



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

*A Joint Powers Public Agency*

NOTICE: Pursuant to the Governor's Executive Orders N-25-20 and N-29-20, the Financial Management Committee meeting scheduled below will be accessible via Zoom video conferencing. Members of the public may participate in the meeting through the Zoom link or phone number below.

- Zoom link: <https://us02web.zoom.us/j/83135186970>
- Telephone dial-in: 1(669) 900-6833, meeting ID #831 3518 6970

## **ITEM NO. 10**

### **FINANCIAL MANAGEMENT COMMITTEE AGENDA**

**Tuesday, June 15, 2021**

**10:30 A.M.**

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

**Committee Members: Toy (Chair); Duncan**

**FM1. Call to Order**

**FM2. Roll Call**

**FM3. Public Forum**

**FM4. List of Disbursements for May 2021**

(The Committee will review the List of Disbursements for the month of May 2021.)

**FM5. Treasurer's Report for May 2021**

(The Committee will review the Treasurer's Report for the month of May 2021.)

**FM6. Motion Authorizing the General Manager to Execute Amendment No. 9 to the Fee Contract By and Between East Bay Dischargers Authority and Meyers Nave, a Professional Corporation**

(The Committee will consider the motion.)

**FM7. Motion Authorizing the General Manager to Execute an Agreement with Cropper Accountancy Corporation for Financial Audit Services in the Amount of \$36,750**

(The Committee will consider the motion.)

**FM8. 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

Agenda Explanation  
East Bay Dischargers Authority  
Financial Management Committee  
June 15, 2021

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 Juanita Villasenor at [juanita@ebda.org](mailto:juanita@ebda.org) or (510) 278-5910. 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, July 13, 2021 at 10:30 a.m.**



**EAST BAY DISCHARGERS AUTHORITY**  
**Cash Disbursement**  
**May 2021**

**CHECKS (SORTED BY AMOUNT)**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25183	05/14/2021	48849	CALCON	OLEPS WET WELL HYPO SYSTEM	33,886.93	33,886.93
25177	05/14/2021	382367	CITY OF SAN LEANDRO	O&M - MAR	32,566.12	32,566.12
25190	05/14/2021	163766	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 1	15,690.51	15,690.51
25188	05/14/2021	49135398	UNIVAR	SODIUM BISULFITE - DELIVERED 05/04/2021	5,776.79	5,776.79
25187	05/14/2021	EA06-0321	EOA, INC	NPDES PERMIT REISSUANCE ASSISTANCE	3,931.89	3,931.89
25192	05/14/2021	O081446	R&B COMPANY	SKYWEST PARTS FOR NEW POND VALVE INSTALLATION	2,809.98	3,601.35
25192	05/14/2021	N910553	R&B COMPANY	SKYWEST PARTS FOR NEW POND VALVE INSTALLATION	629.62	
25192	05/14/2021	O111837	R&B COMPANY	SKYWEST PARTS FOR NEW POND VALVE INSTALLATION	90.74	
25192	05/14/2021	O165796	R&B COMPANY	REPAIRS & MAINTENANCE TOOL	71.01	
25181	05/14/2021	92094519	BLACKBAUD	ACCOUNTING SOFTWARE TRAINING SUBSCRIPTION RENEWAL	2,856.64	2,856.64
25176	05/14/2021	535212	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 05/15/2021	2,025.24	2,025.24
25185	05/14/2021	0196973	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 1	2,010.00	2,010.00
25186	05/14/2021	4246044555687620	US BANK	PURCHASING CARD EXPENSES	1,377.37	1,377.37
25178	05/14/2021	52205711	CITY OF HAYWARD	BENEFIT PREMIUMS - MAY	1,330.77	1,330.77
25179	05/14/2021	120674774	PG&E	OLEPS ELECTRICAL UPGRADE SHUTDOWN	1,046.00	1,046.00
25191	05/14/2021	621342	CALTEST	LAB TESTING SERVICES - APR	864.90	864.90
25182	05/14/2021	1746192-20	SCIF	WORKERS COMPENSATION PREMIUM - MAY	631.25	631.25
25180	05/14/2021	510 278-5910	AT&T	TELEPHONE SERVICE - ADMIN BUILDING	333.27	333.27
25193	05/14/2021	47921	COMPUTER COURAGE	GENERAL WEBSITE UPDATES	165.00	315.00
25193	05/14/2021	47783	COMPUTER COURAGE	WEBSITE HOSTING - MAY	150.00	
25195	05/14/2021	1011000001	EBMUD	WATER & SEWER, MDF FEB-APR	258.88	258.88
25184	05/14/2021	9878801103	VERIZON WIRELESS	WIRELESS PHONE SERVICES	180.24	180.24
25189	05/14/2021	1021574	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES - JAN	55.00	165.00
25189	05/14/2021	1052287	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES - APR	55.00	
25189	05/14/2021	1052310	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES - APR	55.00	
25194	05/14/2021	039231690X210504	DIRECTV	AT&T BUNDLE DISCOUNT	36.99	36.99
25203	05/28/2021	2021040323	MEYERS NAVE	LEGAL SERVICES - APR	4,480.50	16,008.00
25203	05/28/2021	2021040324	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	11,527.50	
25197	05/28/2021	6449	ORO LOMA SANITARY DISTRICT	O&M - APR	13,829.32	13,829.32
25200	05/28/2021	00013.11-6	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 2	3,950.75	9,944.25
25200	05/28/2021	00013.12-6	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 3	5,993.50	
25204	05/28/2021	49165422	UNIVAR	SODIUM BISULFITE - DELIVERED 05/17/2021	5,811.17	5,811.17
25206	05/28/2021	163803	ENVIRONMENTAL SCIENCE ASSOCIATES	HAYWARD FEASIBILITY STUDY WORK ORDER NO. 2	2,470.00	2,470.00

