



NOTICE: In compliance with AB 361 (2021), the meeting scheduled below will be conducted virtually via Zoom video conferencing.

- Members of the public may participate in the meeting by clicking on the following Zoom link: <https://us02web.zoom.us/j/87948013822>
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number: 879 4801 3822.

COMMISSION MEETING AGENDA

Thursday, December 15, 2022

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

CONSENT CALENDAR

- MOTION
5. Commission Meeting Minutes of November 17, 2022
 6. List of Disbursements for November 2022 – See Item No. FM4
 7. Treasurer’s Report for November 2022 – See Item No. FM5
 8. Final Adjusted Treasurer’s Reports for June, July, August, September, and October 2022 – See Item No. FM6
 9. Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

REGULAR CALENDAR

- MOTION
10. Motion to Accept the Audited Basic Financial Statements for Fiscal Year Ending June 30, 2022 – See Item No. FM7
(The Commission will consider the motion.)
- INFORMATION
11. General Manager’s Report
(The General Manager will report on EBDA issues.)
- INFORMATION
12. Report from the Manager’s Advisory Committee
(The General Manager will report on Manager’s Advisory Committee activities.)

- INFORMATION 13. Report from the Regulatory Affairs Committee**
(The General Manager will report on the meeting.)
- MOTION 14. Motion Authorizing the General Manager to Execute an Agreement with Caltest Analytical Laboratory in the Amount of \$500,000 – See Item No. RA5**
(The Commission will consider the motion.)
- INFORMATION 15. Report from the Financial Management Committee**
(The General Manager will report on the meeting.)
- RESOLUTION 16. Resolution Approving Revisions to the Authority’s Budget Policy – See Item No. FM8**
(The Commission will consider the resolution.)
- INFORMATION 17. Report from the Operations & Maintenance Committee**
(The Operations & Maintenance and General Managers will report on the meeting.)
- RESOLUTION 18. Resolution of Appreciation for Pauline Russo Cutter**
(The Commission will consider adoption of a resolution of appreciation for Commissioner Pauline Russo Cutter.)
- INFORMATION 19. Items from the Commission and Staff**
(The Commission and staff may address items of general interest.)
- 20. 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 Administration Manager 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.

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**The next Commission meeting will be held
Thursday, January 19, 2023 at 9:30 a.m.**

GLOSSARY OF ACRONYMS

ACWA	Association of California Water Agencies	DSRSD	Dublin San Ramon Services District
AQPI	Advanced Quantitative Precipitation Information	DTSC	Department of Toxic Substances Control
AMP	Asset Management Plan	EBDA	East Bay Dischargers Authority
ANPRM	Advanced Notice of Proposed Rulemaking	EBRPD	East Bay Regional Park District
BAAQMD	Bay Area Air Quality Management District	EIS/EIR	Environmental Impact Statement/Report
BACC	Bay Area Chemical Consortium	EPA	United States Environmental Protection Agency
BACWA	Bay Area Clean Water Agencies	FOG	Fats, Oils and Grease
BPA	Basin Plan Amendment	GASB	Government Accounting Standards Board
BCDC	Bay Conservation and Development Commission	HEPS	Hayward Effluent Pump Station
BOD	Biochemical Oxygen Demand	JPA	Joint Powers Agreement
CARB	California Air Resources Board	LAVWMA	Livermore-Amador Valley Water Management Agency
CASA	California Association of Sanitation Agencies	LOCC	League of California Cities
CBOD	Carbonaceous Biochemical Oxygen Demand	MAC	Managers Advisory Committee
CDFA	CA Department of Food & Agriculture	MCC	Motor Control Center
CEC	Compound of Emerging Concern	MCL	Maximum Contaminant Level
CEQA	California Environmental Quality Act	MDF	Marina Dechlorination Facility
CFR	Code of Federal Regulations	MG	Million Gallons
CMMS	Computerized Maintenance Management System	MGD	Million Gallons per Day
COH	City of Hayward	MMP	Mandatory Minimum Penalty
CPUC	California Public Utilities Commission	MOU	Memorandum of Understanding
CSL	City of San Leandro	MSS	Mixed Sea Salt
CTR	California Toxics Rule	N	Nitrogen
CVCWA	Central Valley Clean Water Association	NACWA	National Association of Clean Water Agencies
CVSAN	Castro Valley Sanitary District	NBS	Nature-Based Solutions
CWA	Clean Water Act	NGO	Non-Governmental Organization
CWEA	CA Water Environment Association	NOX	Nitrogen Oxides
DO	Dissolved Oxygen	NPDES	National Pollutant Discharge Elimination System
DPR	Department of Pesticide Regulation	NPS	Non-Point Source

GLOSSARY OF ACRONYMS

O&M	Operations & Maintenance	SSO	Sanitary Sewer Overflow
OLEPS	Oro Loma Effluent Pump Station	SWRCB	State Water Resources Control Board
OLSD	Oro Loma Sanitary District	TDS	Total Dissolved Solids
OMB	Office of Management and Budget	TMDL	Total Maximum Daily Load
P	Phosphorous	TN	Total Nitrogen
PAHs	Polynuclear Aromatic Hydrocarbons	TP	Total Phosphorus
PCBs	Polychlorinated Biphenyls	TRC	Total Residual Chlorine
PLC	Programmable Logic Controller	TSO	Time Schedule Order
PFAS	Per and Polyfluoroalkyl Substances	TSS	Total Suspended Solids
POTW	Publicly Owned Treatment Works	UEPS	Union Effluent Pump Station
PPCPs	Pharmaceutical and Personal Care Products	USD	Union Sanitary District
QA/QC	Quality Assurance / Quality Control	UV	Ultraviolet Treatment
Region IX	Western Region of EPA (CA, AZ, NV & HI)	VFD	Variable Frequency Drive
ReNUWit	Re-Inventing the Nation's Urban Water Infrastructure Engineering Research Center	VOCs	Volatile Organic Compounds
RFP	Request For Proposals	WAS	Waste Activated Sludge
RFQ	Request For Qualifications	WDR	Waste Discharge Requirements
RMP	Regional Monitoring Program	WEF	Water Environment Federation
RO	Reverse Osmosis	WET	Whole Effluent Toxicity or Waste Extraction Test
RWB	Regional Water Board	WIN	Water Infrastructure Network
RWQCB	Regional Water Quality Control Board	WLA	Waste Load Allocation (point sources)
SBS	Sodium Bisulfite	WPCF	Water Pollution Control Facility
SCADA	Supervisory Control and Data Acquisition	WQBEL	Water Quality Based Effluent Limitation
SCAP	Southern California Alliance of POTWs	WQS	Water Quality Standards
SEP	Supplementary Environmental Project	WRDA	Water Resource Development Act
SFEI	San Francisco Estuary Institute	WRF	Water Research Foundation
SLEPS	San Leandro Effluent Pump Station	WWTP	Wastewater Treatment Plant
SRF	State Revolving Fund	WWWIFA	Water and Wastewater Infrastructure Financing Agency
SSMP	Sewer System Management Plan		

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 November 17, 2022
- Item No. 6 List of Disbursements for November 2022 – See Item No. FM4
- Item No. 7 Treasurer’s Report for November 2022 – See Item No. FM5
- Item No. 8 Final Adjusted Treasurer’s Reports for June, July, August, September, and October 2022 – See Item No. FM6
- Item No. 9 Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

Recommendation

Approve Consent Calendar

ITEM NO. 5 COMMISSION MEETING MINUTES OF OCTOBER 20, 2022

1. Call to Order

Chair Andrews called the telephonic meeting to order in compliance with AB 361 (2021) at 9:30 A.M. on Thursday, November 17, 2022. Dial-in information for the meeting was provided in the agenda for public attendees.

