



**COMMISSION MEETING AGENDA**

**Thursday, October 19, 2023**

**4:00 P.M.**

**Oro Loma Sanitary District Boardroom  
2655 Grant Avenue, San Lorenzo, CA**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Public Forum**

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

- MOTION**
- 5. Commission Meeting Minutes of September 21, 2023**
  - 6. List of Disbursements for September 2023 – See Item FM4**
  - 7. Preliminary Treasurer’s Report for September 2023 – See Item FM5**

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

- INFORMATION**
- 8. General Manager’s Report**  
(The General Manager will report on EBDA issues.)
- INFORMATION**
- 9. Report from the Managers Advisory Committee**  
(The General Manager will report on Managers Advisory Committee activities.)
- INFORMATION**
- 10. Report from the Financial Management Committee**  
(The General Manager will report on the meeting.)
- MOTION**
- 11. Motion to Approve Updates to the Authority’s Purchasing Policy**  
(The Commission will consider the motion.)
- INFORMATION**
- 12. Report from the Operations & Maintenance Committee**  
(The Operations & Maintenance and General Managers will report on the meeting.)
- MOTION**
- 13. Motion Authorizing the General Manager to Execute a Change Order to the Purchase Order with Peterson Caterpillar for Diesel Engine Repair and Maintenance in the Amount of \$74,245 for a Total Purchase Order Value of \$99,244**  
(The Commission will consider the motion.)

- INFORMATION 14. Report from the Personnel Committee**  
(The General Manager will report on the meeting.)
- MOTION 15. Motion Authorizing the General Manager to Execute an Agreement with Regional Government Services Authority for Finance and Administrative Services in an Amount Not to Exceed \$136,528**  
(The Commission will consider the motion.)
- INFORMATION 16. Items from the Commission and Staff**  
(The Commission and staff may address items of general interest.)

**17. 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](mailto:juanita@ebda.org). Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.

**Next Scheduled Commission meeting is  
Thursday, November 16, 2023 at 4:00 p.m.**

## GLOSSARY OF ACRONYMS

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

## GLOSSARY OF ACRONYMS

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

## **CONSENT CALENDAR**

Consent calendar items are typically routine in nature and are considered for approval by the Commission with a single action. The Commission may remove items from the Consent Calendar for discussion. Items on the Consent Calendar are deemed to have been read by title. Members of the public who wish to comment on Consent Calendar items may do so during Public Forum.

- Item No. 5 Commission Meeting Minutes of September 21, 2023
- Item No. 6 List of Disbursements for September 2023 – See Item No. FM4
- Item No. 7 Preliminary Treasurer’s Report for September 2023 – See Item No. FM5

## **Recommendation**

Approve Consent Calendar

**ITEM NO. 5 COMMISSION MEETING MINUTES OF SEPTEMBER 21, 2023**

**1. Call to Order**

Chair Lathi called the meeting to order at 4:08 P.M. on Thursday, September 21, 2023 at the Oro Loma Sanitary District, 2655 Grant Avenue, San Lorenzo, CA 94580.

**2. Pledge of Allegiance**

**3. Roll Call**

Present:	Angela Andrews	City of Hayward
	Fred Simon	Oro Loma Sanitary District
	Ralph Johnson	Castro Valley Sanitary District (arrived at 4:10 p.m.)
	Bryan Azevedo	City of San Leandro
	Anjali Lathi	Union Sanitary District

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villasenor	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	David Donovan	City of Hayward
	Hayes Morehouse	City of San Leandro
	Jimmy Dang	Oro Loma Sanitary District
	Paul Eldredge	Union Sanitary District
	Roland Williams	Castro Valley Sanitary District

**4. Public Forum**

No members of the public were present.

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

**5. Commission Meeting Minutes of July 20, 2023**

**6. List of Disbursements for July 2023**

**7. List of Disbursements for August 2023**

**8. Preliminary Treasurer's Report for July 2023**

**9. Preliminary Treasurer's Report for August 2023**

**10. Preliminary Fourth Quarter Expense Summary, Fiscal Year 2022/2023**

Commissioner Andrews moved to approve the Consent Calendar. The motion was seconded by Commissioner Simon and carried with the following roll call vote:

Ayes:	Andrews, Simon, Azevedo, Lathi
Noes:	None
Absent:	Johnson
Abstain:	None

## REGULAR CALENDAR

### **11. General Manager's Report**

The General Manager (GM) discussed a workshop hosted by the EPA and the Johnson Foundation on how to facilitate innovation in wastewater through permitting. The GM will participate in a session on this topic at the CASA Winter Conference in Palm Springs. The GM attended a BACWA workshop on advancing water recycling by connecting water and wastewater agencies. Lastly, the GM updated the Commission on the Authority's administration building improvements project.

### **12. Report from the Managers Advisory Committee**

The GM reported on the September 12 meeting of the Managers Advisory Committee (MAC). The MAC discussed biosolids management options.

### **13. Report from the Regulatory Affairs Committee**

The GM reported on the September 18 meeting of the Regulatory Affairs Committee. The Committee discussed the status of the permit amendment for chlorine residual and per- and polyfluoroalkyl substances (PFAS) legislation. Lastly, the Committee reviewed BACWA's Key Regulatory Issues Summary.

### **14. Update on Watershed Permit for Nutrients**

The GM provided a presentation on nutrients in the San Francisco Bay.

### **15. Report from the Financial Management Committee**

The GM reported on the September 18 meeting of the Financial Management Committee. The Committee reviewed the Lists of Disbursements, Preliminary Treasurer's Reports and Preliminary Fourth Quarter Expense Summary and recommended approval. The Committee reviewed the Authority's Purchasing Policy and supports staff's recommended revisions. The Commission discussed increasing the GM's signature authority, but there was not consensus to change it. The policy will be brought to the Commission for approval in October. The Committee recommended switching to Fremont Bank and suggested a phased process where EBDA maintains one of its checking accounts with Wells Fargo Bank for a period of up to six months. The Committee recommended adoption of the resolution to become a participant in California Asset Management Trust (CAMP).

### **16. Resolution Authorizing the Authority to join with Other Public Agencies as a Participant of the California Asset Management Trust and to Invest in Shares of the Trust and in Individual Portfolios**

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

Ayes: Andrews, Simon, Johnson, Azevedo, Lathi  
Noes: None  
Absent: None  
Abstain: None

**17. Report from the Operations and Maintenance Committee**

The Operations and Maintenance (O&M) Manager reported on the September 19, 2023 meeting. The O&M Manager provided updates on current activities, including the Effluent Pump Replacement Project at the Hayward Effluent Pump Station (HEPS) and the Wet Well Sluice Gate repairs and maintenance at the Oro Loma Effluent Pump Station (OLEPS). The O&M Manager also reported on the Authority's new vehicle, purchased from Union Sanitary District (USD). The GM updated the Commission on the Cargill brine project.

**18. Motion Approving the Authority's Strategic Plan**

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

Ayes: Andrews, Simon, Johnson, Azevedo, Lathi  
Noes: None  
Absent: None  
Abstain: None

**19. Motion Approving the General Manager's Amended and Restated Employment Agreement**

The General Manager's contract amendment will a) increase her current base salary by \$1,500 annually effective October 1, 2023, b) increase the annual Authority contribution to the General Manager's deferred compensation plan by \$14,281, for an annual total of \$22,500, and c) add ten (10) days of administrative leave to her existing agreement. No other changes were proposed, and all other provisions of the employment agreement remain unchanged.

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

Ayes: Andrews, Simon, Johnson, Azevedo, Lathi  
Noes: None  
Absent: None  
Abstain: None

**20. Items from Commission and Staff**

Nothing to report from the Commission and Staff.

**21. Adjournment**

Chair Lathi adjourned the meeting at 5:55 p.m.



**ITEM NO. 8 GENERAL MANAGER'S REPORT**

The General Manager will discuss items of interest to EBDA.

**ITEM NO. 9 REPORT FROM THE MANAGERS ADVISORY COMMITTEE**

**MANAGERS ADVISORY COMMITTEE  
AGENDA**

**Tuesday, October 10, 2023  
1:30 P.M.**

**Via Zoom**

- 1. EBDA Building Improvements**
- 2. Bacteria Management**
- 3. O&M Agreements Update**
- 4. Nutrients Watershed Permit Negotiation**
- 5. Cargill Brine Project**
- 6. EBDA Commission Agenda**
- 7. Managers Information Sharing**

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**ITEM NO. 10**

**FINANCIAL MANAGEMENT COMMITTEE AGENDA**

**Monday, October 16, 2023**

**9:00 A.M.**

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

**Committee Members: Simon (Chair); Andrews**

- FM1. Call to Order**
- FM2. Roll Call**
- FM3. Public Forum**
- FM4. Disbursements for September 2023**  
(The Committee will review the Lists of Disbursements.)
- FM5. Preliminary Treasurer's Report for September 2023**  
(The Committee will review the Treasurer's Report.)
- FM6. Year-End Closing Statements for FY 2022/2023**  
(The Committee will review the FY 2022/2023 closing statements.)
- FM7. Motion to Approve Updates to the Authority's Purchasing Policy**  
(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 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  
Financial Management Committee  
October 16, 2023

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**Next Scheduled Financial Management Committee is  
Monday, November 13, 2023 at 9:00 a.m.**



**EAST BAY DISCHARGERS AUTHORITY**

**List of Disbursements**

**September 2023**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26217	09/15/2023	10147075	BACWA	MEMBERSHIP AND SPECIAL PROGRAMS FEE	437,702.00	437,702.00
26235	09/29/2023	351553	CITY OF HAYWARD	O&M - QUARTERLY APR-JUN	36,659.35	36,659.35
26242	09/29/2023	51487479	UNIVAR	SODIUM BISULFITE - DELIVERED 09/18/2023	9,899.54	19,168.78
26242	09/29/2023	51449738	UNIVAR	SODIUM BISULFITE - DELIVERED 09/05/2023	9,269.24	
26226	09/15/2023	FM 1A	NATE KAUFFMAN	FIRST MILE PROJECT	8,500.00	8,500.00
26243	09/29/2023	11494540	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	7,680.87	7,680.87
26223	09/15/2023	188372	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 3	5,977.75	5,977.75
26227	09/15/2023	19239	PACIFIC ECORISK	NPDES TOXICITY TESTING	5,523.00	5,523.00
26232	09/15/2023	4246-0445-5568-7627	US BANK	PURCHASING CARD EXPENSES	5,436.64	5,436.64
26225	09/15/2023	208229	MEYERS NAVE	LEGAL SERVICES - JUL	3,754.64	5,313.74
26225	09/15/2023	208230	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	1,559.10	
26245	09/29/2023	045	CURRIE ENGINEERS, INC	PROJECT / CONSTRUCTION MANAGER SERVICES - WORK ORDER NO. 1	2,970.00	3,731.25
26245	09/29/2023	044	CURRIE ENGINEERS, INC	PROJECT / CONSTRUCTION MANAGER SERVICES - WORK ORDER NO. 2	398.75	
26245	09/29/2023	046	CURRIE ENGINEERS, INC	PROJECT / CONSTRUCTION MANAGER SERVICES - WORK ORDER NO. 2	362.50	
26236	09/29/2023	52205702	CITY OF HAYWARD	BENEFIT PREMIUMS - AUG	1,370.05	2,740.10
26236	09/29/2023	52205703	CITY OF HAYWARD	BENEFIT PREMIUMS - SEP	1,370.05	
26240	09/29/2023	IN0348738	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	OLEPS CUPA FEE	2,463.00	2,463.00
26219	09/15/2023	712003	CALTEST	LAB TESTING SERVICES	2,304.90	2,304.90
26224	09/15/2023	23698277	JOHNSON CONTROLS	FIRE ALARM SERVICE, TESTING, & MONITORING	2,034.50	2,034.50
26246	09/29/2023	28367	FOSTER & FOSTER	ACTUARIAL SERVICES FOR GASB 68 REPORTING	1,600.00	1,600.00
26222	09/15/2023	735377	CORRPRO COMPANIES, INC	FORCE MAIN BI-ANNUAL CATHODIC PROTECTION SYSTEM SURVEY	1,350.00	1,350.00
26239	09/29/2023	54692	CALCON	OPS CENTER: SCADA SERVICE CALL	1,315.00	1,315.00
26220	09/15/2023	8409	CAYUGA INFORMATION SYSTEMS	IT SERVICES	1,260.00	1,260.00
26234	09/15/2023	SI243659	WATSON MARLOW, INC	OLEPS & MDF CHEMICAL PUMP PARTS	1,147.46	1,147.46
26230	09/15/2023	1001649285	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	878.00	878.00
26231	09/15/2023	924	STRATEGY DRIVER	STRATEGIC PLANNING FACILITATOR	725.00	725.00
26218	09/15/2023	T158572	BAY AREA AIR QUALITY MGMT DISTRICT	PERMIT TO OPERATE MDF	554.00	554.00
26241	09/29/2023	S2163570.001	WILLE ELECTRIC SUPPLY CO, INC	ELECTRICAL PARTS	278.49	278.49
26238	09/29/2023	5104830439	AT&T	TELEPHONE SERVICE - MDF	232.05	232.05
26229	09/15/2023	CD_000651489	RINGCENTRAL INC	DIGITAL PHONE SERVICE	210.56	210.56
26244	09/29/2023	3878842	CALTRONICS	COPIER USAGE AND MAINTENANCE	164.96	164.96
26228	09/15/2023	3106255800	PITNEY BOWES INC	QUARTERLY LEASING CHARGE FOR DIGITAL MAILING SYSTEM	150.55	150.55
26221	09/15/2023	54103	COMPUTER COURAGE	WEBSITE HOSTING - SEP	150.00	150.00
26233	09/15/2023	9943330259	VERIZON WIRELESS	WIRELESS PHONE SERVICES	102.99	102.99