**EAST BAY DISCHARGERS AUTHORITY**  
**Cash Disbursement**  
**May 2021**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25196	05/28/2021	542781	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 05/31/2021	2,025.24	2,025.24
25207	05/28/2021	S1164028	WATSON MARLOW, INC	SKYWEST PUMP HEADS	702.27	702.27
25202	05/28/2021	217598782	ORKIN	PEST CONTROL SERVICES - MDF	200.00	200.00
25199	05/28/2021	510-483-0439	AT&T	TELEPHONE SERVICE - MDF	198.11	198.11
25201	05/28/2021	14965	TOWN & COUNTRY	JANITORIAL SERVICES - MAY	165.00	165.00
25198	05/28/2021	44777800001	EBMUD	WATER & SEWER, ADMIN MAR-MAY	102.89	102.89
25205	05/28/2021	1053757	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES - MAY	55.00	55.00
25208	05/28/2021	3251545	CALTRONICS	COPIER USAGE AND MAINTENANCE	30.79	30.79
<b>TOTAL CHECK PAYMENTS</b>						<b>160,427.18</b>
<b>ELECTRONIC PAYMENTS</b>						
	05/04/2021	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	35,142.72	35,142.72
	05/10/2021	100000016404861	CALPERS	HEALTH PREMIUMS - MAY	6,907.08	6,907.08
	05/18/2021	100000016391036	CALPERS	PENSION CONTRIBUTION, CLASSIC 05/01 - 15/2021	4,521.26	4,521.26
	05/04/2021	100000016367622	CALPERS	PENSION CONTRIBUTION, CLASSIC 04/16 - 30/2021	4,457.14	4,457.14
	05/11/2021		WELLS FARGO	CLIENT ANALYSIS SERVICE CHARGE	85.59	85.59
<b>TOTAL ELECTRONIC PAYMENTS</b>						<b>51,113.79</b>
<b>PAYROLL</b>						
	05/07/2021	579441936	ADP, LLC	PAYROLL FEES, PERIOD: 04/16-30/2021	85.60	85.60
	05/21/2021	580336819	ADP, LLC	PAYROLL FEES, PERIOD: 05/01-15/2021	72.35	72.35
	05/13/2021		ADP, LLC	PAYROLL PERIOD: 05/01-15/2021	19,736.36	19,736.36
	05/27/2021		ADP, LLC	PAYROLL PERIOD: 05/16-31/2021	22,807.77	22,807.77
<b>TOTAL PAYROLL</b>						<b>42,702.08</b>
<b>TOTAL DISBURSEMENTS</b>						<b>254,243.05</b>

**ITEM NO. FM5 TREASURER'S REPORT FOR MAY 2021**

The beginning cash balance on May 1, 2021 was \$3,430,245.90. The ending cash balance on May 31, 2021 was \$3,698,045.72. Total receipts for the month were \$217,171.76 and disbursements totaled \$254,243.05. EBDA's LAIF balance is \$2,256,901.46 and the interest rate for May was 0.32%.