2. Pledge of Allegiance – Deferred

3. Roll Call

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

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
Alex Ameri City of Hayward
David Donovan City of Hayward
Hayes Morehouse City of San Leandro
Paul Eldredge Union Sanitary District

4. Public Forum

No members of the public requested to address the Commission.

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

5. Commission Meeting Minutes of October 20, 2022

6. List of Disbursements for October 2022

7. Preliminary Treasurer's Report for October 2022

8. First Quarter Expense Summary, Fiscal Year 2022/2023

9. Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

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

Ayes: Commissioners Cutter, Lathi, Duncan, Johnson, Chair Andrews

Noes: None

Absent: None

Abstain: None

REGULAR CALENDAR

10. General Manager's Report

The General Manager (GM) discussed the Strategic Planning process. The first EBDA Commission Strategic Planning workshop will be held on December 16th. The GM also provided an update on the First Mile Horizontal Levee Project. A recent site tour for the Bay Restoration Regulatory Integration Team (BRRIT) was well received.

11. Report from the Manager's Advisory Committee (MAC)

The GM reported that the MAC discussed succession planning and challenges associated with backfilling retirees.

12. Report from the Financial Management Committee

The GM reported on the November 14 meeting of the Financial Management Committee. The Committee reviewed the List of Disbursements, Preliminary Treasurer's Report and First Quarter Expense Summary and recommended approval. Lastly, the Committee reviewed proposed revisions to the Budget Policy. With the exception of the last sentence, the Committee supports the proposed revisions. Staff will bring the revised policy to the Commission for consideration.

13. Report from the Operations and Maintenance Committee

The Operations and Maintenance (O&M) Manager and GM reported on the November 14 meeting of the Operations and Maintenance Committee. The O&M Manager updated the Commission on EBDA projects including the HEPS Pumps Replacement Project and the Roof Replacement Project. The GM provided an update on the Cargill project.

14. Report from the Personnel Committee

The GM reported on the November 15 meeting of the Personnel Committee. The GM reviewed legislation regarding teleconference meetings and the Brown Act. The Commission directed staff to continue to bring resolutions pursuant to AB 361, allowing the Commission to continue meeting remotely, as long as the Governor's State of Emergency remains in effect. The Committee also reviewed Commissioner compensation and recommended leaving EBDA's rate at \$240 per day. The Committee further directed staff to pursue the Commissioner classification option with least impact to EBDA.

15. Items from Commission and Staff

Commissioner Johnson remembered Ed Philips and his contributions to Hayward's development. Commissioner Duncan and Chair Andrews wished everyone a happy and safe Thanksgiving holiday.

16. Adjournment

Chair Andrews adjourned the meeting at 10:16 a.m.

**ITEM NO. 9 RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS
PURSUANT TO AB 361**

Recommendation

Adopt the resolution authorizing continued use of remote teleconference meetings pursuant to AB 361.

Background

All meetings of the East Bay Dischargers Authority (EBDA) Commission and EBDA's other legislative bodies are open and public, as required by the Ralph M. Brown Act, Government Code section 54950 *et seq.* Any member of the public may attend, participate, and watch EBDA's legislative bodies conduct their business.

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for an anticipated broader spread of the novel coronavirus disease 2019 ("COVID-19"). On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means in order to slow the spread of COVID-19. As a result of Executive Order N-29-20, staff set up virtual meetings for all Commission meetings and other EBDA legislative bodies. Executive Order N-29-20 expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies to continue to conduct meetings via teleconferencing without complying with certain Brown Act provisions under specified conditions and includes a requirement that the Commission make specified findings. AB 361 (2021) took effect October 1, 2021. Pursuant to AB 361, legislative bodies are allowed to continue to meet remotely during a declared State of Emergency if the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees. In addition, remote meetings are also permitted, irrespective of a State of Emergency issued by the State, if local health officials continue to impose or recommend measures to promote social distancing and the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees. AB 361 provides that it will sunset on January 1, 2024.

On November 10, 2021 Governor Newsom issued Executive Order N-21-21, extending the sunset of the State of Emergency through March 31, 2022, in light of the surge in COVID cases due to the novel Omicron variant and to ensure the staffing and resources needed to prevent potential strain on the State's health care delivery system. On February 25, 2022, Governor Newsom issued Executive Order N-04-22, further extending the State of Emergency to an unspecified date. (See Executive Order N-04-22 at ¶ 20, extending Executive Order N-21-21). Most recently, Governor Newsom has announced that the State of Emergency will sunset on February 28, 2023.

The Commission adopted resolutions authorizing remote teleconference meetings at its October 2021 through November 2022 Commission Meetings. The resolutions included all of the necessary findings required pursuant to AB 361.

Discussion

In order to continue to hold remote meetings during a proclaimed State of Emergency, the Commission must declare every thirty (30) days that either (i) the State of Emergency continues to directly impact the ability of the members to meet safely in person, or (ii) State or local officials continue to impose or recommend measures to promote social distancing. Thus, the Commission has a standing opportunity to discuss a return to in-person meetings every thirty (30) days.

The conditions that justified the Commission adopting a resolution authorizing teleconference meetings at its November 2022 meeting continue to exist. Health officials continue to recommend measures to slow the spread of COVID-19. Specifically, the Centers for Disease Control and Prevention (“CDC”) continues to recommend physical distancing of at least 6 feet from others outside of the household and masking in all indoor settings in communities of high COVID-19 rates and among persons at high risk for severe illness. The CDC believes the Omicron variant is spread more easily than the original SARS-CoV-2 virus, with breakthrough infections occurring in people who are fully vaccinated.

The proposed resolution includes the necessary findings in order for the Commission and the other legislative bodies of EBDA to continue to hold remote teleconference meetings pursuant to AB 361, provided that

1. The State of Emergency issued by the Governor remains in effect; or
2. “State or local officials continue to impose or recommend measures to promote social distancing.”

The Governor’s State of Emergency is still in effect. In addition, the Alameda County Public Health Department continues to “impose or recommend measures to promote social distancing.” Currently, Alameda County has not removed physical or social distancing as a COVID-19 prevention strategy.

As discussed at last month’s Commission meeting, on February 28, 2023, both the Governor’s State of Emergency and the corresponding Alameda County guidelines will terminate. At that time, the conditions allowing EBDA to hold remote meetings pursuant to AB 361 will no longer be in place. Therefore, EBDA expects to resume in-person Commission meetings in March 2023. Subsequently, individual members who are unable to attend for “just cause” or “emergency circumstances,” may participate in Commission meetings remotely pursuant to AB 2449 without publicly noticing their locations, so long as a quorum of the Commission meets in a singular physical location.