**EAST BAY DISCHARGERS AUTHORITY**

List of Disbursements

September 2023

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26237	09/29/2023	44777800001	EBMUD	WATER - ADMIN	93.48	93.48
				<b>TOTAL CHECK PAYMENTS</b>	<b>555,448.42</b>	<b>555,448.42</b>
				<b>ELECTRONIC PAYMENTS</b>		
	09/05/2023	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	41,662.22	41,662.22
	09/06/2023	100000017257337	CALPERS	HEALTH PREMIUMS - SEP	7,630.03	7,630.03
	09/01/2023	100000017266611	CALPERS	PENSION CONTRIBUTION, CLASSIC 08/16 - 31/2023	5,697.08	5,697.08
	09/18/2023	100000017230491	CALPERS	PENSION CONTRIBUTION, CLASSIC 09/01 - 15/2023	5,697.08	5,697.08
	09/05/2023	6529147	MISSION SQUARE	DEFERRED COMPENSATION 08/31/2023	2,134.48	2,134.48
	09/19/2023	6767337	MISSION SQUARE	DEFERRED COMPENSATION 09/15/2023	2,134.48	2,134.48
	09/07/2023	2309403451	INTERMEDIA.NET	EMAIL EXCHANGE HOSTING SERVICE	99.40	99.40
				<b>TOTAL ELECTRONIC PAYMENTS</b>	<b>65,054.77</b>	<b>65,054.77</b>
				<b>PAYROLL</b>		
	09/14/2023		ADP, LLC	PAYROLL PERIOD: 09/16-30/2023	25,731.36	25,731.36
	09/28/2023		ADP, LLC	PAYROLL PERIOD: 09/01-15/2023	23,153.34	23,153.34
	09/08/2023	641410839	ADP, LLC	PAYROLL FEES, 08/16-31/2023	77.86	77.86
	09/22/2023	642425127	ADP, LLC	PAYROLL FEES, 09/01-15/2023	77.86	77.86
				<b>TOTAL PAYROLL</b>	<b>49,040.42</b>	<b>49,040.42</b>
				<b>TOTAL DISBURSEMENTS</b>	<b>669,543.61</b>	<b>669,543.61</b>

**ITEM NO. FM5 PRELIMINARY TREASURER'S REPORT FOR SEPTEMBER 2023**

The cash balance as of September 30, 2023 is \$4,702,644.67. EBDA's LAIF balance is \$2,341,823.30, and the average monthly effective yield for September is 3.534%. EBDA's CAMP balance is \$1,512,085.01, and CAMP's 7-day yield is 5.55%.

**Approval is recommended.**



**EAST BAY DISCHARGERS AUTHORITY  
PRELIMINARY  
TREASURER'S REPORT  
September 30, 2023**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,392,708.75	1,403.00	400,483.96	993,627.79
13	PLANNING & SPECIAL STUDIES	832,072.49	47,407.69	255,345.75	624,134.43
14	RECLAMATION O & M (SKYWEST)	64,882.55	9,000.00	-	73,882.55
15	BRINE ACCEPTANCE	(63,374.55)	45,389.88	9,239.97	(27,224.64)
31	RENEWAL & REPLACEMENT	3,035,834.62	-	4,473.93	3,031,360.69
TOTALS		5,262,123.86	103,200.57	669,543.61	4,695,780.82

Sep-23

10/11/2023

## SUPPLEMENTAL TREASURER'S REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	CAMP TRANSFER	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	CAMP BALANCE	TOTAL CASH
08/31/23	BALANCE							1,388,830.40	26,249.00	2,341,823.30	1,505,221.16	5,262,123.86
09/01/23	ELECTRONIC BILL PAY		5,697.08					1,383,133.32	26,249.00	2,341,823.30	1,505,221.16	5,256,426.78
09/05/23	ELECTRONIC BILL PAY		41,662.22					1,341,471.10	26,249.00	2,341,823.30	1,505,221.16	5,214,764.56
09/05/23	ELECTRONIC BILL PAY		2,134.48					1,339,336.62	26,249.00	2,341,823.30	1,505,221.16	5,212,630.08
09/05/23	PAYROLL TRANSFER				50,000.00			1,289,336.62	76,249.00	2,341,823.30	1,505,221.16	5,212,630.08
09/06/23	ELECTRONIC BILL PAY		7,630.03					1,281,706.59	76,249.00	2,341,823.30	1,505,221.16	5,205,000.05
09/07/23	ELECTRONIC BILL PAY		99.40					1,281,607.19	76,249.00	2,341,823.30	1,505,221.16	5,204,900.65
09/07/23	DEPOSIT	1,403.00						1,283,010.19	76,249.00	2,341,823.30	1,505,221.16	5,206,303.65
09/08/23	PAYROLL FEES			77.86				1,283,010.19	76,171.14	2,341,823.30	1,505,221.16	5,206,225.79
09/14/23	PAYROLL			23,153.34				1,283,010.19	53,017.80	2,341,823.30	1,505,221.16	5,183,072.45
09/15/23	DEPOSIT - ABAG	47,407.69						1,330,417.88	53,017.80	2,341,823.30	1,505,221.16	5,230,480.14
09/15/23	DISBURSEMENT		479,321.09					851,096.79	53,017.80	2,341,823.30	1,505,221.16	4,751,159.05
09/18/23	ELECTRONIC BILL PAY		5,697.08					845,399.71	53,017.80	2,341,823.30	1,505,221.16	4,745,461.97
09/18/23	DEPOSIT - COH	9,000.00						854,399.71	53,017.80	2,341,823.30	1,505,221.16	4,754,461.97
09/19/23	ELECTRONIC BILL PAY		2,134.48					852,265.23	53,017.80	2,341,823.30	1,505,221.16	4,752,327.49
09/22/23	PAYROLL FEES			77.86				852,265.23	52,939.94	2,341,823.30	1,505,221.16	4,752,249.63
09/28/23	DEPOSIT - CARGILL	45,389.88						897,655.11	52,939.94	2,341,823.30	1,505,221.16	4,797,639.51
09/28/23	PAYROLL			25,731.36				897,655.11	27,208.58	2,341,823.30	1,505,221.16	4,771,908.15
09/29/23	DISBURSEMENT		76,127.33					821,527.78	27,208.58	2,341,823.30	1,505,221.16	4,695,780.82
	<b>TOTAL</b>	<b>103,200.57</b>	<b>620,503.19</b>	<b>49,040.42</b>	<b>50,000.00</b>	<b>-</b>	<b>-</b>	<b>821,527.78</b>	<b>27,208.58</b>	<b>2,341,823.30</b>	<b>1,505,221.16</b>	<b>4,695,780.82</b>
	<b>CURRENT BALANCE</b>							<b>821,527.78</b>	<b>27,208.58</b>	<b>2,341,823.30</b>	<b>1,505,221.16</b>	<b>4,695,780.82</b>

Reconciliation - 09/30/2023

① Bank Statement Balance	\$ 900,948.61
Less: Outstanding Checks	79,420.83
	\$ 821,527.78
② Bank Statement Balance	\$ 27,208.58
③ LAIF Statement	\$ 2,341,823.30
④ CAMP Statement	\$ 1,512,085.01

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 YEAR-END CLOSING STATEMENTS FOR FISCAL YEAR 2022/2023**

**Recommendation**

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

**Strategic Plan Linkage**

1. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
  - a. Operate EBDA's system efficiently.
  - b. Proactively manage expenditures to stay within adopted budget.
  - c. Identify and manage opportunities for revenue generation.
  - d. Secure grant funding for innovative projects.

**Background**

As presented to the Committee in September 2023, EBDA's annual expenses for Fiscal Year 2022/2023 were under budget. Per the Authority's Budget Policy,

"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."

Staff's understanding is that all Member Agencies currently prefer a credit against their FY 2023/2024 obligations.

**Discussion**

The following table shows the amounts owed by each agency for FY 2022/2023 Operations & Maintenance (O&M) and Special Studies, as well as the amounts collected. The difference, plus revenues received from other sources, is the credit accruing to each agency. Reimbursements from Cargill have been deducted from the O&M expenses.

In addition, for the first time this year, two agencies are being assessed Capacity Exceedance Fees for their flows during this past winter's extreme wet weather. These revenues, summarized below, are proportionally added to the credits that non-exceeding agencies will see on their FY 2023/2024 bills.

Agenda Explanation  
 East Bay Dischargers Authority  
 Financial Management Committee  
 October 16, 2023

Each Member Agency will be receiving a memo detailing their FY 2022/2023 payments and credits. The total credit to the Member Agencies is less than the overall budget underrun, as some funds will remain in Fund 13 to complete Special Studies that were deferred or are still underway. Also, while Oro Loma, Castro Valley, Hayward, and USD pay their \$750k Renewal and Replacement Fund (RRF) contribution up front each fiscal year, because they only participate in certain projects, San Leandro and LAVWMA pay their RRF share as part of this annual true-up process.

	San Leandro	O.L.S.D.	C.V.S.D.	Hayward	U.S.D.	LAVWMA	Total
Total O&M Expenses	\$ 190,223	\$ 464,129	\$ 242,208	\$ 562,480	\$ 1,310,718	\$ 572,206	\$ 3,341,963
Total O&M Paid	\$ 220,967	\$ 567,037	\$ 254,222	\$ 571,355	\$ 1,381,833	\$ 646,149	\$ 3,641,563
O&M Balance	\$ (30,744)	\$ (102,908)	\$ (12,014)	\$ (8,875)	\$ (71,115)	\$ (73,943)	\$ (299,600)
							\$ -
Total Special Studies Expenses	\$ 107,617	\$ 118,641	\$ 60,737	\$ 257,988	\$ 404,101	\$ 330,598	\$ 1,279,683
Total Special Studies Paid	\$ 89,527	\$ 121,097	\$ 60,076	\$ 282,459	\$ 413,153	\$ 284,876	\$ 1,251,188
Special Studies Balance	\$ 18,090	\$ (2,456)	\$ 661	\$ (24,471)	\$ (9,052)	\$ 45,722	\$ 28,495
Other O&M Revenue		\$ (495)	\$ (265)	\$ (381)	\$ (1,088)	\$ (787)	\$ (3,016)
Capacity Exceedance Fee	\$ (35,293)	\$ 141,700	\$ 76,300	\$ (47,333)	\$ (135,374)	\$ -	\$ -
Other Funding Credit	\$ (35,293)	\$ 141,205	\$ 76,035	\$ (47,715)	\$ (136,461)	\$ (787)	\$ (3,016)
Share of R&R Fund	\$ 28,100	\$ -	\$ -	\$ -	\$ -	\$ 163,050	\$ 191,149
Agency Total:	\$ (19,847)	\$ 35,842	\$ 64,682	\$ (81,061)	\$ (216,628)	\$ 134,042	\$ (82,971)

**ITEM NO. FM7 MOTION TO APPROVE UPDATES TO THE AUTHORITY'S PURCHASING POLICY**

**Recommendation**

Approve updates to the Authority's Purchasing Policy.

**Strategic Plan Linkage**

2. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
  - a. Proactively manage expenditures to stay within adopted budget.

