

EAST BAY DISCHARGERS AUTHORITY COMMISSION MEETING MINUTES

November 18, 2021

1. Call to Order

Chair Cutter called the telephonic meeting to order in compliance with AB 361 (2021) at 9:31 A.M. on Thursday, November 18, 2021. Dial-in information for the meeting was provided in the agenda for public attendees.

2. Pledge of Allegiance – Deferred

3. Roll Call

Present:	Ralph Johnson	Castro Valley Sanitary District
	Angela Andrews	City of Hayward
	Jennifer Toy	Union Sanitary District
	Rita Duncan	Oro Loma Sanitary District
	Pauline Russo Cutter	City of San Leandro

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villasenor	East Bay Dischargers Authority
	Bert Manzo	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	Deborah Quinn	Accountant
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Jason Warner	Oro Loma Sanitary District
	Anjali Lathi	Union Sanitary District
	Paul Eldredge	Union Sanitary District
	John Cropper	Cropper Accountancy Corporation

4. Public Forum

No members of the public requested to address the Commission.

CONSENT CALENDAR

5. Commission Meeting Minutes of October 21, 2021

6. List of Disbursements for October 2021

7. Treasurer's Report for October 2021

8. Final Adjusted Treasurer's Reports for June, July, August, and September 2021

9. First Quarter Expense Summary, Fiscal Year 2021/2022

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

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

REGULAR CALENDAR

10. Audited Financial Statements 2020/2021 Presentation

John Cropper from Cropper Accountancy Corporation, the Authority's financial audit firm, reported that he and his team are working with staff on the FY 2020/2021 audit report, including assessing risks, and they have no material comments at this time. Chair cutter thanked Mr. Cropper for his work.

11. Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

Legislation AB 361 allows agencies to continue conducting remote meetings should there be a declared State of Emergency. Chair Cutter moved to approve the item. The resolution was seconded by Commissioner Toy and carried unanimously 5-0, by roll call vote.

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

12. General Manager's Report

The General Manager (GM) introduced Bert "Bubba" Manzo as the Authority's new Administrative Support Specialist. The GM noted that the January Commission meetings may need to be rescheduled due to the upcoming California Association of Sanitation Agencies (CASA) Conference and other conflicts. An email will be circulated to identify a preferred time. The GM then provided an update on the Bruce Wolfe Scholarship, highlighting that Bruce's widow is very honored and supportive. The scholarship will be broadened from just women to students in the environmental field from all underrepresented groups. An update was provided on the Hayward Area Shoreline Planning Agency (HASPA) reformulation process. In addition to EBDA, a number of agencies have expressed interest in joining the shoreline resiliency efforts, including the Mosquito Abatement District, Caltrans, and Alameda County Flood Control. Finally, the Bay Conservation and Development Commission (BCDC) is looking for letters or resolutions of support for creating the BayAdapt Joint Platform, a framework for a collaborative approach to sea-level rise resilience.

13. Report from the Managers Advisory Committee (MAC)

The GM highlighted the MAC's discussion of the strategic planning process. EBDA staff and the MAC will develop strategic planning concepts for the Commission's input in FY 2022-2023.

14. Report from the Regulatory Affairs Committee

The GM reported that Sarah Deslauriers of Carollo Engineers, air regulatory lead for the Bay Area Clean Water Agencies (BACWA) briefed the Committee on updates to Bay Area Air Quality Management District (BAAQMD) Regulation 2. BAAQMD has not included water or wastewater agencies as essential public services in the draft regulation. Ms. Deslauriers also discussed the fleet rules that the California Air Resources Board (CARB) is working on, which are moving toward full electrification. BACWA and CASA are working to educate CARB staff on the wastewater community's concerns, including the fact that heavy duty collection system vehicles are not currently offered in electric, as well as the fact that digester gas is a renewable low carbon fuel source that can provide an alternative to fossil fuels.

15. Motion Authorizing the General Manager to Execute Amendment No. 1 to the Contract with Ascent Environmental for CEQA Consulting Services for the Cargill Mixed Sea Salt Brine Discharge Project in the Amount of \$438,515, for a Total Not to Exceed Amount of \$493,055

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

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

16. Motion Authorizing the General Manager to Execute Work Order No. 4 to the Contract with Larry Walker Associates for Preparation of a Water Quality Technical Memorandum in Support of Cargill MSS Brine EIR Water Quality Chapter in the Amount of \$83,439, for a Total Contract Not to Exceed Amount of \$209,034

Commissioner Johnson moved to approve the item. The motion was seconded by Commissioner Toy and carried unanimously 5-0, by roll call vote.

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

17. Report from the Financial Management Committee

The GM reported that the Financial Management Committee reviewed the member agency credits for fiscal year 2020/2021. The Committee also reviewed the first quarter expense summary for FY 2021/2022. EBDA is on track, having spent 25% of the budget through the first quarter.

18. Resolution Adopting the Emergency Reserves Policy

Commissioner Duncan moved to approve the item. The resolution was seconded by Commissioner Andrews and carried unanimously 5-0, by roll call vote.

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

19. Report from the Operations and Maintenance Committee

The O&M Manager reported on the Operations and Maintenance Committee, which met on November 16, 2021. City of Hayward engineering staff is reviewing draft documents for the HEPS Pump Replacement Project. Staff hopes to get the project out to bid by the end of this calendar year. A \$3,000 credit was received from PG&E for the HEPS pump station. Skywest only operated for one day in October, and staff is not expecting to run the system through next month due to rainfall. A lighting upgrade was completed in the Sodium Bisulfite Building at the Marina Dechlorination Facility. During the storm event in October, several member agencies exceed their flow capacity limits. The Hayward plant voluntarily diverted flow to their ponds during the peak of the storm. There was great communication between agencies before and during the storm. Finally, the O&M Manager reported that EBDA collected \$750,000 for the Renewal and Replacement Fund (RRF) in FY 2020/2021, and spent \$745,000.

20. Motion Authorizing the General Manager to Execute Amendment No. 4 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 \$104,674, for a Total Not to Exceed Amount of \$399,263

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

Ayes: Commissioners Johnson, Andrews, Toy, Duncan, Chair Cutter
Noes: None

Absent: None
Abstain: None

21. Resolution Adopting the Administrative Appeals Policy

Commissioner Toy moved to approve the item. The resolution was seconded by Commissioner Johnson and carried unanimously 5-0, by roll call vote.

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

22. Report from the Personnel Committee

The GM reported on the Personnel Committee, which met on November 16, 2021. The Commission directed staff to take no action at this time regarding changes to the commission compensation rate. The Commission discussed the suggested compensation and classification adjustments for the O&M Manager position. They recommended that both be brought for approval by the Commission, with the addition of language in the job description outlining responsibilities associated with future brine projects.

23. Items from Commission and Staff

Commissioner Johnson reported that the Alameda County Local Agency Formation Committee (LAFCO) is considering adopting the Countywide Municipal Services Review of Water, Wastewater, Flood Control, and Stormwater Services, which includes initiating an interagency dialogue on water recycling. Commissioner Andrews reported that the Black Business Roundtable was presented with an earthquake scenario from HayWired via USGS to review earthquake preparedness. City of Hayward issued formal apology to residents of Russell City regarding displacement. Commissioner Duncan appreciates Howard's leadership during the storm we recently had, recommends GM Zipkin lead EBDA's efforts in a table top emergency response exercise, and recommends LAFCO work with CASA on water recycling efforts.

24. Adjournment

Chair Cutter adjourned the meeting at 10:53 A.M.



Jacqueline Zipkin
General Manager