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

RESOLUTION NO. 22-15

INTRODUCED BY _____

**RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS
PURSUANT TO AB 361**

WHEREAS, all East Bay Dischargers Authority (“EBDA”) meetings are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch EBDA’s legislative bodies conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for an anticipated broader spread of the novel coronavirus disease 2019 (“COVID-19”), and Governor Newsom has continued to confirm the continued existence of the State of Emergency to the present with no expiration date presently set; and

WHEREAS, On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up virtual meetings for all EBDA Commission meetings and meetings of all EBDA legislative bodies; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the EBDA Commission make specified findings. AB 361 (2021) took effect October 1, 2021; and

WHEREAS, AB 361 provides that it will sunset on January 1, 2024; and

WHEREAS, in order for legislative bodies to continue to conduct meetings via teleconferencing pursuant to AB 361 (2021), a proclaimed State of Emergency must exist; and

WHEREAS, AB 361 (2021) further requires that State or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, AB 361 (2021) allows EBDA to continue to conduct meetings via teleconference upon a finding every thirty (30) days thereafter, that either a declared state of emergency continues to directly impact the ability of the members to meet safely in person, or state or local health officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, such conditions now exist in EBDA's jurisdiction, specifically, Governor Newsom has declared a State of Emergency due to COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household and masking in all indoor settings in communities of high COVID-19 rates and among persons at high risk for severe illness; and

WHEREAS, because of COVID-19, the EBDA Commission is concerned about the health and safety of all individuals who intend to attend EBDA Commission meetings and meetings of EBDA's other legislative bodies; and

WHEREAS, the EBDA Commission desires to provide a way for Commissioners, staff, and members of the public to participate in meetings remotely, without having to attend meetings in person; and

WHEREAS, on October 21, 2021, November 18, 2021, December 16, 2021, January 26, 2022, February 17, 2022, March 17, 2022, April 21, 2022, May 19, 2022, June 16, 2022, July 21, 2022, September 15, 2022, October 20, 2022, and November 17, 2022 the Commission found that the presence of COVID-19 would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should EBDA's legislative bodies hold in person meetings; and

WHEREAS, the EBDA Commission hereby finds that the presence of COVID-19 and the prevalence of the highly-contagious Omicron variant would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should EBDA's legislative bodies hold in person meetings; and

WHEREAS, EBDA shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW, THEREFORE, BE IT RESOLVED that the Commission of the East Bay Dischargers Authority hereby declares as follows:

Agenda Explanation
East Bay Dischargers Authority
Commission Agenda
December 15, 2022

1. The above recitals are true and correct, and incorporated into this Resolution.

2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the EBDA Commission makes the following findings:

- a) The EBDA Commission has considered the circumstances of the State of Emergency; and
- b) The State of Emergency, as declared by the Governor, continues to directly impact the ability of the EBDA Commission and EBDA's legislative bodies, as well as staff and members of the public, from meeting safely in person; and
- c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19 and the highly-contagious Omicron variant, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.

3. The EBDA Commission and all of EBDA's other legislative bodies may continue to meet remotely in compliance with AB 361, whether in whole or in part, in order to better ensure the health and safety of the public.

4. The EBDA Commission will revisit the need to conduct meetings remotely at its next monthly meeting.

SAN LORENZO, CALIFORNIA, DECEMBER 15, 2022, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIR
EAST BAY DISCHARGERS AUTHORITY

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

ITEM NO. 11 GENERAL MANAGER'S REPORT

The General Manager will discuss items of interest to EBDA.

ITEM NO. 12 REPORT FROM THE MANAGERS ADVISORY COMMITTEE

**MANAGERS ADVISORY COMMITTEE
AGENDA**

**Thursday, December 8, 2022
1:30 P.M.**

Via Zoom

- 1. Strategic Planning**
- 2. OLSD Presentation on Denmark Technology Transfer Trip**
- 3. Future Meeting Scheduling**
- 4. Cargill Brine Project**
- 5. EBDA Commission Agenda**
 - Regulatory
 - Finance
 - O&M
- 6. USD Rebranding Project Lessons Learned**
- 7. EBDA Managers Information Sharing**

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

A Joint Powers Public Agency

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ITEM NO. 13

REGULATORY AFFAIRS COMMITTEE AGENDA

Wednesday, December 14, 2022

11:00 A.M.

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

Committee Members: Lathi (Chair); Johnson

RA1. Call to Order

RA2. Roll Call

RA3. Public Forum

RA4. EBDA NPDES Compliance – See Item No. OM4
(The Committee will review NPDES Permit compliance data.)

RA5. Motion Authorizing the General Manager to Execute an Agreement with Caltest Analytical Laboratory in the Amount of \$500,000
(The Committee will review and consider the item.)

RA6. 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.

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Agenda Explanation
East Bay Dischargers Authority
Regulatory Affairs Committee
December 14, 2022

Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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**The next Regulatory Affairs Committee meeting is scheduled on
Wednesday, February 15, 2023 at 11:00 a.m.**

ITEM NO. RA5 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH CALTEST ANALYTICAL LABORATORY IN THE AMOUNT OF \$500,000

Recommendation

Approve a motion authorizing an agreement with Caltest Analytical Laboratory in the amount of \$500,000.

Background

The Authority and each of the member agency's treatment plants have monitoring and reporting requirements as specified in NPDES Permit No. CA0037869 as issued by the San Francisco Bay Regional Water Quality Control Board (Water Board). DSRSD and Livermore operate under separate NPDES permits, but have nearly identical monitoring requirements.

In order to meet NPDES monitoring requirements, the Authority contracts with an external certified laboratory to perform water quality analyses. The contract covers samples provided both by the Authority (as collected and conveyed by San Leandro staff), and samples provided by the Member and LAVWMA Agencies, and pricing is consistent across the agencies.

EBDA bid this contract in 2010 and selected EBMUD as the lowest bidder, providing the highest quality testing. The contract happened to be bid at the end of the last "Great Recession," and EBMUD bid quite cost-effectively as a result. EBMUD provided a range of services to the EBDA agencies for seven years. However, at the conclusion of that contract, they determined that providing service to EBDA was no longer cost-effective, and that they needed to redirect staffing resources to address new lab certification requirements.

Therefore, in 2017, EBDA sought bids from other contract labs and selected Caltest Analytical Laboratory (Caltest) as the most cost-effective and qualified. The current contract expires on December 31, 2022.

The following table summarizes Authority spending under the existing contract. In the early implementation of the contract, the Authority would pay for Member Agency NPDES analyses and pass through those costs to the agencies. In FY 2019/2020, Authority and agency staff agreed that Caltest should bill the agencies directly for their samples, lowering transactional costs.