**Background**

Prior to the adoption of the Authority's Amended and Restated Joint Powers Agreement (JPA), the JPA stated that, "The affirmative vote of four members of the Commission shall be required to: [...] Award, modify or accept work under any contract (including but not limited to contracts for the acquisition or construction of any building, works or improvements for the Phase I Project) in excess of \$10,000." The Commission and the Member Agencies determined that it was appropriate to remove that level of detail from the Amended and Restated JPA, with the agreement that the rules governing procurement would be captured in the Authority's Purchasing Policy ("Purchasing Policy").

The Purchasing Policy was adopted in December 2020. The Amended and Restated JPA requires unanimous approval of any changes to the Purchasing Policy.

In September 2023, staff presented the following updates to the Policy, which were supported by the Committee:

- The Purchasing Policy uses a threshold of \$25,000 to determine bidding requirements as well as General Manager (GM) signature authority. Staff is recommending revising the Purchasing Policy to indicate that the threshold is "\$25,000 or less" rather than "Under \$25,000" for ease of implementation. While the Committee proposed raising the GM signature authority to \$75,000, there was not unanimous support for this revision across the Commission, and therefore this change is not recommended for inclusion.
- The proposed changes to the Purchasing Policy would clarify how task order-based contracts are to be used, as well as the Commission's role in approving task order-based contracts.

**Discussion**

A clean copy of the proposed Purchasing Policy is attached for the Committee's consideration, along with a version showing changes from the current Policy. No changes have been made to the version circulated with last month's agenda.

POLICY NUMBER: 1.7

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NAME OF POLICY: Finance – Purchasing

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LAST REVISED: ~~December 17, 2020~~ October 19, 2023

PREVIOUSLY REVISED: December 17, 2020~~N/A~~

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**PURPOSE:** Policy Regarding the Procurement of Equipment, Supplies, Services, and Contracts for Construction Projects

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**POLICY:**

**I. AUTHORITY CONTRACTS WITH OUTSIDE CONTRACTORS, VENDORS, AND CONSULTANTS**

**A. Procurement of Equipment, Supplies, and Services**

1. Purchases and Contracts Under of \$25,000 or less. If the estimated cost of the equipment, supplies, and services is less than \$5,000, the General Manager will attempt to secure the best value for the Authority, but need not solicit quotes, bids, or proposals. If the estimated cost is between \$5,000 and \$10,000, the General Manager will solicit informal quotes, bids, or proposals from at least two vendors/consultants. If the estimated cost exceeds \$10,000, but is ~~less than~~ \$25,000 or less, the General Manager will solicit informal quotes, bids, or proposals from at least three contractors, vendors, or consultants. For all purchases or contracts for equipment, supplies, or services at or below \$25,000, the General Manager may award the contract or purchase order, without further approval by the Commission.

2. Purchases and Contracts of More than \$25,000-or More. When the estimated cost of equipment or supplies ~~is-exceeds~~ \$25,000-or more, the General Manager will solicit formal written bids/proposals through means and methods which he or she determines to be most cost-effective, which may include advertisement in a newspaper of general circulation in the Authority.

When the estimated cost of services ~~is-exceeds~~ \$25,000 or more, the General Manager will solicit informal proposals through means and methods which he or she determines to be most cost-effective. With the exception of contracts for services procured pursuant to California Government Code Section 4525 et seq., all services contracts shall be awarded to the proposer(s) that offer the best value to the Authority, which is defined as the overall combination of quality, price, and other elements of a proposal that, when considered together, provide the greatest overall benefit to the Authority in response to the requirements described in the solicitation documents.

All contracts in ~~the an~~ amount ~~of exceeding~~ \$25,000 ~~or more~~ shall be submitted to the Commission for approval.

3. Qualifications Based Solicitations. Pursuant to California Government Code Section 4525 et seq. (the Mini-Brooks Act), the Authority will use qualifications-based competitive proposal procedures for the procurement of architectural, landscape architectural, engineering, environmental (but, not where the scope of work consists of planning services), land surveying or construction project management services regardless of the contract value. Under this method, proposals will be evaluated based upon qualifications and demonstrated competence.

## **B. Procurement of Construction Projects**

1. California Uniform Public Construction Cost Accounting Act. The Authority has opted in to the California Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 22000 et seq., the "Act"). Pursuant to the Act projects for the construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, painting, or repainting of Authority-owned, leased, or operated facilities will be procured as follows:

a. Projects of \$60,000 (or the current threshold set forth in California Public Contract Code Section 22032(a)) or less may be let by negotiated contract or purchase order, or performed by the Authority's own employees by force account.

b. Projects of \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(b)) or less may be let by informal procedures set forth in the Authority's informal bidding resolution and in the Act.

c. Projects of more than \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(c)) will be let by formal bidding procedures set forth in the Act.

2. Maintenance Work. The Authority may, but is not required to, use the procedures set forth in this section B for maintenance work, which includes routine, recurring, and usual work for the preservation or protection of any Authority-owned or operated facility for its intended purposes, minor repainting, resurfacing of streets and highways of less than 1 inch, landscape maintenance, and work to keep, operate, and maintain Authority-owned water, power, or waste disposal systems.

3. Other Statutorily Authorized Methods. Alternative methods of procurement, such as a design build approach, may be utilized if authorized by state law and in full compliance with all applicable requirements.

### C. Contractor Roster ~~Pre-Qualification and Task Order-Based Contracts~~

~~The Authority may solicit qualifications and hourly rates and expenses from contractors for the purpose of creating a pre-qualified roster of contractors for a range of projects. The General Manager may then recommend to the Commission for approval a task order-based contract with each contractor deemed pre-qualified. Each task order-based contract shall have a total not-to-exceed dollar value. When a particular project arises, if the estimated cost is \$60,000 or less, the General Manager may issue a task order to the contractor most qualified for the work from the pre-qualified roster. If the estimated cost is greater than \$60,000 and less than \$200,000, the General Manager may follow the process outlined in Section I.B.1.b, or he or she may solicit bids from pre-qualified firms. Following selection, the General Manager may issue a task order to the lowest bidder, without further approval by the Commission, as long as the total value of all task orders issued under that contract is less than the Commission-approved not-to-exceed dollar value. Staff would inform the Commission of all task orders over \$25,000.~~

### D. Consultant Roster ~~Pre-Qualification and Task Order-Based Contracts~~

~~The Authority may solicit qualifications and hourly rates and expenses from consultants for the purpose of creating a pre-qualified roster of consultants for a range of services and projects. The General Manager may then recommend to the Commission for approval a task order-based contract with each consultant deemed pre-qualified. Each task order-based contract shall have a total not-to-exceed dollar value. When a particular consulting need or project arises, if the estimated cost is \$25,000 or less, the General Manager may issue a task order to the consultant most qualified for the work from the pre-qualified roster. If the estimated cost is greater than \$25,000, the General Manager may follow the process outlined in Section I.A.2, or he or she may solicit proposals from pre-qualified firms. Following selection, the General Manager may issue a task order to the most qualified firm, without further approval by the Commission, as long as the total value of all task orders issued under that contract is less than the Commission-approved not-to-exceed dollar value. Staff would inform the Commission of all task orders over \$25,000.~~

### CE. Sole Source

Regardless of the estimated cost of the procurement, the Authority is not required to follow the processes detailed in this Policy when procuring materials, equipment, supplies, or services for which there exists only a sole source of supply.

### DF. Leasing of Equipment

If the total rental payments due under a lease are ~~below~~ \$25,000 ~~or less~~, the General Manager will follow the procedure in Section I.A.1. If the total rental payments due under a lease are ~~over~~ \$25,000 ~~or more~~, the General Manager will follow the procedure in Section I.A.2.

### EG. Reporting



The General Manager will report to the Commission on all contracts entered into under the General Manager's authority.

**FH. Contract Extensions**

Commission approval is required for extension of contracts or purchase orders beyond one (1) year where the cost of the extension is estimated to be greater than \$25,000 ~~or greater~~.

**GI. Minority Business Enterprises/Women's Business Enterprises Policy**

The Authority recognizes the value of diversity and it is the intention of the Authority to create a level playing field on which Minority Business Enterprises and Women's Business Enterprises can compete fairly for contracts and subcontracts.

**HJ. Splitting Procurements Prohibited**

The Authority will not arbitrarily split purchases into smaller segments or partial orders to remain below the authorized dollar threshold for formal solicitation in an effort to take advantage of informal solicitation procedures or otherwise avoid requirements of this Policy.

**II. AUTHORITY CONTRACTS WITH MEMBER AGENCIES FOR WORK BY MEMBER AGENCY EMPLOYEES**

**A. Contracts with Member Agencies**

The Authority has entered into contracts with its member agencies for the operation and routine maintenance of Authority Facilities and additional tasks, as requested by the Authority. Work performed pursuant to contracts between the Authority and its member agencies will conform to the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement, this Policy, and the respective contract. In particular, each member agency contract will require the member agency to indemnify the Authority against all losses that may arise out of the performance of the work. Furthermore, the Authority will require the member agency to maintain insurance in such types and amounts as the Authority may from time to time establish and naming the Authority and the member agencies as additional insureds.

**B. Operations and Maintenance Manager Determination**

Consistent with the above referenced contracts with the member agencies, the Authority's Operations and Maintenance Manager may authorize one or more member agencies to perform work on Authority Facilities when he or she determines that the agency(ies) can perform such work more cost effectively than if the work were let to contract by the Authority.

**III. COOPERATIVE PROCUREMENTS WITH MEMBER AGENCIES**

To foster greater economy and efficiency, the Authority may avail itself of joint procurements and assignment of existing contract rights ("piggybacking") with its member agencies.

#### IV. PURCHASE OR LEASE OF REAL PROPERTY

Any contract for the purchase of real property must be submitted to and approved by the Commission. Any lease or sublease of real property, including any renewal or extension of an existing lease or sublease, for which the annual rent is greater than \$25,000 ~~or greater~~, must be submitted to and approved by the Commission. For any lease or sublease of real property, including any renewal or extension of an existing lease, for which the annual rent is ~~below \$25,000~~ or less, the General Manager may approve and execute the lease, sublease, renewal, or extension, without further approval by the Commission.

#### V. GENERAL MANAGER SIGNATURE AUTHORITY

##### A. Signature Authority Generally

Except as otherwise described in this Policy, the General Manager is authorized to expend funds, issue purchase orders, and sign contracts for procurements and activities for equipment, supplies, and for professional or other services where the cost is ~~less than~~ \$25,000 or less.

##### B. Change Orders and Amendments Generally

The General Manager is authorized to issue change orders or amendments where the cost is ~~less than~~ \$25,000 or less without further Commission approval, so long as such change order or amendment would not result in a total contract value of greater than ~~\$25,000 or greater~~. The Commission reserves to itself the right to approve all amendments to contracts previously approved by the Commission.

General Manager is authorized to administer all contracts on behalf of the Authority.

#### VI. EMERGENCY CONTRACTS

##### A. Competitively Bid Emergency Contracts

The General Manager has been authorized by the Commission to take all necessary and proper measures in emergency conditions to keep the Authority Facilities in operation. The Authority's practice is to competitively solicit contracts for emergency services in advance of any emergency, consistent with the California Governor's Office of Emergency Services (CalOES) and Federal Emergency Management Agency (FEMA) reimbursement requirements.

##### B. Non-Competitively Bid Emergency Contracts

In the event the Authority does not have a current contract for emergency services and the emergency conditions do not permit a delay resulting from a formal competitive solicitation process, the General Manager is authorized to make emergency purchases without giving notice for bids or proposals and to enter into such contracts without prior Commission approval. The General Manager will promptly report on the reasons and necessity for proceeding without a competitive solicitation to the Commission as required by Public Contract Code Section 22050 et seq.

### **C. Ratification**

Commission ratification is required for any emergency contract where the cost ~~is exceeds~~ \$25,000 ~~or more~~ and will be obtained as soon as it is practicable to do so.

### **VII. WAIVER**

The Commission may suspend or waive the requirements of this Policy in any instance when the Commission deems it in the best interest of the Authority to do so.

**POLICY NUMBER:** 1.7

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**NAME OF POLICY:** Finance – Purchasing

---

**LAST REVISED:** October 19, 2023

**PREVIOUSLY REVISED:** December 17, 2020

---

**PURPOSE:** Policy Regarding the Procurement of Equipment, Supplies, Services, and Contracts for Construction Projects

---

**POLICY:**

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All contracts in an amount exceeding \$25,000 shall be submitted to the Commission for approval.