EBDA currently has a two-pronged investment approach that includes Local Agency Investment Fund (LAIF) and traditional bank accounts. EBDA's last CD was redeemed in May. Staff will work with the Committee on investment strategy going forward.

**Approval is recommended.**

**EAST BAY DISCHARGERS AUTHORITY  
TREASURER'S REPORT**

MAY 31, 2021

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,064,053.65	394,579.45	168,898.59	1,289,734.51
13	PLANNING & SPECIAL STUDIES	136,099.16	266,740.21	45,574.15	357,265.22
14	RECLAMATION O & M (SKYWEST)	42,995.03		4,793.26	38,201.77
31	RENEWAL & REPLACEMENT	2,187,098.06	(139,276.79)	34,977.05	2,012,844.22
TOTALS		3,430,245.90	522,042.87	254,243.05	3,698,045.72





**ITEM NO. FM6 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 9 TO THE FEE CONTRACT BY AND BETWEEN EAST BAY DISCHARGERS AUTHORITY AND MEYERS NAVE, A PROFESSIONAL CORPORATION**

**Recommendation**

Approve a motion authorizing execution of Amendment No. 9 to the fee contract with Meyers Nave that extends the contract for FY 2021/2022 and increases the hourly rate of from \$309.00/hour to \$318.00/hour for general services and from \$ \$340.00/hour to \$350.00/hour for litigation services.

**Background**

EBDA first selected Meyers Nave in March 2010 through a competitive bidding process to replace its retiring General Counsel. The compensation rate determined through that competitive bid has been adjusted historically by the Commission to correspond with inflation. The existing compensation rate is \$309 per hour for general services and \$340 per hour for litigation services, and was adopted in June 2019. In light of economic uncertainty, Meyers Nave opted to forego seeking a rate increase for FY 2020/2021. The proposed 3% increase for inflation is consistent with prior years' adjustments and was incorporated in the FY 2021/2022 Budget approved by the Commission in May 2021.

Staff recommends the extension of the Meyers Nave contract for another year based on the excellent support that has been provided to EBDA under this contract to date. EBDA benefits from the strength of Eric Casher, EBDA's primary counsel on public contracting and procurement law. In addition, Meyers Nave's regulatory team, led by Greg Newmark, has been providing significant support on the Cargill project. Greg's input will also be important this year as EBDA renews its NPDES permit. In the past, Meyers Nave's employment law experts, led by Jesse Lad, have also provided helpful support on personnel policy and management issues.

Meyers Nave has historically billed EBDA for approximately 100 hours annually as General Counsel. For the current fiscal year through April 2021, Meyers Nave has billed 108 hours for General Counsel work, 92 hours for work specifically related to the JPA and LAVWMA Agreement, and 120 hours for the Cargill project. All Cargill-related work is fully reimbursable.

1 AMENDMENT NO. 9 TO THE FEE CONTRACT

2 by and between

3 EAST BAY DISCHARGERS AUTHORITY

4 and

5 MEYERS NAVE,

6 a professional law corporation

7  
8 THIS AMENDMENT NO. 9 to the FEE CONTRACT ("Contract") made and entered into on this day  
9 \_\_\_\_\_, by and between EAST BAY DISCHARGERS AUTHORITY ("Authority"), a joint  
10 powers agency, organized under the laws of the State of California, and Meyers Nave, a professional law  
11 corporation ("Attorney"), as follows:

12 3. COMPENSATION:

13 Attorney shall receive the following compensation:

14 3.1 Administrative:

15 The sum of Three Hundred Dollars (\$318.00) per hour for all work required for the Authority  
16 including appearances at meetings, consultations, preparation of agreements or other  
17 documents, appearance before all administrative bodies and litigation, if any. The hourly rate  
18 would not include travel time.