Agenda Explanation
 East Bay Dischargers Authority
 Regulatory Affairs Committee
 December 14, 2022

	Amount Spent	Notes
FY2017/2018	19,787.80	partial year
FY2018/2019	66,643.25	included member agency analyses
FY2019/2020	28,425.55	included some member agency analyses
FY2020/2021	12,642.30	
FY2021/2022	14,796.40	

Discussion

In consultation with the Agency lab supervisors, staff is recommending awarding the next lab contract to Caltest. Caltest has provided exemplary service and quality to the Authority and the Agencies for the past five years. Currently, they are the only lab offering service to municipal clients in the Bay Area that provides the full range of analyses required in EBDA’s NPDES permit, and their prices are competitive with other labs for common analyses. Caltest has the highest level of certification per new requirements (TNI). Caltest also has low Method Detection Limits – an indication of the quality of a laboratory’s equipment and consistency of their procedures, lack of background contamination, and other factors. The lowest Method Detection Limits are preferred because data reported as “Below Detection Limits” are often considered by the regulatory agencies to be present at that level. Finally, continuing with the same laboratory ensures the comparability of data over time, allowing for trend analyses.

The NPDES permit was reissued last summer and will be in effect through August 31, 2027. Since it would be prudent to use the same laboratory for the duration of the permit, the contract is proposed to cover through December 2027. The contract includes analyses for EBDA samples, Member and LAVWMA Agency samples, and also samples that are expected to be required under any agreement between EBDA and Cargill, Inc. associated with the Mixed Sea Salt Brine Project.

The proposed contract pricing provides a discount over Caltest’s “book prices” for each analysis. Caltest’s bid included the most significant discount in 2023, with the discount decreasing slightly each year to cover cost of living escalation. The total not-to-exceed contract value of \$500,000 covers samples provided by EBDA as well as by the EBDA and LAVWMA member agencies and Cargill. Caltest will continue billing each party directly for their samples. EBDA’s cost under this contract is expected to be approximately \$65,000.



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ITEM NO. 15

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Monday, December 12, 2022

11:00 A.M.

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

Committee Members: Duncan (Chair); Andrews

- FM1. Call to Order**
- FM2. Roll Call**
- FM3. Public Forum**
- FM4. Disbursements for November 2022**
(The Committee will review the List of Disbursements.)
- FM5. Treasurer's Report for November 2022**
(The Committee will review the Treasurer's Report.)
- FM6. Final Adjusted Treasurer's Reports for June, July, August, September, and October 2022**
(The Committee will review the final adjusted Treasurer's Reports.)
- FM7. Motion to Accept the Audited Basic Financial Statements for Fiscal Year Ending June 30, 2022**
(The Committee will consider the motion.)
- FM8. Resolution Approving Revisions to the Authority's Budget Policy**
(The Committee will consider the resolution.)
- FM9. Adjournment**

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
December 12, 2022

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 Juanita Villasenor at 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
Monday, January 16, 2023 at 11:00 a.m.
This date may be changed due to the Martin Luther King Jr. Holiday.**

EAST BAY DISCHARGERS AUTHORITY

List of Disbursements

November 2022

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25883	11/15/2022	42785240255	GARLAND	ROOF REPLACEMENT PROJECT	131,643.20	131,643.20
25871	11/15/2022	389461	CITY OF SAN LEANDRO	O&M - SEP	31,346.04	31,346.04
25880	11/15/2022	20210105.02-9	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	29,125.00	29,125.00
25891	11/30/2022	200299	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	24,915.00	26,919.90
25891	11/30/2022	199764	MEYERS NAVE	LEGAL SERVICES - OCT	2,004.90	
25878	11/15/2022	11464141	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	14,315.35	17,839.03
25878	11/15/2022	11463405	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	3,523.68	
25892	11/30/2022	50728698	UNIVAR	SODIUM BISULFITE - DELIVERED 11/18/2022	7,930.74	15,858.19
25892	11/30/2022	50697916	UNIVAR	SODIUM BISULFITE - DELIVERED 11/07/2022	7,927.45	
25894	11/30/2022	179628	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 1	13,305.05	13,305.05
25873	11/15/2022	6624	CASA	MEMBERSHIP RENEWAL	9,450.00	9,450.00
25898	11/30/2022	2344	CROPPER ACCOUNTANCY	AUDITING SERVICES	6,000.00	6,000.00
25886	11/30/2022	52386	CALCON	MAINTENANCE SERVICES - OLEPS	2,339.55	5,426.42
25886	11/30/2022	52384	CALCON	MDF SBS BUILDING HEATING UPGRADE	1,999.37	
25886	11/30/2022	52387	CALCON	MAINTENANCE SERVICES - HEPS	637.50	
25886	11/30/2022	52385	CALCON	SCADA DATA BACKUP - OPS CENTER & MDF	300.00	
25886	11/30/2022	52408	CALCON	DATA RETRIEVAL FOR CARGILL	150.00	
25887	11/30/2022	Jul-22	DEBORAH QUINN	ACCOUNTING SERVICES - JUL	4,787.89	4,787.89
25889	11/30/2022	00013.11-14	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 2	3,406.00	3,543.50
25889	11/30/2022	00013.14-8	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 4	137.50	
25895	11/30/2022	22-805	BARTEL ASSOCIATES, LLC	ACTUARIAL SERVICES FOR GASB 68 REPORTING	3,075.00	3,075.00
25870	11/15/2022	6369690	MISSION SQUARE	DEFERRED COMPENSATION 11/15/2022	2,256.24	2,256.24
25890	11/30/2022	6483	CSDA	CSDA MEMBERSHIP RENEWAL	1,659.00	1,659.00
25872	11/15/2022	52205705	CITY OF HAYWARD	BENEFIT PREMIUMS - NOV	1,449.70	1,449.70
25896	11/30/2022	702326	CALTEST	LAB TESTING SERVICES	818.20	818.20
25874	11/15/2022	1000924860	SCIF	WORKERS COMPENSATION	810.00	810.00
25877	11/15/2022	4246044555687627	US BANK	PURCHASING CARD EXPENSES	794.01	794.01
25885	11/30/2022	510-483-0439-716-6	AT&T	TELEPHONE SERVICE - MDF	244.44	244.44
25881	11/15/2022	CD_000485913	RINGCENTRAL INC	DIGITAL PHONE SERVICE	205.99	205.99
25893	11/30/2022	2111875	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	85.00	170.00
25893	11/30/2022	2113133	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	85.00	
25876	11/15/2022	8377	CAYUGA INFORMATION SYSTEMS	IT SERVICES	157.50	157.50
25879	11/15/2022	51876	COMPUTER COURAGE	WEBSITE HOSTING - NOV	150.00	150.00
25882	11/15/2022	9439	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES - OCT	130.00	130.00
25884	11/30/2022	44777800001	EBMUD	WATER, SEWER - ADMIN	128.57	128.57
25897	11/30/2022	3628036	CALTRONICS	COPIER USAGE AND MAINTENANCE	86.70	86.70