3. Qualifications Based Solicitations. Pursuant to California Government Code Section 4525 et seq. (the Mini-Brooks Act), the Authority will use qualifications-based competitive proposal procedures for the procurement of architectural, landscape architectural, engineering, environmental (but, not where the scope of work consists of planning services), land surveying or construction project management services regardless of the contract value. Under this method, proposals will be evaluated based upon qualifications and demonstrated competence.

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b. Projects of \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(b)) or less may be let by informal procedures set forth in the Authority's informal bidding resolution and in the Act.

c. Projects of more than \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(c)) will be let by formal bidding procedures set forth in the Act.

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3. Other Statutorily Authorized Methods. Alternative methods of procurement, such as a design build approach, may be utilized if authorized by state law and in full compliance with all applicable requirements.

**C. Contractor Pre-Qualification and Task Order-Based Contracts**

The Authority may solicit qualifications and hourly rates and expenses from contractors for the purpose of creating a pre-qualified roster of contractors for a range of projects. The General Manager may then recommend to the Commission for approval a task order-based contract with each contractor deemed pre-qualified. Each task order-based contract shall have a total not-to-exceed dollar value. When a particular project arises, if the estimated cost is \$60,000 or less, the General Manager may issue a task order to the contractor most qualified for the work from the pre-qualified roster. If the estimated cost is greater than \$60,000 and less than \$200,000, the General Manager may follow the process outlined in Section I.B.1.b, or he or she may solicit bids from pre-qualified firms. Following selection, the General Manager may issue a task order to the lowest bidder, without further approval by the Commission, as long as the total value of all task orders issued under that contract is less than the Commission-approved not-to-exceed dollar value. Staff would inform the Commission of all task orders over \$25,000.

**D. Consultant Pre-Qualification and Task Order-Based Contracts**

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**E. Sole Source**

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**F. Leasing of Equipment**

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**G. Reporting**

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#### **H. Contract Extensions**

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#### **I. Minority Business Enterprises/Women's Business Enterprises Policy**

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#### **J. Splitting Procurements Prohibited**

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### **II. AUTHORITY CONTRACTS WITH MEMBER AGENCIES FOR WORK BY MEMBER AGENCY EMPLOYEES**

#### **A. Contracts with Member Agencies**

The Authority has entered into contracts with its member agencies for the operation and routine maintenance of Authority Facilities and additional tasks, as requested by the Authority. Work performed pursuant to contracts between the Authority and its member agencies will conform to the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement, this Policy, and the respective contract. In particular, each member agency contract will require the member agency to indemnify the Authority against all losses that may arise out of the performance of the work. Furthermore, the Authority will require the member agency to maintain insurance in such types and amounts as the Authority may from time to time establish and naming the Authority and the member agencies as additional insureds.

#### **B. Operations and Maintenance Manager Determination**

Consistent with the above referenced contracts with the member agencies, the Authority's Operations and Maintenance Manager may authorize one or more member agencies to perform work on Authority Facilities when he or she determines that the agency(ies) can perform such work more cost effectively than if the work were let to contract by the Authority.

### **III. COOPERATIVE PROCUREMENTS WITH MEMBER AGENCIES**

To foster greater economy and efficiency, the Authority may avail itself of joint procurements and assignment of existing contract rights ("piggybacking") with its member agencies.

#### **IV. PURCHASE OR LEASE OF REAL PROPERTY**

Any contract for the purchase of real property must be submitted to and approved by the Commission. Any lease or sublease of real property, including any renewal or extension of an existing lease or sublease, for which the annual rent is greater than \$25,000, must be submitted to and approved by the Commission. For any lease or sublease of real property, including any renewal or extension of an existing lease, for which the annual rent is \$25,000 or less, the General Manager may approve and execute the lease, sublease, renewal, or extension, without further approval by the Commission.

#### **V. GENERAL MANAGER SIGNATURE AUTHORITY**

##### **A. Signature Authority Generally**

Except as otherwise described in this Policy, the General Manager is authorized to expend funds, issue purchase orders, and sign contracts for procurements and activities for equipment, supplies, and for professional or other services where the cost is \$25,000 or less.

##### **B. Change Orders and Amendments Generally**

The General Manager is authorized to issue change orders or amendments where the cost is \$25,000 or less without further Commission approval, so long as such change order or amendment would not result in a total contract value of greater than \$25,000. The Commission reserves to itself the right to approve all amendments to contracts previously approved by the Commission.

General Manager is authorized to administer all contracts on behalf of the Authority.

#### **VI. EMERGENCY CONTRACTS**

##### **A. Competitively Bid Emergency Contracts**

The General Manager has been authorized by the Commission to take all necessary and proper measures in emergency conditions to keep the Authority Facilities in operation. The Authority's practice is to competitively solicit contracts for emergency services in advance of any emergency, consistent with the California Governor's Office of Emergency Services (CalOES) and Federal Emergency Management Agency (FEMA) reimbursement requirements.

##### **B. Non-Competitively Bid Emergency Contracts**

In the event the Authority does not have a current contract for emergency services and the emergency conditions do not permit a delay resulting from a formal competitive



solicitation process, the General Manager is authorized to make emergency purchases without giving notice for bids or proposals and to enter into such contracts without prior Commission approval. The General Manager will promptly report on the reasons and necessity for proceeding without a competitive solicitation to the Commission as required by Public Contract Code Section 22050 et seq.

**C. Ratification**

Commission ratification is required for any emergency contract where the cost exceeds \$25,000 and will be obtained as soon as it is practicable to do so.

**VII. WAIVER**

The Commission may suspend or waive the requirements of this Policy in any instance when the Commission deems it in the best interest of the Authority to do so.

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**ITEM NO. 12**

**OPERATIONS & MAINTENANCE COMMITTEE AGENDA**

**Tuesday, October 17, 2023**

**2:00 P.M.**

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

**Committee Members: McGowan (Chair); Lathi**

**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. Motion Authorizing the General Manager to Execute a Change Order to the Purchase Order with Peterson Caterpillar for Diesel Engine Repair and Maintenance in the Amount of \$74,245 for a Total Purchase Order Value of \$99,244**

(The Committee will consider the motion.)

**OM7. 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](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.

Agenda Explanation  
East Bay Dischargers Authority  
O&M Agenda  
October 17, 2023

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>.

**Next Scheduled Operations and Maintenance Committee is  
Tuesday, November 14, 2023, at 2:00 p.m.**

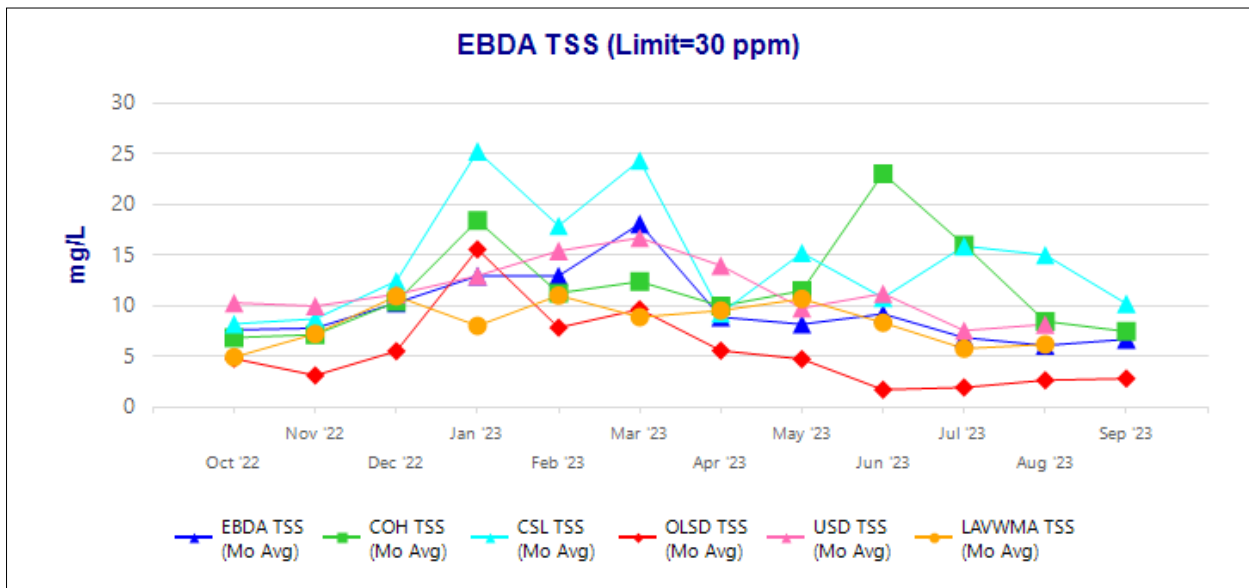
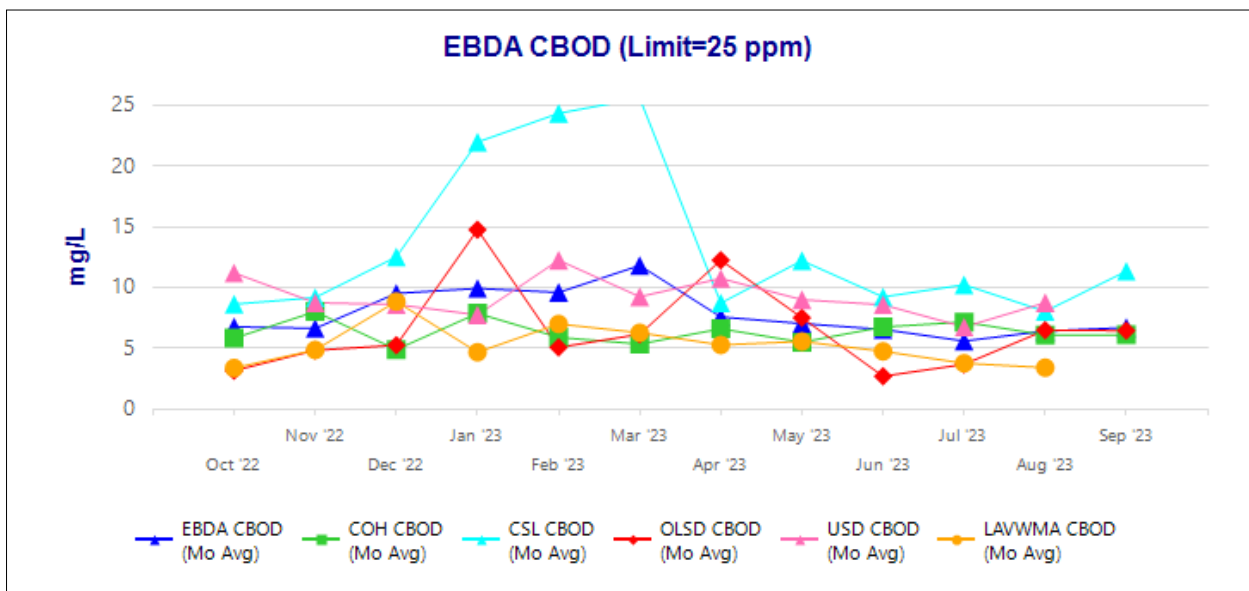
**ITEM NO. OM4 EBDA PERMIT COMPLIANCE**

**Recommendation**

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

**Discussion**

There were no NPDES permit violations in August, and preliminary data from September are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included. Staff notes that the spike observed in CBOD at San Leandro in the Spring of 2023 was primarily the result of repeated non-compliant discharges to the plant by an industrial discharger.



## EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	1100
Limit (Geomean)	500	280
<b>October 2022 Geomean</b>	<b>12</b>	<b>4</b>
<b>November 2022 Geomean</b>	<b>6</b>	<b>6</b>
<b>December 2022 Geomean</b>	<b>21</b>	<b>9</b>
<b>January 2023 Geomean</b>	<b>12</b>	<b>14</b>
<b>February 2023 Geomean</b>	<b>4</b>	<b>2</b>
<b>March 2023 Geomean</b>	<b>3</b>	<b>2</b>
<b>April 2023 Geomean</b>	<b>10</b>	<b>7</b>
<b>May 2023 Geomean</b>	<b>15</b>	<b>122</b>
<b>June 2023 Geomean</b>	<b>8</b>	<b>83</b>
<b>July 2023 Geomean</b>	<b>7</b>	<b>18</b>
8/1/2023	1600	< 2
8/2/2023	NA	17
8/7/2023	33	17
8/8/2023	7	8
8/14/2023	8	2
8/15/2023	8	2
8/21/2023	8	4
8/22/2023	23	4
8/28/2023	9	2
8/29/2023	4	10
<b>August 2023 Geomean</b>	<b>17</b>	<b>5</b>
9/4/2023	540	6
9/5/2023	17	< 2
9/6/2023	NA	< 2
9/11/2023	33	6
9/12/2023	17	6
9/18/2023	79	2
9/19/2023	33	6
9/20/2023	NA	4
9/25/2023	13	6
9/26/2023	140	6
<b>September 2023 Geomean</b>	<b>47</b>	<b>4</b>

## **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**

The new Effluent Pumps are currently on order with the lead time quoted as 28 weeks, which would have the pumps arriving in late December 2023 or January 2024, assuming no further supply chain delays. EBDA would most likely postpone the installation of the new pumps until the end of the wet season in April or May of 2024.