19 3.2 Litigation:

20 For the performance of Attorney's litigation services, and for litigation services performed by a  
21 member of Attorney's law firm, Attorney shall be entitled to receive compensation from  
22 Authority at the rate of Three Hundred Thirty Dollars (\$350.00) per hour.

23 All other provisions of the Agreement shall remain in full force and effect as executed.

1 IN WITNESS WHEREOF, the parties have executed this Amendment to the Fee Contract by and between East  
2 Bay Discharger Authority and Meyers Nave this \_\_\_\_\_, effective as of July 1, 2021.

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4 EAST BAY DISCHARGERS AUTHORITY                      ATTORNEY

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8 Jacqueline T. Zipkin, General Manager

Eric Casher, Legal Counsel

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**ITEM NO. FM7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH CROPPER ACCOUNTANCY CORPORATION FOR FINANCIAL AUDIT SERVICES IN THE AMOUNT OF \$36,750**

**Recommendation**

Approve a motion authorizing the General Manager to execute an agreement with Cropper Accountancy Corporation for financial audit services.

**Background**

Each year, the Authority retains an independent auditor to review the Authority's financial documents and internal controls. In May 2015, following a competitive process, the Authority awarded a contract to Maze & Associates for independent auditing services. The contract approved audit services for FY 2014/2015, FY 2015/2016 and FY 2016/2017. The Commission adopted Resolution No. 15-05 authorizing two optional extensions for FY 2017/2018 and FY 2018/2019, which were exercised. At its March 2020 meeting, the Financial Management Committee supported staff's recommendation to extend Maze's contract by one additional year to allow it to perform audit services for FY 2019/2020.

The Authority's Audit Policy states:

It is the policy of the Authority that an annual financial audit will be performed by an independent public accounting firm with an Independent Auditor's Report to be included along with EBDA's fiscal year-end financial statements.

The independent audit firm will be selected through a competitive bidding process at least once every five years. In no case will price serve as the sole criterion for the selection of an independent auditor.

In accordance with this Policy, which encourages rotation of audit firms to ensure independence, EBDA sought a new firm for auditing services beginning with FY 2020/2021.

**Discussion**

Staff issued a request for proposals for auditing services in March 2021. Staff received one proposal from Cropper Accountancy Corporation (Cropper). Cropper has significant experience providing auditing and other financial services to Bay Area public agencies including special districts such as Oro Loma and Castro Valley Sanitary Districts.

Cropper proposed a maximum price for auditing services of \$12,250 per year. While this is an increase from the fee EBDA paid for auditing under the prior contract, it is lower than the assumption included in the FY 2021/2022 Budget approved by the Commission last month. Staff is recommending approval of a three-year contract, for a total of \$36,750. Two additional annual options may be exercised at the discretion of the Commission.

**EAST BAY DISCHARGERS AUTHORITY**  
**Part 2 Fee Proposal**  
**By Staff**

		Fiscal Year Ending June 30			
	Hours	Rate	2021	2022	2023
Partner	18	\$ 200	\$ 3,600	\$ 3,600	\$ 3,600
Manager	32	\$ 120	3,840	3,840	3,840
Staff accountant	32	\$ 80	2,560	2,560	2,560
Administrative Staff	40	\$ 50	2,000	2,000	2,000
Total	122		\$ 12,000	\$ 12,000	\$ 12,000
<b>MAXIMUM PRICE*</b>			<b>\$ 12,000</b>	<b>\$ 12,000</b>	<b>\$ 12,000</b>

\*The above pricing does not include a single audit. Should a single audit be required, the additional fee will be negotiable based on the number of federal programs.

Note

The same hourly fees listed above shall apply should the Authority require additional services

# EAST BAY DISCHARGERS AUTHORITY

## Part 2 Fee Proposal

### By Deliverable

	Fiscal Year Ending June 30		
	2021	2022	2023
Financial Statement Audit	\$ 12,000	\$ 12,000	\$ 12,000
GANN limit procedures	250	250	250
Total	\$ 12,250	\$ 12,250	\$ 12,250
<b>MAXIMUM PRICE*</b>	<b>\$ 12,250</b>	<b>\$ 12,250</b>	<b>\$ 12,250</b>

\*The above pricing does not include a single audit. Should a single audit be required, the additional fee will be negotiable based on the number of federal programs.