EAST BAY DISCHARGERS AUTHORITY

List of Disbursements

November 2022

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25875	11/15/2022	9919480998	VERIZON WIRELESS	WIRELESS PHONE SERVICES	62.03	62.03
25888	11/30/2022	9920342966	VERIZON WIRELESS	MODEM FOR SCADA	22.02	22.02
TOTAL CHECK PAYMENTS					307,463.62	307,463.62
ELECTRONIC PAYMENTS						
	11/02/2022	100000016905471	CALPERS	HEALTH PREMIUMS - NOV	7,198.00	7,198.00
	11/17/2022	100000016834365	CALPERS	PENSION CONTRIBUTION, CLASSIC 11/1 - 15/2022	4,975.51	4,975.51
	11/02/2022	100000016864993	CALPERS	PENSION CONTRIBUTION, CLASSIC 10/16 - 31/2022	4,975.51	4,975.51
	11/17/2022	100000016834377	CALPERS	PENSION CONTRIBUTION, PEPRA 11/1 - 15/2022	162.45	162.45
	11/02/2022	100000016865026	CALPERS	PENSION CONTRIBUTION, PEPRA 10/16 - 31/2022	162.45	162.45
TOTAL ELECTRONIC PAYMENTS					17,473.92	17,473.92
PAYROLL						
	11/29/2022		ADP, LLC	PAYROLL PERIOD: 11/16-30/2022	25,543.50	25,543.50
	11/14/2022		ADP, LLC	PAYROLL PERIOD: 11/01-15/2022	22,956.44	22,956.44
	11/18/2022		ADP, LLC	PAYROLL FEES, 11/16-30/2022	93.62	93.62
	11/4/2022		ADP, LLC	PAYROLL FEES, 11/1-15/2022	77.30	77.30
TOTAL PAYROLL					48,670.86	48,670.86
TOTAL DISBURSEMENTS					373,608.40	373,608.40

ITEM NO. FM5 TREASURER'S REPORT FOR NOVEMBER 2022

The beginning cash balance on November 1, 2022 was \$4,993,626.71. Total receipts for the month of November were \$117,450.92 and disbursements totaled \$373,608.40, bringing the cash balance to \$4,737,469.23 at November 30. EBDA's LAIF balance is \$3,782,795.20 and the average monthly effective yield for November was 2.007%.

EBDA currently has a two-pronged investment approach that includes Local Agency Investment Fund (LAIF) and traditional bank accounts.

Approval is recommended.

**EAST BAY DISCHARGERS AUTHORITY
TREASURER'S REPORT
November 30, 2022**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,412,116.68		150,413.69	1,261,702.99
13	PLANNING & SPECIAL STUDIES	671,278.01	9,138.73	13,305.05	667,111.69
14	RECLAMATION O & M (SKYWEST)	67,590.99		170.00	67,420.99
15	BRINE ACCEPTANCE	(113,663.40)	108,312.19	75,572.53	(80,923.74)
31	RENEWAL & REPLACEMENT	2,956,304.43		134,147.13	2,822,157.30
TOTALS		4,993,626.71	117,450.92	373,608.40	4,737,469.23

Nov-22

12/6/2022

SUPPLEMENTAL TREASURERS REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	TOTAL CASH
10/31/22	BALANCE						1,179,434.10	31,397.41	3,782,795.20	4,993,626.71
11/02/22	ELECTRONIC BILL PAY		4,975.51				1,174,458.59	31,397.41	3,782,795.20	4,988,651.20
11/02/22	ELECTRONIC BILL PAY		162.45				1,174,296.14	31,397.41	3,782,795.20	4,988,488.75
11/02/22	ELECTRONIC BILL PAY		7,198.00				1,167,098.14	31,397.41	3,782,795.20	4,981,290.75
11/04/22	PAYROLL FEES			93.62			1,167,098.14	31,303.79	3,782,795.20	4,981,197.13
11/08/22	DEPOSIT	9,138.73					1,176,236.87	31,303.79	3,782,795.20	4,990,335.86
11/14/22	PAYROLL			22,956.44			1,176,236.87	8,347.35	3,782,795.20	4,967,379.42
11/15/22	DISBURSEMENT		225,418.74				950,818.13	8,347.35	3,782,795.20	4,741,960.68
11/17/22	ELECTRONIC BILL PAY		4,975.51				945,842.62	8,347.35	3,782,795.20	4,736,985.17
11/17/22	ELECTRONIC BILL PAY		162.45				945,680.17	8,347.35	3,782,795.20	4,736,822.72
11/18/22	DEPOSIT - CARGILL	108,312.19					1,053,992.36	8,347.35	3,782,795.20	4,845,134.91
11/18/22	PAYROLL FEES			77.30			1,053,992.36	8,270.05	3,782,795.20	4,845,057.61
11/22/22	PAYROLL TRANSFER				60,000.00		993,992.36	68,270.05	3,782,795.20	4,845,057.61
11/29/22	PAYROLL			25,543.50			993,992.36	42,726.55	3,782,795.20	4,819,514.11
11/30/22	DISBURSEMENT		82,044.88				911,947.48	42,726.55	3,782,795.20	4,737,469.23
	TOTAL	117,450.92	324,937.54	48,670.86	60,000.00	-	911,947.48	42,726.55	3,782,795.20	4,737,469.23
	CURRENT BALANCE						①	②	③	

Reconciliation

① Per Bank Statement @ 11/30/22	\$ 1,005,309.56
Less: Outstanding Checks	93,362.08
	\$ 911,947.48
② Per Bank Statement @ 11/30/22	\$ 42,726.55
③ Per LAIF Statement @ 11/30/22	\$ 3,782,795.20

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.

ITEM NO. FM6 FINAL ADJUSTED TREASURER'S REPORTS FOR JUNE, JULY, AUGUST, SEPTEMBER, AND OCTOBER 2022

Recommendation

Approve the Final Adjusted Treasurer's Reports for June, July, August, September, and October 2022.

Background

The Final Adjusted Treasurer's Reports for June through October 2022 are attached for the Committee's review. Preliminary reports were presented previously. Changes occur through the course of reviewing all accounts in preparation for the annual financial audit.

**EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
TREASURER'S REPORT
June 30, 2022**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,258,441.61	61,925.76	263,462.37	1,056,905.00
13	PLANNING & SPECIAL STUDIES	196,998.78	318,453.48	44,965.52	470,486.74
14	RECLAMATION O & M (SKYWEST)	61,648.78	18,000.00	15,615.63	64,033.15
15	BRINE ACCEPTANCE	231,730.44	31,348.90	399,597.68	(136,518.34)
31	RENEWAL & REPLACEMENT	2,292,502.45		16,444.44	2,276,058.01
TOTALS		4,041,322.06	429,728.14	740,085.64	3,730,964.56

**EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
TREASURER'S REPORT
July 31, 2022**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,056,905.00	955,167.80	249,487.10	1,762,585.70
13	PLANNING & SPECIAL STUDIES	470,486.74	297,163.00	52,613.50	715,036.24
14	RECLAMATION O & M (SKYWEST)	64,033.15		255.00	63,778.15
15	BRINE ACCEPTANCE	(136,518.34)	67,898.18	48,476.45	(117,096.61)
31	RENEWAL & REPLACEMENT	2,276,058.01	628,787.87	3,150.00	2,901,695.88
TOTALS		3,730,964.56	1,949,016.85	353,982.05	5,325,999.36

**EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
TREASURER'S REPORT
August 31, 2022**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,762,585.70	608,760.00	465,102.33	1,906,243.37
13	PLANNING & SPECIAL STUDIES	715,036.24	341,131.00	246,263.73	809,903.51
14	RECLAMATION O & M (SKYWEST)	63,778.15	9,000.00	85.00	72,693.15
15	BRINE ACCEPTANCE	(117,096.61)	66,205.06	100,806.27	(151,697.82)
31	RENEWAL & REPLACEMENT	2,901,695.88	128,840.77	60,551.97	2,969,984.68
TOTALS		5,325,999.36	1,153,936.83	872,809.30	5,607,126.89

**EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
TREASURER'S REPORT
September 30, 2022**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,906,243.37	110,483.50	277,429.87	1,739,297.00
13	PLANNING & SPECIAL STUDIES	809,903.51	44,763.50	173,532.00	681,135.01
14	RECLAMATION O & M (SKYWEST)	72,693.15		3,691.60	69,001.55
15	BRINE ACCEPTANCE	(151,697.82)	98,539.58	126,110.92	(179,269.16)
31	RENEWAL & REPLACEMENT	2,969,984.68		5,628.42	2,964,356.26
TOTALS		5,607,126.89	253,786.58	586,392.81	5,274,520.66

**EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
TREASURER'S REPORT
October 31, 2022**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,739,297.00	2,600.00	329,780.32	1,412,116.68
13	PLANNING & SPECIAL STUDIES	681,135.01		9,857.00	671,278.01
14	RECLAMATION O & M (SKYWEST)	69,001.55		1,410.56	67,590.99
15	BRINE ACCEPTANCE	(179,269.16)	79,945.26	14,339.50	(113,663.40)
31	RENEWAL & REPLACEMENT	2,964,356.26	11,168.66	19,220.49	2,956,304.43
TOTALS		5,274,520.66	93,713.92	374,607.87	4,993,626.71

ITEM NO. FM7 MOTION TO ACCEPT THE AUDITED BASIC FINANCIAL STATEMENTS FOR FISCAL YEAR ENDING JUNE 30, 2022

Recommendation

Accept, by motion, the audited basic financial statements for fiscal year ending June 30, 2022.

Background

Consistent with the Authority's Audit Policy, each year, a financial audit be performed by an independent public accounting firm. The audit consists of review of EBDA's financial records and procedures in accordance with Generally Accepted Accounting Principles (GAAP).

Discussion

The Authority's audited basic financial statements for the fiscal year ending June 30, 2022 are attached as a separate document for the Committee's review and full Commission acceptance. Staff and the Authority's accountant reviewed the report and made changes that were incorporated into the report. No deficiencies in internal controls considered to be material weaknesses were identified during the audit.

In compliance with the Authority's Audit Policy, the Authority changed auditing firms in Fiscal Year 2020/2021. Following a Request for Proposals process, staff selected Cropper Accountancy to perform the Authority's audits for the next several years. The Commission approved Cropper's contract in June 2021.

John Cropper, Managing Shareholder at Cropper Accountancy, conducted the field work along with his colleagues. Mr. Cropper will participate in the December 12 Financial Management Committee meeting. Mr. Cropper will also present the audited financial statements to the Commission at the Thursday, December 15 meeting.

Acceptance of the basic financial statements authorizes their publication. Copies will be provided to the State Controller's Office, the Alameda County Auditor-Controller, member agencies and other interested parties. The document will also be posted on the EBDA website.

The basic financial statements will be sent under separate cover.

ITEM NO. FM8 RESOLUTION APPROVING REVISIONS TO THE AUTHORITY'S BUDGET POLICY

Recommendation

Adopt the resolution to approve revisions to the Authority's Budget Policy.

Background

The Authority's Budget Policy was reviewed and adopted in October 2021. The Policy as written, dealt mainly with budget preparation. For the past several years, as a result of efficient operations and drought conditions, the Authority has spent less than was budgeted. Each year, the Committee has discussed the question of how the surplus funds collected from the Member Agencies should be handled. In October, the Committee recommended that staff develop policy language for the Committee's consideration that would address the management of surplus funds and obviate the need for annual decision-making.

Discussion

The Financial Management Committee reviewed proposed revisions to the Budget Policy in November. The proposed language addresses both budget over-run and under-run conditions to provide direction on how the condition is to be handled. A version of the updated Policy showing changes is attached, along with a clean version.

POLICY NUMBER: 1.9

NAME OF POLICY: Finance – Budget

LAST REVISED: ~~40/21/2021~~ 12/15/2022

PREVIOUSLY REVISED: 10/21/2021~~05/16/13~~

PURPOSE: The budgeting function establishes control and accountability for Authority resources.

POLICY: It is the policy of the Authority to prepare and adopt a budget for the fiscal year to ensure that revenues are sufficient to meet operating and capital expenditures.

The draft budget shall be reviewed by the Managers Advisory Committee (MAC) and Financial Management Committee and approved by the Commission. Adoption of the annual Budget constitutes authority to bill Member Agencies for contributions. It also constitutes approval for expenditures for programs and authorizes the General Manager to make payment for them.

Major budgetary items include:

- Operations – salaries, benefits, chemicals, supplies, maintenance, professional services
- Renewal and Replacement Fund (Capital) Projects – those included on the Commission-approved Project List
- Special Projects – studies and projects outside of normal operations
- Revenues from recycled water, brine, and grants
- Assessment for the Renewal and Replacement Fund

The Annual Budget must be completed and adopted by July 1, in accordance with the Joint Powers Agreement. The annual budget may be amended only upon approval of the Commission. The General Manager, however, has discretion of budget changes by account number.

The General Manager shall report budget-to-actual results to the Commission on at least a quarterly basis. The Member Agencies shall submit timely invoices to the Authority to enable prompt and accurate reporting of Authority expenditures.

At the end of each Fiscal Year, the General Manager shall provide year-end closing statements to each Member Agency and LAVWMA detailing that agency's share of actual expenditures, and comparing that to the amounts budgeted and collected. If an agency's share of actual expenditures exceeded the amount collected, EBDA shall invoice that agency for the additional funds owed. If the agency's share of actual expenditures was less than the amount collected, that agency shall have the option to request that EBDA hold all or a portion of the surplus funds as fulfillment of that agency's reserve contribution under the Emergency Reserves Policy, or that EBDA return the surplus funds to the agency as a credit on their next EBDA invoice.

POLICY NUMBER: 1.9

NAME OF POLICY: Finance – Budget

LAST REVISED: 12/15/2022

PREVIOUSLY REVISED: 10/21/2021

PURPOSE: The budgeting function establishes control and accountability for Authority resources.

POLICY: It is the policy of the Authority to prepare and adopt a budget for the fiscal year to ensure that revenues are sufficient to meet operating and capital expenditures.

The draft budget shall be reviewed by the Managers Advisory Committee (MAC) and Financial Management Committee and approved by the Commission. Adoption of the annual Budget constitutes authority to bill Member Agencies for contributions. It also constitutes approval for expenditures for programs and authorizes the General Manager to make payment for them.

Major budgetary items include:

- Operations – salaries, benefits, chemicals, supplies, maintenance, professional services
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The General Manager shall report budget-to-actual results to the Commission on at least a quarterly basis. The Member Agencies shall submit timely invoices to the Authority to enable prompt and accurate reporting of Authority expenditures.