### **Oro Loma Effluent Pump Station (OLEPS)**

#### **Emergency Outfall Upgrade**

This project will remove the existing lumber weir and replace it with a new permanent weir at an increased height, increasing system detention time and delaying or preventing an unanticipated bypass in the event of a catastrophic failure at OLEPS. The contractor, D.W. Nicholson Corporation (DWN), provided EBDA with shop drawings for the new stainless steel weir. Carollo Engineers, Inc. (Carollo), EBDA's engineers on this project, provided comments, which have been incorporated in revised shop drawings. Carollo is currently reviewing the revised shop drawings, and once approved, the new stainless steel weir will be fabricated and installed.

#### **Wet Well Sluice Gate Repairs and Preventative Maintenance**

For a number of years, the OLEPS North Wet Well Influent Gate has had a broken guide-bearing and a bent shaft. Because it was still operational, staff elected to defer repair until a larger related need arose. Last Fall, in the process of completing preventative maintenance activities at OLEPS, the Effluent Pump No. 2 Inlet Gate got stuck in the closed position when the actuator drive threads failed. Newly fabricated actuator drive threads were installed, and the Effluent Pump No. 2 Inlet Gate was fully operational. Following that failure, staff added a project to the FY 2023/2024 Renewal and Replacement Fund List to repair the North Wet Well Influent Gate and perform inspections and preventative maintenance on all seven OLEPS Wet Well Sluice Gates.

During the week of August 28<sup>th</sup>, the OLEPS North Wet Well was isolated and pumped down. On August 31<sup>st</sup>, GSE Construction Co., Inc. (GSE) entered the North Wet Well and removed the broken guide-bearing and the bent shaft and inspected and cleaned two additional North Wet Well Sluice Gates. EBDA had a new guide-bearing and shaft fabricated. The newly fabricated parts arrived on October 11<sup>th</sup>, and will be installed in the next several weeks.

**Skywest Pump Station**

**Recycled Water Production**

During the month of September 2023, the Skywest Recycled Water System operated for two days and produced 1.12 million gallons of recycled water.

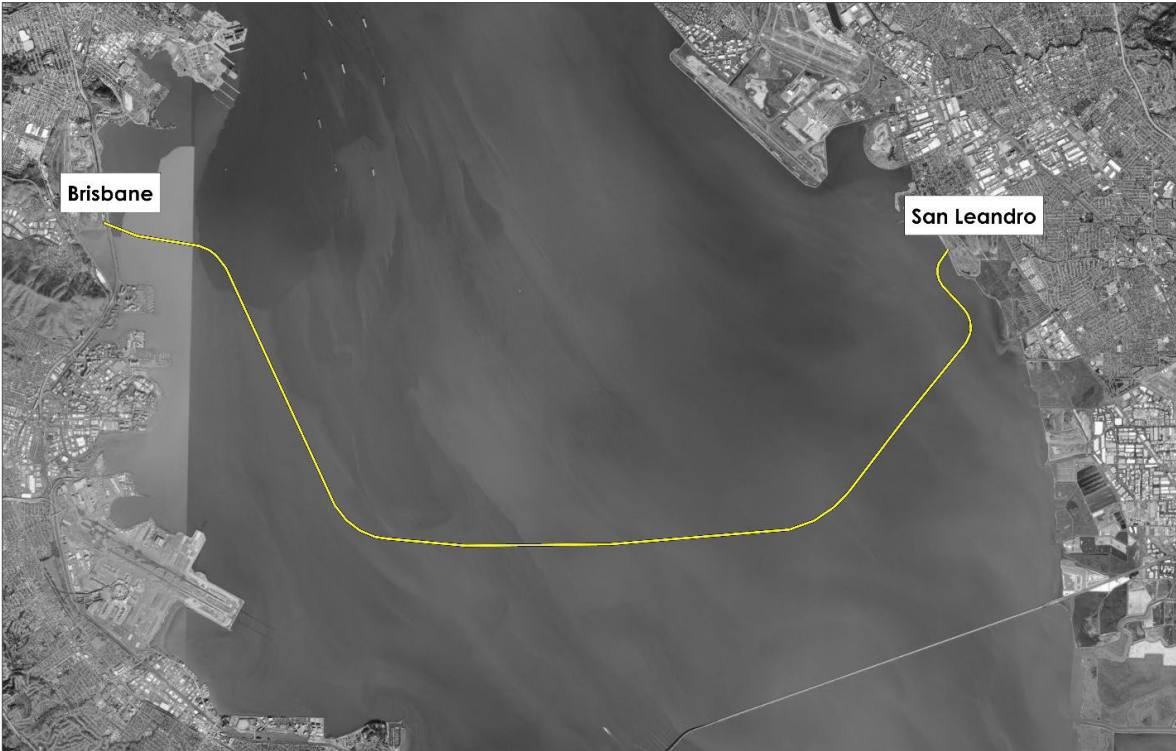
**Marina Dechlorination Facility (MDF)**

No change; all equipment is operational.

**Force Main**

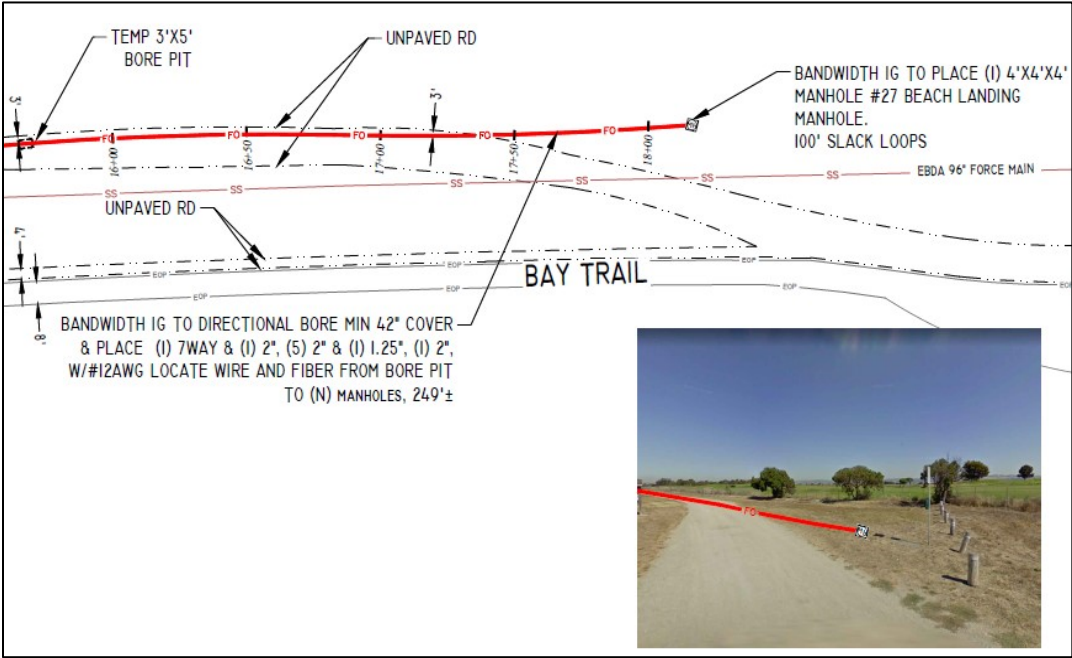
**Bandwidth Infrastructure Group Development Near the EBDA Force Main**

Staff has been working with Bandwidth Infrastructure Group (Bandwidth) to ensure that their San Francisco Bay Fiber Optic Cables Project, pictured below, does not negatively impact EBDA’s Force Main. This project is intended to “enhance telecommunication capacity within the greater SF Bay Area and connected regions by adding a direct telecommunications link across the SF Bay,” and it initially proposed an eastern cable landing site immediately on top of the EBDA Force Main. EBDA staff has actively coordinated with Bandwidth and their contractors to provide corrected information about the force main location and to shift the project to avoid impacts. Examples of the original and corrected plans are included on the following page.



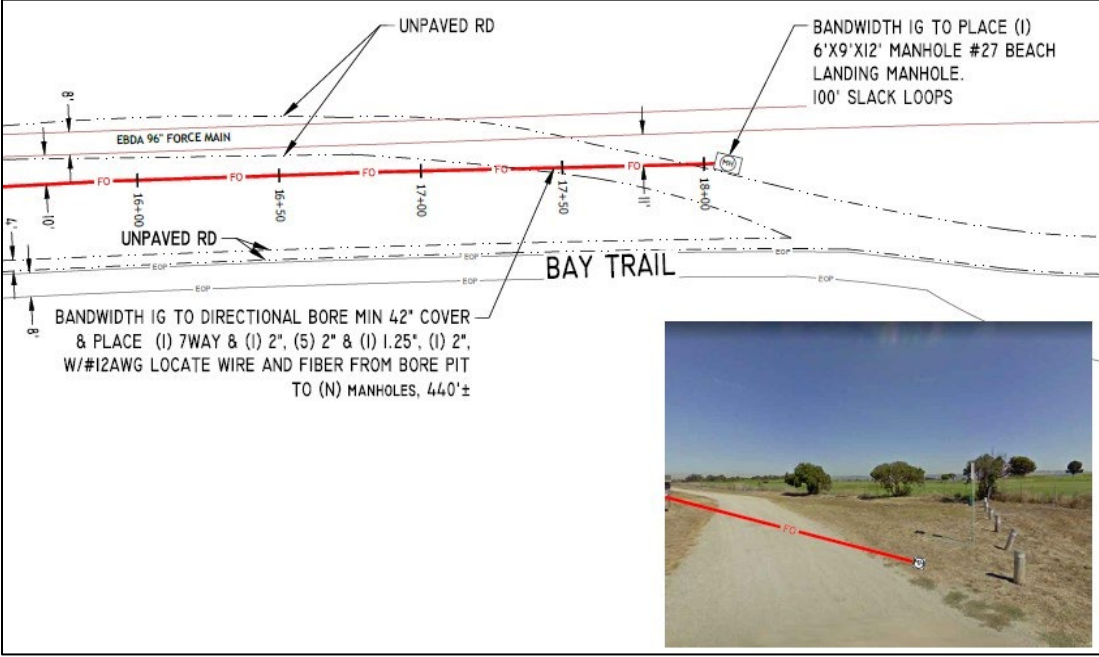
**San Francisco Bay Fiber Optic Cables Project Overview**





**Original Bandwidth Infrastructure Group Project Plans**

These plans have the EBDA 96-inch force main in the wrong location resulting in the Bandwidth manhole directly on top of the EBDA force main.



**Corrected Bandwidth Infrastructure Group Project Plans**

These plans have the EBDA 96-inch force main in the correct location. The force main and the fiber line in red switched positions, which eliminated the fiber line crossing the EBDA force main in this location.

EBDA contracted with DCM Consulting, Inc. (DCM) to prepare a Technical Memorandum (TM) that included recommendations and requirements for this project. DCM has performed this type of geotechnical engineering review for EBDA in the past and has also worked with EBDA's Member Agencies. The TM prepared by DCM and forwarded to Bandwidth is attached at the end of the O&M status report.

### **Force Main Preventative Maintenance**

On September 28, 2023, USD staff took over EBDA force main preventative maintenance activities from OLEPS south to USD.

### **Operations Center**

#### **EBDA Administration Building Improvements**

As part of the Fiscal Year 2018/2019 RRF Project List, \$40,000 was budgeted for the EBDA Administration Building Improvements Project. In 2020, EBDA spent \$2,530 replacing four windows with new windows that open to allow fresh air in the building. An additional \$250 was spent to repair one other window. \$3,350 was spent to repair dry rot found during the window replacement.

