chuck Weir	Livermore-Amador Valley Water Management Agency
Bob Woerner	Livermore-Amador Valley Water Management Agency
Ann Marie Johnson	Livermore-Amador Valley Water Management Agency
Alexandria Barnhill	Legal Counsel Livermore-Amador Valley Water Management Agency
Jan Lee	Dublin San Ramon Services District

## 4. Public Forum

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

## CONSENT CALENDAR

## 5. Commission Meeting Minutes of November 19, 2020

- 6. **List of Disbursements for November 2020**
- 7. **Treasurer’s Report for November 2020**

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

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

**REGULAR CALENDAR**

**8. General Manager’s Report**

The General Manager (GM) deferred the report and suggested taking the motion for mid-year rotation of Commission Chair out of order. With no further discussion, the Chair proceeded to consider Item No. 20 out of order.

**20. Motion for Mid-Year Rotation of Commission Chair**

The Commission discussed recommendations for the appointment of Chair and Vice Chair for the remainder of the fiscal year. The GM will bring next year’s rotation recommendations to the Personnel Committee for discussion, including consideration of changing the rotation to calendar year from fiscal year. Commissioner Cutter moved to approve the motion for mid-year rotation appointing Vice Chair Johnson to the role of Chair and Commissioner Cutter to the role of Vice Chair for the remainder of the fiscal year ending June 30, 2021. The motion was seconded by Commissioner Toy and carried unanimously, 5-0 by roll call vote.

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

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

The GM deferred the report for the Managers Advisory Committee.

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

The GM deferred the staff report from the Ad Hoc Committee, which met on December 3, 2020, to Item No. 11.

**11. Resolution Extending the Authority’s Master Agreement with Livermore-Amador Valley Water Management Agency Until No Later Than June 30, 2021**

The GM provided a staff report on the resolution for which the Committee recommended approval. Two Livermore-Amador Valley Water Management Agency (LAVWMA) Board Members also spoke on their agency’s commitment to collaboration in completing and implementing a new long-term agreement. Commissioner Cutter moved to approve the resolution extending the Authority’s master agreement with LAVWMA until no later than June 30, 2021. The motion was seconded by Commissioner Lamnin and carried unanimously, 5-0 by roll call vote.

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

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

The GM reported on the Financial Management Committee, which met on December 15, 2020, noting the Committee’s review of November’s List of Disbursements and Treasurer’s Report. The GM then provided a staff report for resolution Items 13 and 14. The Purchasing Policy includes incorporated changes from Commission direction, including the negotiated \$25,000 purchasing threshold for the GM, along with adherence to the California Uniform Public Construction Cost Accounting Act (CUPCCAA). Compliance with this statute also includes adopting an informal bidding procedure covered in Item No 14.

Commissioner Lamnin moved and Commissioner Toy seconded to adopt the following resolutions:

**13. Resolution Approving Revisions to the Authority’s Purchasing Policy**

**14. Resolution to Provide Informal Bidding Procedures Pursuant to California Public Contract Code § 22030 et seq. Regarding Public Project Contracts**

Motions carried unanimously by roll call vote.

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

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

The O&M Manager reported on the Operations and Maintenance Committee, which met on December 15, 2020, and discussed the status of EBDA facilities. The O&M Manager reviewed NPDES compliance data and then provided an overview of current projects.

At UEPS, Calcon Systems, Inc. is installing new radios to repair data communication issues. At OLEPS, Phase II of the Water System Upgrade was completed. The O&M Manager then reported on upgrades to the force main scheduled in conjunction with the upcoming shutdown for the Cargill Brine Project due-diligence inspection.

The GM then provided an update on staff’s compliance with new OSHA standards for COVID-19 safety, and wastewater-based epidemiology. EBDA member agencies are waiting on direction from the Alameda County Public Health Department to determine potential locations for SARS-CoV-2 sampling. Union Sanitary District may move forward with providing samples to the lab at University of California Berkeley, provided the sampling is covered by grant funds.

The GM continued with a review of the Cargill Brine Project due diligence phase, including details on an upcoming inspection of the force main occurring near USD. The GM & O&M Manager thanked USD staff for their flexibility and assistance on such short notice. The GM concluded with a report on the current status of the AQPI project. The approval date

of the East Bay Agreement and the lease agreement with American Tower for the East Bay radar is not anticipated until the new year. Precipitation data and forecasts continue to be available from NOAA in the meantime.

**16. Motion to Accept Completion and Authorize the Filing of a Notice of Completion for the Hayward Effluent Pump Station Motor Control Center Replacement Project**

The O&M Manager provided a staff report on the motion and thanked City of Hayward staff for their assistance and diligence during the project. Commissioner Cutter moved to approve the motion. The motion was seconded by Commissioner Toy and carried unanimously, 5-0 by roll call vote.

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

**17. Motion Authorizing the General Manager to Execute a Contract with Environmental Science Associates for Nature-Based Solutions Study and Design Services in the Amount of \$600,000**

The GM provided a staff report on the motion, detailing the aims of the nature-based solutions study for the Hayward and First Mile projects as part of the larger Transforming Shorelines Project. Commissioner Duncan moved to approve the motion authorizing the GM to execute a contract with Environmental Science Associates. The motion was seconded by Commissioner Lamnin and carried unanimously, 5-0 by roll call vote.

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

**18. Motion Authorizing the General Manager to Execute a Contract with EOA, Inc. for NPDES Permit Reissuance Assistance in the Amount of \$96,818**

The GM provided a summary of the motion, noting staff's recommendation to sole source the contract to EOA, Inc. based on their expertise in NPDES permitting and past history with EBDA's permit. The Commission discussed any potential conflict of interest in procuring EOA, Inc. for the permitting renewal. Commissioner Cutter moved to approve the motion authorizing the GM to execute a contract with EOA, Inc. The motion was seconded by Commissioner Duncan and carried unanimously, 5-0 by roll call vote.

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

**19. Resolution Approving the Authority's Commissioner Compensation Policy**

The GM provided a staff report on the resolution, for which the Committee recommended approval. Commissioner Cutter moved to approve the resolution approving the Authority's Commissioner Compensation Policy. The motion was seconded by Commissioner Toy and carried unanimously, 5-0 by roll call vote.

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

**21. Resolution of Appreciation for Daniel Walters**

The Commission gave thanks to former Chair Daniel Walters for his expertise and commitment to the Commission, and his contributions towards the successful negotiations and adoption of the Amended and Restated JPA. Commissioner Cutter moved to approve the resolution of appreciation for Daniel Walters. The motion was seconded by Commissioner Lamnin and carried unanimously, 5-0 by roll call vote.

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

**22. Items from Commission and Staff**

The GM confirmed that the discussion item regarding Commission Chair rotation will be brought to the Personnel Committee. Chair Johnson welcomed Commissioner Duncan to the Commission.

**23. Adjournment**

Chair Johnson adjourned the meeting at 11:03 A.M.



Jacqueline Zipkin  
General Manager