At the end of each Fiscal Year, the General Manager shall provide year-end closing statements to each Member Agency and LAVWMA detailing that agency's share of actual expenditures, and comparing that to the amounts budgeted and collected. If an agency's share of actual expenditures exceeded the amount collected, EBDA shall invoice that agency for the additional funds owed. If the agency's share of actual expenditures was less than the amount collected, that agency shall have the option to request that EBDA hold all or a portion of the surplus funds as fulfillment of that agency's reserve contribution under the Emergency Reserves Policy, or that EBDA return the surplus funds to the agency as a credit on their next EBDA invoice.

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

RESOLUTION NO. 22-16

INTRODUCED BY _____

**RESOLUTION APPROVING REVISIONS TO THE
AUTHORITY'S BUDGET POLICY**

WHEREAS, the East Bay Dischargers Authority's Amended and Restated Joint Exercise of Powers Agreement requires the Authority to adopt a budget annually or biennially by July 1; and

WHEREAS, the attached Budget Policy contains the guidance and process for developing and approving the Authority's budget; and

WHEREAS, language has been added to the Policy outlining the annual process for reconciling Member Agency payments at the conclusion of each fiscal year; and

WHEREAS, the Financial Management Committee has reviewed the Budget Policy and recommends its adoption.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby adopts the Budget Policy.

SAN LORENZO, CALIFORNIA, DECEMBER 12, 2022, ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIR
EAST BAY DISCHARGERS AUTHORITY

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

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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: In compliance with AB 361 (2021), the meeting scheduled below will be conducted virtually via Zoom video conferencing.

- Members of the public may participate in the meeting by clicking on the following Zoom link: <https://us02web.zoom.us/j/83944888857>
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number 839 4488 8857.

ITEM NO. 17

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Monday, December 12, 2022

9:00 A.M.

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

Committee Members: Johnson (Chair); Cutter

OM1. Call to Order

OM2. Roll Call

OM3. Public Forum

OM4. EBDA Permit Compliance

(The Committee will be updated on EBDA's NPDES compliance.)

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, contact Juanita Villasenor at 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.

Agenda Explanation
East Bay Dischargers Authority
O&M Agenda
December 12, 2022

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
Monday, January 16, 2023, at 9:00 a.m.
This date may be changed due to the Martin Luther King Jr. Holiday.**

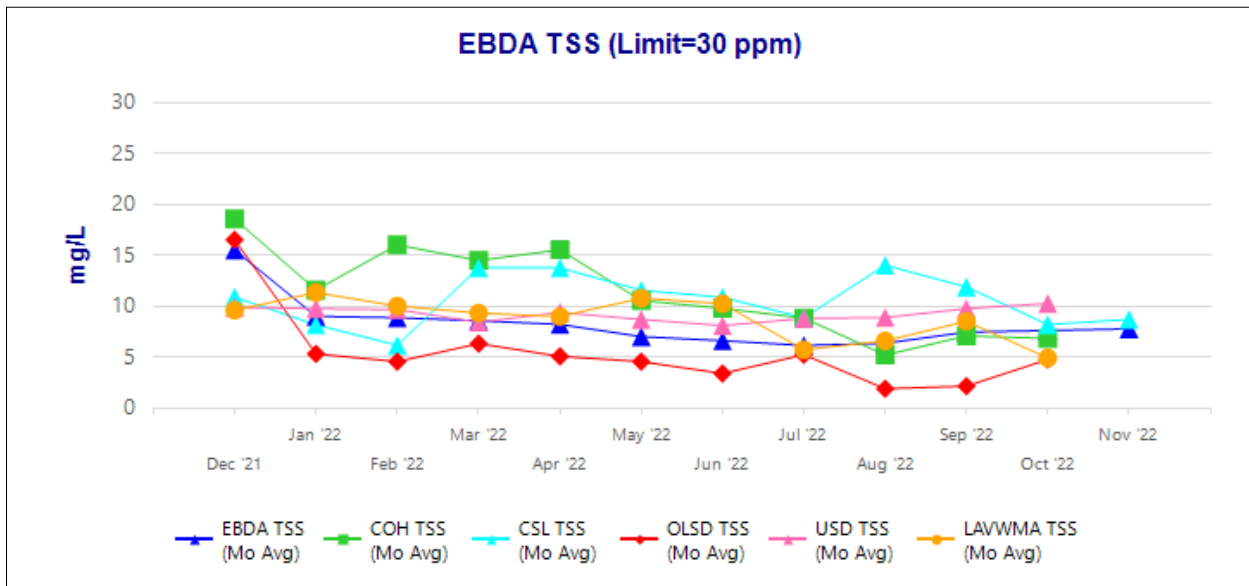
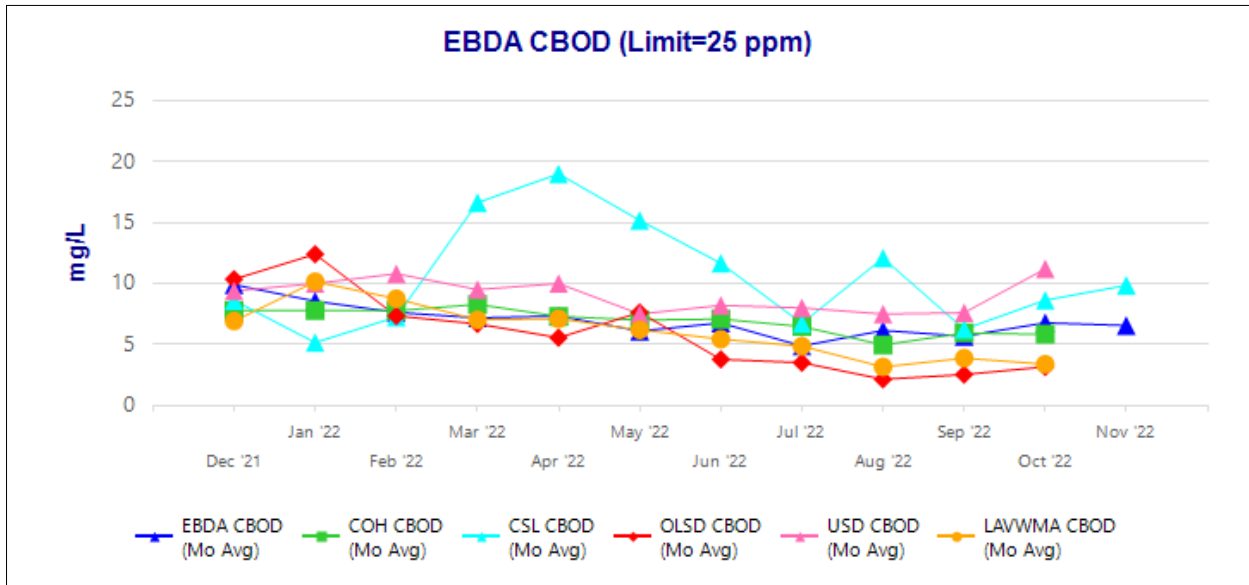
ITEM NO. OM4 EBDA PERMIT COMPLIANCE

Recommendation

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

Discussion

There were no NPDES permit violations in October, and preliminary data from November are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included.



EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	1100
Limit (Geomean)	500	280
December 2021 Geomean	22	8
January 2022 Geomean	4	2
February 2022 Geomean	6	6
March 2022 Geomean	7	4
April 2022 Geomean	2	7
May 2022 Geomean	5	48
June 2022 Geomean	5	57
July 2022 Geomean	20	6
August 2022 Geomean	15	34
September 2022 Geomean	43	28
10/3/2022	4	< 2
10/4/2022	33	< 2
10/5/2022	NA	13
10/10/2022	4	4
10/11/2022	17	13
10/17/2022	72	4
10/18/2022	4	2
10/24/2022	17	2
10/25/2022	46	4
10/31/2022	< 2	12
October 2022 Geomean	12	4
11/1/2022	2	10
11/2/2022	NA	6
11/7/2022	17	12
11/8/2022	540	6
11/14/2022	4	8
11/15/2022	4	4
11/21/2022	4	15
11/22/2022	< 2	4
11/28/2022	2	6
11/29/2022	4	2
November 2022 Geomean	6	6

ITEM NO. OM5 STATUS REPORT

Union Effluent Pump Station (UEPS)

No change; all equipment is operational.

Hayward Effluent Pump Station (HEPS)

Effluent Pump Replacement Project

Bids were opened for this project to replace the four HEPS pumps at 2:00 pm on November 15, 2022. EBDA received the following bids:

DW Nicholson	\$855,181
GSE Construction	\$756,800
Pump Repair Service	\$725,900

Staff plans to bring a motion awarding this project to the Commission next month for consideration.

Oro Loma Effluent Pump Station (OLEPS)

Emergency Outfall Upgrade

Carollo Engineers (Carollo) completed an evaluation of the OLEPS emergency outfall to determine the outfall's maximum capacity and whether modifications to the outfall weir would increase system detention time and delay or prevent an unanticipated bypass in the event of a catastrophic failure at OLEPS. Carollo recommended that the existing lumber weir be replaced with a permanent concrete weir at an increased elevation. On September 16, 2022, Carollo Engineers completed the drawing and specifications that will be used for construction of the new elevated weir. Staff is in the process of requesting bids for this project from contractors.

Main Electrical Switchboard Upgrade

There are two outstanding items that still need to be addressed prior to completing the OLEPS Main Electrical Switchboard Upgrade Project. Schneider Electric, the project contractor, must fabricate and install new blanks or spacers to cover the space between the new breakers and the front panels. Schneider Electric also needs to issue a credit of approximately \$4,800 to reimburse EBDA for expenses incurred during the June 23, 2022, shutdown that was cancelled due to their oversights.

Skywest Pump Station

Recycled Water Production

During the month of November 2022, the Skywest Recycled Water System operated for two days and produced 1.0 million gallons of recycled water.

Marina Dechlorination Facility (MDF)

No change; all equipment is operational.

Force Main

No change; all equipment is operational.

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 November 2022. Seven required an Electronic Positive Response (EPR) and calls/emails to the excavators, and five required field verification.

EBDA Vehicle

On September 16, 2022, a Purchase Order was submitted to National Auto Fleet Group for EBDA's new F-150 Truck. On September 26, 2022, staff traded in EBDA's 2008 Ford Ranger for \$9,100. Due to the high trade-in value, it was necessary to trade-in the truck as soon as possible before the trade-in value was reduced. The new F-150 is on order, and EBDA is waiting for an estimated delivery date from Ford.

Special Projects

Roof Replacement Projects

On September 26, 2022, the Agreement with Garland/DBS, Inc. for the roof replacements at the EBDA Administration Building, the MDF Sodium Bisulfite (SBS) Storage Building, and OLEPS was signed. Some of the roofing supplies for all three roofs were delivered to OLEPS during the week of October 31, 2022. The contractor is planning on starting the project when the weather permits.

Cargill Brine Project

Staff is continuing to work with the Authority's CEQA consultant, Ascent Environmental, on preparation of the Environmental Impact Report (EIR) for the project. A draft of the EIR is currently undergoing internal review, and staff expects to release it for public

comment in December. Information about the project and the CEQA process are being kept up to date here: <https://ebda.org/projects/cargill-partnership/>.

Staff has begun negotiations with Cargill on a Project Development and Operating Agreement, which would be brought to the Commission for consideration coincident with EIR certification, likely in Spring 2023. A draft technical addendum has been developed that outlines water quality limitations and monitoring requirements to ensure EBDA's continued compliance with our NPDES permit once brine discharge commences. The addendum will also include a corrosion monitoring plan, with triggers for action if accelerating corrosion is observed.

Advanced Quantitative Precipitation Information (AQPI) Project

The regional AQPI project continues to move forward with a goal of improving prediction of rainfall events in the Bay Area. Installation of the radar at Rocky Ridge has faced some additional delays relating to contractor approval by American Tower, who controls the Rocky Ridge site via lease from EBMUD. A new contractor has been approved by American Tower, and installation is now planned for the week of December 6, 2022. An update on installation will be provided at the Committee Meeting.

ITEM NO. 18 RESOLUTION OF APPRECIATION FOR PAULINE RUSSO CUTTER

Commissioner Cutter served EBDA as a representative from the City of San Leandro since January 1, 2017 and chaired the Commission for the 2021/2022 fiscal year. Commissioner Cutter has served on all of EBDA's Committees and also was an active participant in EBDA's General Manager recruitment as well as the JPA renewal process. EBDA staff appreciates Commissioner Cutter's contributions and wishes her well.

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

RESOLUTION NO. 22-17

INTRODUCED BY _____

**RESOLUTION OF APPRECIATION FOR
PAULINE RUSSO CUTTER**

WHEREAS, Pauline Russo Cutter was appointed by the City of San Leandro to serve on the Commission of the East Bay Dischargers Authority in January 2017; and

WHEREAS, Pauline Russo Cutter ably chaired the Commission for Fiscal Year 2021-2022; and

WHEREAS, as Chair of the Personnel Committee, Pauline Russo Cutter oversaw the recruitment of a new EBDA General Manager; and

WHEREAS, Pauline Russo Cutter played a key role in successfully negotiating the Authority's 2020 Amended and Restated Joint Powers Agreement; and

WHEREAS, Pauline Russo Cutter served as an effective liaison between the wastewater community and the Bay Area Air Quality Management District on issues of importance to reliable protection of air and water resources; and

WHEREAS, Pauline Russo Cutter provided valuable expertise and leadership to the Authority on a variety of personnel, finance, regulatory and operation and maintenance issues; and

WHEREAS, during Pauline Russo Cutter's tenure, the Authority has continued to be a recognized leader among wastewater agencies in the San Francisco Bay Area.

NOW, THEREFORE, BE IT RESOLVED, that the Commission and staff of the East Bay Dischargers Authority and its member agencies hereby extend their appreciation and gratitude to Pauline Russo Cutter for her many contributions and dedicated service.

BE IT FURTHER RESOLVED, that the Commission and staff of the East Bay Dischargers Authority and its member agencies hereby offer best wishes to Pauline Russo Cutter.

SAN LORENZO, CALIFORNIA, DECEMBER 15, 2022, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIR
EAST BAY DISCHARGERS AUTHORITY

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

ITEM NO. 19 ITEMS FROM THE COMMISSION AND STAFF

The Commission and staff may comment on items of general interest.

ITEM NO. 20 ADJOURNMENT