On September 25, 2023, EBDA began the next phase of the project to replace the aged carpet with laminate flooring and paint all interior walls. During the floor replacement, additional dry rot was found in one area and mold was found in another area (see photo on the following page). The dry rot was repaired and the mold was removed. The evidence of mold prompted staff to evaluate air flow in the building and basement. Based on review of the building as-built plans, it appears that there were additional vents under the building when it was initially constructed. At some point in the past, these vents were covered over. Staff has engaged EBDA's HVAC contractor, B.A. Morrison to look at the area under the building to evaluate the need to install additional vents and/or a fan that is controlled automatically with a moisture sensor. B.A. Morrison is scheduled to inspect the building on October 13<sup>th</sup>.

The work on flooring and paint at the Administration Building also revealed the need for electrical work, for which staff has opened another project (see next item).

As Commissioners will see when they enter the building the week of October 16<sup>th</sup> for Committee meetings, the new flooring and paint have greatly improved the look of the offices. Work is expected to be completed in November.



**Mold Identified in the Floor under the Plan Drawers**

**EBDA Administration Building Electrical Upgrade**

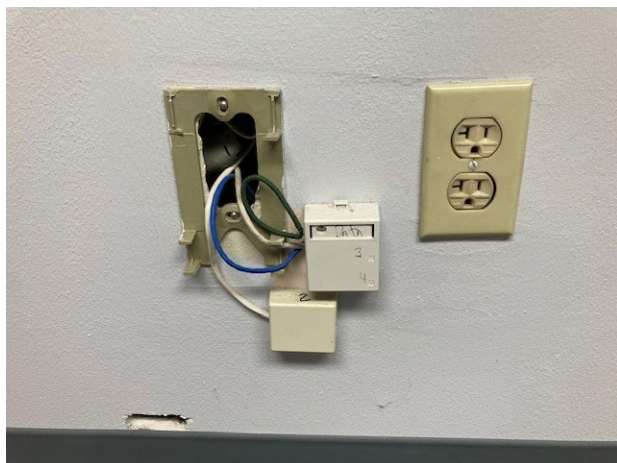
As noted above, staff is moving forward with electrical improvements while painting is being conducted and carpet has been removed. In particular, wiring issues in several offices have been corrected and new electrical plates installed to improve safety and cosmetics (see photos below and on the following page). In addition, it has been determined that there are electrical code issues with the wiring through the lobby of the building, which was originally set up for multiple work stations. Staff has engaged EBDA's electrical and instrumentation contractor, Calcon, to perform the wiring and electrical upgrades to bring the building up to code.



**Wiring Before**



**Wiring After**



**Wiring Before**



**Wiring After**

### **Miscellaneous Items**

#### **Underground Service Alerts**

EBDA received fourteen (14) Underground Service Alert (USA) tickets during the month of September 2023. Five required an Electronic Positive Response (EPR) and calls/emails to the excavators, and of the five, four required field verification.

### **Special Projects**

#### **Roof Replacement Projects**

The Administration Building, the MDF Sodium Bisulfite (SBS) Building, and the OLEPS roofs are all complete. The roofing contractor is currently working on punch list items and a final inspection will be scheduled once the items are completed.

#### **Cargill Brine Project**

As discussed at previous Commission Meetings, following certification of the Final Environmental Impact Report (EIR) for the proposed project, Cargill informed EBDA staff that they have made the decision to re-evaluate the “Bayside” pipeline route. Cargill is continuing to refine the route and expects it to be very similar to the Bayside alternative outlined in the EIR. Since Cargill is entirely re-engineering the pipeline and route, EBDA staff has requested they take another look at connecting at or after MDF instead of OLEPS, which would alleviate EBDA’s concerns about corrosion. Cargill and their engineering consultants conducted a site visit to MDF with EBDA staff in early August, and they are working on engineering concepts. Cargill expects to make a decision on this extension in Spring 2024.

Cargill’s preliminary schedule shows revised CEQA analysis in 2025, and construction beginning sometime between 2027 and 2029 depending on permitting, with operation

commencing between 2031 and 2033. In the interim, staff will continue at a measured pace negotiating the operating agreement between Cargill and EBDA.

**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. Following a series of delays, the East Bay radar was installed at Rocky Ridge in December 2022. There was some operational delay due to data communications issues, but those issues have now been resolved. The team is also installing a new buried power line to provide electricity to the radar. EBDA members can access regional data through AQPI's data portal. Program Management of AQPI is shifting from Colorado State University to the Center for Western Weather and Water Extremes (CW3E) at Scripps Institution of Oceanography, UC San Diego. CW3E will be developing an updated website and data management tools. Sonoma Water and the AQPI team will also be seeking local funding to install a C-Band radar to complete the regional system. More information on the cost-share proposal will be shared in the coming months. The next User Group meeting to discuss access to data during the upcoming wet season will be held on November 3<sup>rd</sup>.



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To:	Howard Cin East Bay Dischargers Authority	Date:	October 6, 2023
From:	Dave Mathy DCM Consulting, Inc.	File:	No. 406
Subject:	Bandwidth IG, Fiber Optics Cable Project Bundled Conduit Installation by HDD at East Bay Dischargers Authority (EBDA) Marina Dechlorination Facility and 96-inch Outfall Pipeline San Leandro, California		

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1.0 INTRODUCTION

This technical memorandum presents the results of a geotechnical and trenchless engineering review of currently available project information for Bandwidth IG’s planned fiber optics cable conduit installation by horizontal directional drilling (HDD) with respect to potential impacts on EBDA facilities. The Bandwidth IG project includes fiber optics cable installation across San Francisco Bay from Brisbane (western landing) to San Leandro (eastern landing). The eastern landing includes a segment (Span 1C, Segment 012) located in the Marina Park area of San Leandro that crosses EBDA’s 96-inch Outfall Pipeline. The approximate alignment of Span 1C, Segment 012 is shown in Figure A along with the location of EBDA’s Marina Dechlorination Facility and 96-inch Outfall Pipeline to San Francisco Bay.



**Figure A** – Bandwidth IG, Span 1C, Segment 012, approximate alignment  
Total fiber optic conduit length, approximately 1,800 feet

Bandwidth IG's Span 1C, Segment 012 is to be installed by horizontal directional drilling. Up to 8 conduits, 2 inches to 1.25 inches in diameter will be bundled and installed by 5 individual HDD runs of 200 to 400 feet in length. To accommodate up to 8 bundled conduits (7-2" and 1-1.25") the reamed HDD bore hole will likely be on the order of 12 to 14 inches in diameter. As shown in Figure A, HDD bores are oriented north-south along the east bay shoreline. EBDA facilities in the immediate vicinity of, or crossed by, the HDD bores include the Marina Dechlorination Facility, 96-inch Outfall Pipeline and associated parallel electrical and instrumentation conduits and PVC sample lines, 48-inch Force Main pipeline (City of San Leandro) and parallel 4-inch EBDA force main.

EBDA has requested that DCM Consulting, Inc. review the Bandwidth IG project plans for potential impacts on EBDA facilities.

## 2.0 REFERENCES

The following references have been provided by EBDA for this project review.

1. Force Main Between San Leandro and Marina (48-inch and 4-inch)  
Plan and Profile Drawings  
Sta. 75+10 to Sta. 90+00, Drawing No. 8  
Sta. 90+00 to End, Drawing No. 9  
by: East Bay Dischargers Authority  
dated: 6/30/77
2. Force Main Between Marina and Oro Loma (96-inch)  
Plan and Profile Drawings  
Sta. 0+00 to Sta. 4+00, Drawing No. 3  
Sta. 4+00 to Sta. 18+50, Drawing No. 4  
By: East Bay Dischargers Authority  
Dated: 4/6/77
3. Bay Outfall (96-inch)  
Plan and Profile Drawings  
Marina Dechlorination Facility to San Francisco Bay  
by: East Bay Dischargers Authority  
dated: 8/8/77  
21 drawings
4. Bandwidth IG  
New-Build Fiber Connection Underground  
Span 1C, Segment 012, San Leandro  
Plans, Profiles, Details and Notes  
by: Sagebrush Engineering  
dated: 8/23/22  
16 sheets

5. Horizontal Directional Drilling  
Geotechnical Exploration  
San Francisco Bay Cable Route  
Brisbane to San Leandro, California  
by: Engeo  
dated: 8/4/23  
54 pages
6. Letter dated August 8, 2023  
EBDA to Bandwidth IG  
RE: San Francisco Bay Fiber Optic Cables Project Drawing Review  
1 page
7. Google Earth Images from EBDA  
with approximate EBDA Facilities overlay at San Leandro Marina  
undated

The EBDA facilities in close proximity to, or to be crossed by, the Bandwidth IG fiber optics conduit installations include:

- Marina Dechlorination Facility structure, 96-inch Outfall Pipeline flowing west out of the Dechlorination Facility and a Flow Meter/Meter Box structure that the 96-inch Outfall Pipeline flows into approximately 95 feet west of the Dechlorination Facility and multiple small diameter electrical and instrumentation conduits and PVC sample lines between the two structures (see Figure 1);
- 96-inch Force Main flowing south to north into the Marina Dechlorination Facility; and
- 48-inch Force Main (San Leandro) flowing north to south into, and 4-inch Force Main (EBDA) flowing south to north out of, the Marina Dechlorination Facility.

The planned HDD installation of fiber optic conduits includes a total of 5 individual runs of 200 feet to 400 feet in length. Following is a brief summary of individual HDD runs and proximity to EBDA facilities (Stationing from the Bandwidth IG plans).

1. Station 0+00 to 3+67, length = 367 ft.  
4'x4'x4' manhole #26 is shown immediately adjacent to the City of San Leandro's 48-inch Force Main and EBDA's 4-inch Force Main at Station 0+00.
2. Station 3+67 to Station 7+67, length = 400 ft.  
The HDD bore path crosses EBDA's 96-inch Outfall Pipeline and associated 2-inch electrical and instrumentation conduits and 1-½ to 2-inch PVC sample lines (see Figure 1) at approximately Station 5+05.
3. Station 7+67 to Station 11+67, length = 400 ft.  
No EBDA facility in proximity to HDD bore path



4. Station 11+67 to Station 13+67, length = 200 ft.  
 3'x5' HDD temporary bore pit is shown 12' west of the west edge of EBDA's 96-inch Force Main at Station 13+67.
  
5. Station 13+67 to Station 18+07, length = 440 ft.  
 The HDD bore path is shown 12' to 10' west of EBDA's 96-inch Force Main. 6'x9'x12' manhole #27 is shown less than 10 feet (no dimension given) from the nearest edge of EBDA's 96-inch Force Main at Station 18+07.

The Bandwidth IG project plans do not show a profile of the HDD bore path where it crosses the EBDA 96-inch Outfall Pipeline at approximately Station 5+05. However, the plan Construction Notes on Sheet G-1 do include the following Note 5.

5. THE FOLLOWING MINIMUM CLEARANCES (FROM REAMED PERIMETER OF THE BORE MIN 42" COVER HOLE TO THE OUTER PERIMETER OF THE UTILITY) SHALL BE USED AS A GUIDELINE. THE GEOTECHNICAL REPORT CONCLUSIONS & RECOMMENDATIONS OR THE CITY'S DETERMINATION SHALL BE FOLLOWED, IF MORE RESTRICTIVE.

(A) LOCATE HDD 8 FT. CLEAR (HORIZONTALLY) FROM THE EXISTING STORM DRAIN & SANITARY SEWER MAINS. MINIMUM OF 5' HORIZONTAL CLEARANCE SHALL BE MAINTAINED FROM WATER MAINS, EXCEPT WHEN AT THE SAME ELEVATION AS WATER MAINS, 8 FT. HORIZONTAL CLEARANCE SHALL BE MAINTAINED. MINIMUM OF 5 FT. HORIZONTAL CLEARANCE SHALL BE MAINTAINED FROM FIRE HYDRANTS, ELECTRICAL CONDUITS, BOXES, & VAULTS.

(B) USE THE FOLLOWING CHART FOR MINIMUM DEPTH OF COVER (IN THE PAVEMENT & SIDEWALK AREAS) & MINIMUM CLEARANCE WHEN CROSSING UTILITIES (STORM DRAIN, SANITARY SEWER, WATER, ELECTRICAL, GAS, ETC.). CROSSING SHALL BE AT 90-DEGREE.

BORE DIAMETER	Min. DEPTH OF COVER	Min. CLEARANCE FROM CROSSING UTILITIES
6" OR LESS	4'	3'
14" OR LESS	6'	5'
24" OR LESS	10'	7'
48" OR LESS	25'	15'

**Figure B** – Bandwidth IG Minimum Depth of Cover and Minimum Clearance from Crossing Utilities as a function of reamed borehole diameter.  
 From: Construction Notes, Sheet G-1, Note 5

Assuming that the bundled 2" conduits (7 each) and 1.25" conduit (1 each) will require a reamed bore hole on the order of 12 to 14-inches in diameter (for conventional HDD installation the reamed bore hole is typically 50% larger in diameter than the outside diameter of the pipeline or bundled conduits to be installed), the minimum clearance from crossing utilities per Construction Note 5 should be 5 feet. In addition, per Construction Note 5 the minimum depth of cover should be 6 feet. This applies to EBDA's 96-inch Outfall Pipeline as well as the associated 2-inch electrical and instrumentation conduits and 1-½ to 2-inch PVC sample lines between the Marina Dechlorination Facility and the 96-inch Outfall Pipeline Flow Meter/Meter Box structure (see Figure 1).

There is a further note within the Bandwidth IG plan set on Sheet BP-1 that requires a minimum of 10 feet of vertical separation from the deepest utility at all intersections.

**"BANDWIDTH TO DIRECTIONAL BORE AND MAINTAIN  
10' MINIMUM VERTICAL SEPARATION FROM DEEPEST  
UTILITY THROUGH ALL INTERSECTIONS"**

**Figure C** – Sheet BP-1 note requires 10 feet of vertical separation from deepest utility through all intersections.

In addition to these potentially conflicting notes regarding minimum clearances (and vertical separation) from existing utilities, the "Typical Utility Crossing Detail" on sheet CD-1 shows 12" min. clear (typ.) for crossing under and over existing utilities.

### 3.0 CONCLUSIONS

1. The construction note on Bandwidth IG's plan sheet BP-1 (Figure C above), and the "Typical Utility Crossing Detail" on sheet CD-1 are in conflict with Construction Note 5 on plan sheet G-1 (Figure B above). For purposes of HDD crossing EBDA's 96-inch Outfall Pipeline and associated electrical and instrumentation conduits and PVC sample lines, Construction Note 5 on plan sheet G-1 (see Figure B herein) should govern.
2. Where the Bandwidth IG fiber optic conduits cross EBDA's 96-inch Outfall Pipeline (approximately Bandwidth IG Station 5+05) the ground surface is paved and the top of the 96-inch Outfall Pipeline is approximately 13 to 15 feet below ground surface (see Figure 2 for excerpts from EBDA record Outfall Pipeline drawings). Within the 13 to 15 feet of cover, there are multiple 2-inch electrical and instrumentation conduits and 1-½ to 2-inch PVC sample lines connecting the Marina Dechlorination Facility and 96-inch Outfall Pipeline Flow Meter and Meter Box (see Figure 1).

For a 12 to 14-inch reamed HDD bore hole diameter, the minimum depth of cover is 6 feet (in pavement and sidewalk areas) and the minimum utility clearance is 5 feet (see Figure B above). That means that the window for the HDD bore path above considering the 96-inch Outfall Pipeline alone is between 6 feet below ground surface and 8 to 10 feet below ground surface (i.e., only 2 to 4 feet available above the top of the 96-inch Outfall Pipeline). See Figure 3 for a schematic sketch of this available HDD bore path window (with respect to the 96-inch Outfall Pipeline only) at about 70 feet west of the Dechlorination Facility. Depending on the depth of the EBDA electrical and instrumentation conduits and PVC sample lines (i.e., are they very shallow or very deep?), it is possible that there will not be a 5-foot utility clearance window within the 13 to 15 feet of cover on the 96-inch Outfall Pipeline. If this is the case then the HDD bore path will have to go under the 96-inch Outfall Pipeline with a minimum of 5 feet of separation. This would put the HDD bore path for the HDD run between Station 3+67 and 7+67 where it crosses the 96-inch Outfall Pipeline at a minimum depth of about 26 to 28 feet below ground surface.

3. 10' to 12' of edge-to-edge horizontal separation between EBDA's 96-inch Force Main and the 12 to 14-inch reamed bore hole (Station 13+67 to 18+07) is adequate for future access to the 96-inch Force Main. However, the 6'x9'x12' manhole #27 at Station 18+07 does not have a stated dimension for edge-to-edge horizontal separation from the 96-inch Force Main.


#### 4.0 RECOMMENDATIONS

1. Bandwidth IG should confirm the bundled conduits size (i.e., bundle diameter) and the planned diameter of the reamed HDD bore hole. For purposes of this technical memorandum a bundled conduit size of approximately 8 to 9 inches (for 7 – 2" conduits and 1 – 1.25" conduit) and a reamed borehole diameter of 12 to 14 inches has been assumed.
2. Bandwidth IG should reconcile the conflicts regarding the minimum clearance between the HDD bore path and crossing utilities as required by Construction Note 5 on plan sheet G-1 and the note on plan sheet BP-1 and the "Typical Utility Crossing Detail" on sheet CD-1. For purposes of EBDA's facilities Construction Note 5 on plan sheet G-1 should apply.
3. The 4'x4'x4' manhole #26 shown on plan sheet C-1 at Station 0+00 is too close to the City of San Leandro's 48-inch Force Main and EBDA's 4-inch Force Main. In order to allow for unrestricted open cut access to the 48-inch Force Main and 4-inch Force Main (for potential future repairs/maintenance) the clear distance between the outside edge of the 48-inch San Leandro Force Main and/or the outside edge of the 4-inch EBDA Force Main and the outside edge of the 4'x4'x4' manhole #26 should be a minimum of 5 feet. This 5-foot edge to edge clear dimension should be shown on plan sheet C-1 with a note to pothole both the 48-inch and 4-inch Force Main pipelines. The 48-inch Force Main and the 4-inch Force Main must both be pot holed for accurate location to ensure the minimum 5-foot edge to edge separation.
4. The 6'x9'x12' manhole #27 shown on plan sheet C-4 at Station 18+07 is shown at less than 10 feet from the edge of EBDA's 96-inch Force Main. In order to allow for unrestricted open cut access to the 96-inch Force Main (for potential future repairs/maintenance) the clear distance between the outside edge of the 96-inch Force Main and the outside edge of the 6'x9'x12' manhole #27 should be a minimum of 7 feet. This 7-foot edge to edge clear dimension should be shown on plan sheet C-4. The 96-inch Force Main must be pot holed for accurate location to ensure the minimum 7-foot edge to edge separation.
5. Every electrical and instrumentation conduit and PVC sample line between the Marina Dechlorination Facility and the 96-inch Outfall Flow Meter and Meter Box (see Figure 1) must be:
  - a. accounted for;
  - b. potholed; and
  - c. accurately located.

Once accurately located the HDD bore path must maintain a minimum of 5 feet of clearance from each conduit as well as 5 feet of clearance from the 96-inch Outfall Pipeline and with a minimum of 6 feet of cover (for a 12-to-14-inch reamed bore hole diameter).

As shown in Figure 3, the available HDD bore path above the 96-inch Outfall Pipeline is very limited with respect to the 96-inch Outfall Pipeline only. When the multiple 2 inch electrical and instrumentation conduits and 1-½ to 2-inch PVC sample lines are fully accounted for and pot holed for accurate depths they will need to be added to this or similar section. Given the minimum depths of cover and minimum clearances from crossing utilities specified in Bandwidth IG's plans Construction Note 5 (see Figure B), it may be impossible to directional drill above the 96-inch Outfall Pipeline. Bandwidth IG should provide a bore profile for final review (similar to sheet BP-1 for the A.C.F.C. Creek crossing) for crossing EBDA's 96-inch Outfall Pipeline and associated 2-inch electrical and instrumentation conduits and 1-½ to 2-inch PVC sample lines.

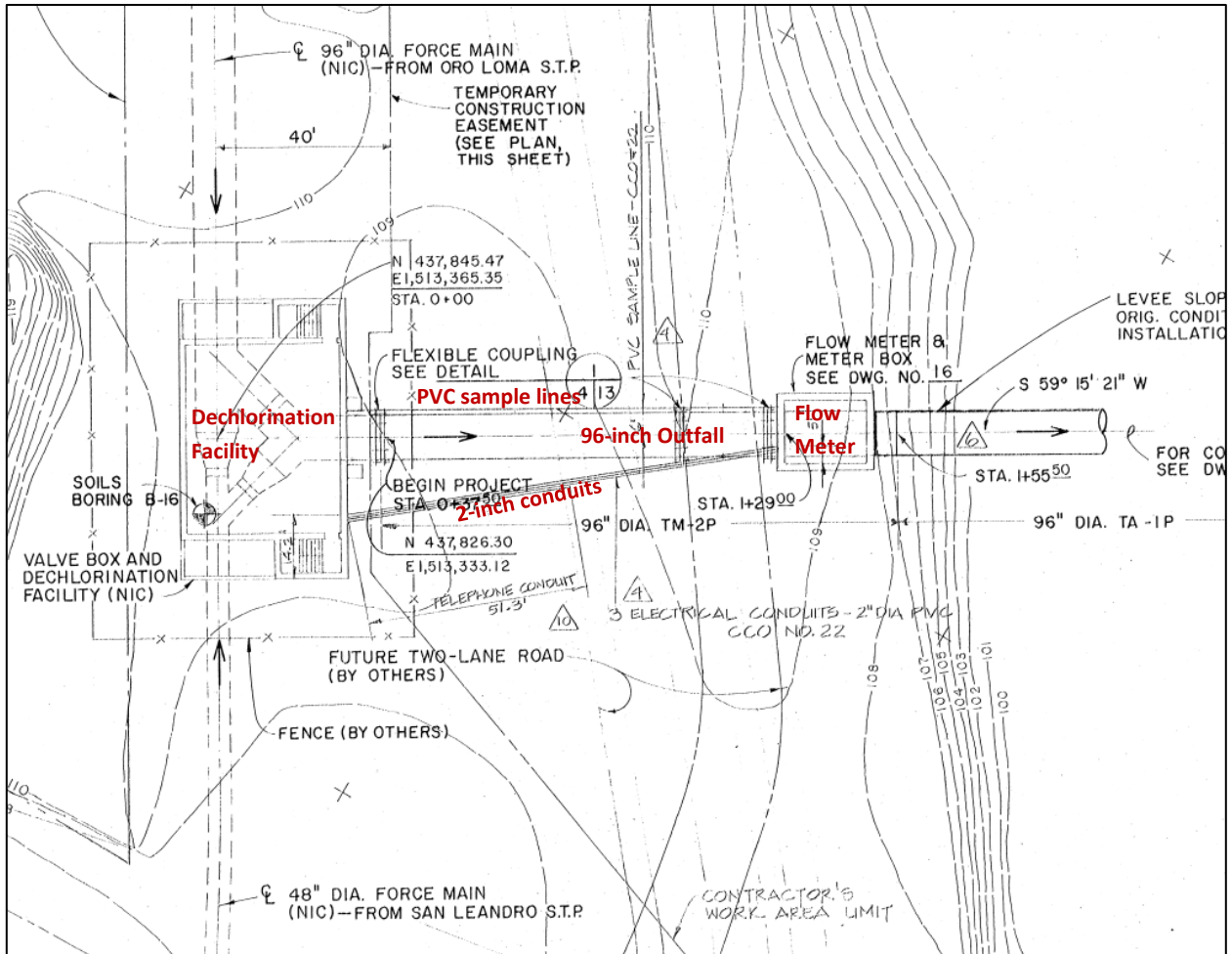
Let me know if you have any questions or need any additional review of the Bandwidth IG fiber optic conduit installation plans and specifications.



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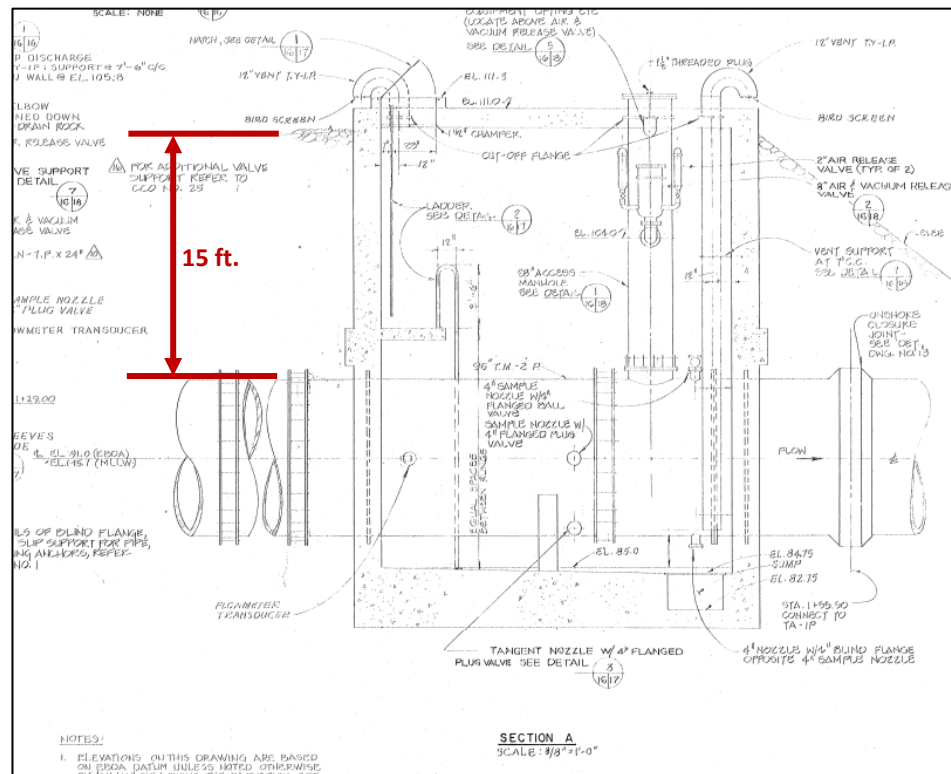
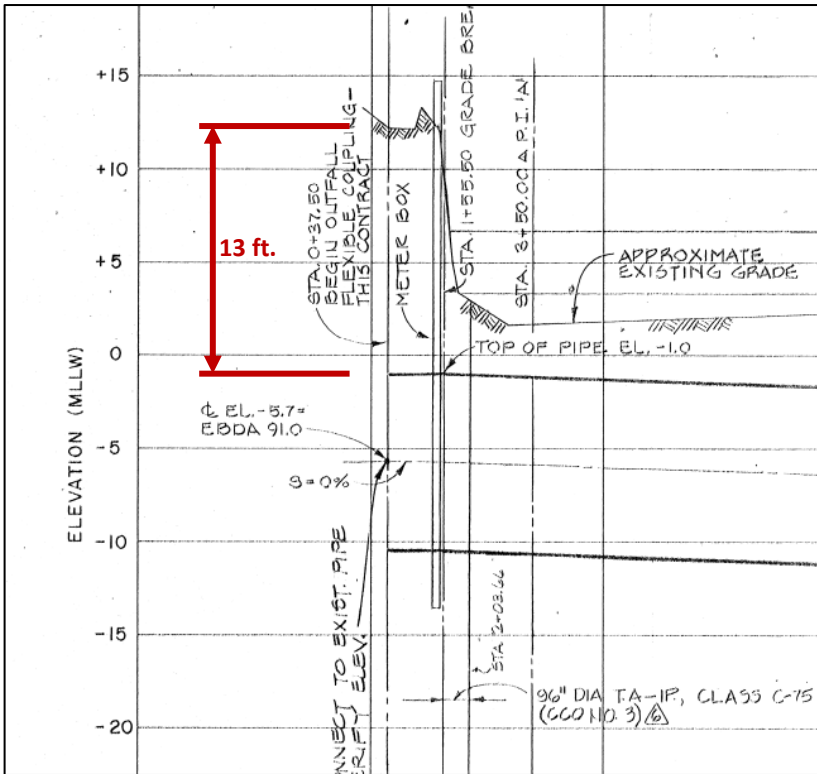
David C. Mathy  
Principal Engineer  
C.E. 28082  
G.E. 569





**Figure 1** – Excerpt from EBDA record drawings for the 96-inch Outfall Pipeline, Drawing No. 4. The Marina Dechlorination Facility to the left and the 96-inch Outfall Pipeline Flow Meter and Meter Box to the right. The length of the 96-inch Outfall Pipeline between the two structures is 95.5 feet.

Note the plan view location of 2-inch electrical and instrumentation conduits and 1-½ to 2-inch PVC sample lines between the Dechlorination Facility and Flow Meter and Meter Box. All conduits and pipes between the Dechlorination Facility and Flow Meter and Meter Box must be fully accounted for and potholed for accurate location and depth for HDD bore path design (see Figure 3).

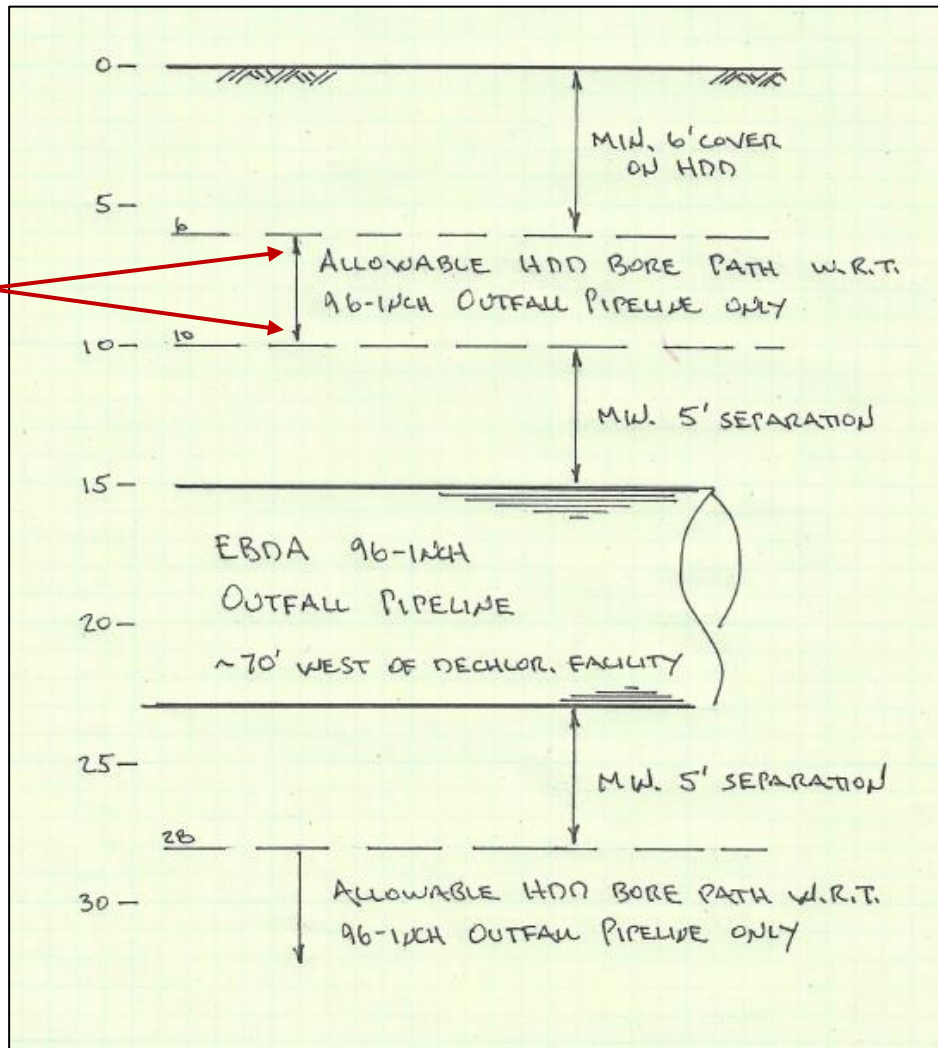


**Figure 2** – The depth of cover on the 96-inch Outfall Pipeline from record drawings varies from 13 feet at the Marina Dechlorination Facility (upper section) to 15 feet at the Flow Meter/Meter Box (lower section). Depth of cover at crossing to be confirmed by potholing.

From EBDA Outfall Pipeline record drawings No. 5 and No. 16



This upper HDD bore path window may close as a function of the pot holed depths of electrical and instrumentation conduits and PVC sample lines.



**Figure 3** – Schematic section at 96-inch Outfall Pipeline crossing approximately 70 feet west of the Dechlorination Facility illustrating the very narrow allowable HDD bore path above the Outfall Pipeline (only 4 feet). Assumes 12 to 14-inch reamed HDD bore hole and the minimum depth of cover and minimum clearance from crossing utilities from Bandwidth IG plans Construction Note 5 (see Figure B).

Note that this schematic section does not include the depths of multiple electrical and instrumentation conduits and PVC sample lines between the Dechlorination Facility and 96-inch Outfall Pipeline Flow Meter/Meter Box as shown in Figure 1. Once accurately accounted for and located these conduits need to be added to this evaluation of allowable HDD bore path depth.

**ITEM NO. OM6 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CHANGE ORDER TO THE PURCHASE ORDER WITH PETERSON CATERPILLAR FOR DIESEL ENGINE REPAIR AND MAINTENANCE IN THE AMOUNT OF \$74,245 FOR A TOTAL PURCHASE ORDER VALUE OF \$99,244**

**Recommendation**

Approve the motion authorizing the change order.

**Strategic Plan Linkage**

1. **Operations & Maintenance:** Ensure reliable operations & maintenance of the EBDA system to protect public health and the Bay.
  - a. Implement EBDA's Asset Management Plan.

**Background**

On an annual basis, EBDA engages Peterson Caterpillar for diesel engine repair and maintenance. Peterson Caterpillar performs routine maintenance on EBDA's generator diesel engines at HEPS and MDF, as well as the generator engine and two pump engines at OLEPS, and also provides as-needed support when issues with the engines arise. Staff issued a Purchase Order (PO) to Peterson Caterpillar at the start of this Fiscal Year for \$24,999 for routine and as-needed diesel engine repair and maintenance.

During the March storms, OLEPS Diesel Engine #2 (Pump #3) experienced an issue with the engine surging under load. In late March, Peterson Caterpillar performed a service call to troubleshoot the issue. During the service call, the diesel engine operated normally without any issues. The issue only occurs intermittently and has been hard to replicate.

On October 11, 2023, Peterson Caterpillar completed a major service on OLEPS Diesel Engine #2 (Pump #3). The major service included replacing all filters, fluids, thermostats and hoses, replacing the oil cooler, performing valve adjustments, and checking injector timing. The pump was run and operated without any issues. The Peterson Caterpillar Service Technicians believe that they found and corrected the cause of the engine surging issue. The pump will be test run several times over the next week to ensure reliable operation and to verify that the engine surging issue was eliminated.

The March work was completed under the PO for last FY. The work completed on October 11<sup>th</sup> was performed under the existing PO.

**Discussion**

Staff is proposing a change order to Peterson Caterpillar's PO in the amount of \$74,245 for a total PO of \$99,244. Work under the proposed change order would include major service on OLEPS Diesel Engine #1, major service on the OLEPS generator diesel engine, and minor service on the HEPS and MDF generator diesel engines. Major service was completed on the HEPS and MDF generator diesel engines three years ago. An



allowance has also been made for a new actuator/governor for Diesel Engine #2 in case it is deemed necessary to correct the engine surging issue.

The following table summarizes completed and planned work under Peterson Caterpillar's PO during FY 2023/2024:

<b>Task</b>	<b>Cost</b>
MDF Generator Minor Service	\$2,206
HEPS Generator Minor Service	\$2,956
OLEPS Generator Major Service	\$3,845
Actuator/Governor for Diesel Engine #2	\$6,777
OLEPS Diesel Engine #1 (Pump #2) Major Service	\$24,730
OLEPS Diesel Engine #2 (Pump #3) Major Service	\$24,730
Tax & Contingencies for Above Work	\$14,000
Additional As-Needed Work This FY	\$20,000
<b>Total</b>	<b>\$99,244</b>
Previously Authorized	\$24,999
<b>Proposed Change Order</b>	<b>\$74,245</b>

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**ITEM NO. 14**

**PERSONNEL COMMITTEE AGENDA**

**Tuesday, October 17, 2023  
4:00 p.m.**

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

**Committee Members: Azevedo (Chair), Simon**

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Brown Act Review**  
(The Committee will discuss legal counsel's annual review of the Brown Act.)
- P5. Review of Commissioner Compensation Policy and Set Rate for 2024**  
(The Committee will review the Policy and discuss rate considerations.)
- P6. Motion to Authorize the General Manager to Execute an Agreement with Regional Government Services Authority for Finance and Administrative Services in an Amount Not to Exceed \$136,528**  
(The Committee will consider the motion.)
- P7. 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 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 posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.

**Next Scheduled Personnel Committee meeting is  
December 19, 2023 at 4:00 p.m.**

## ITEM NO. P4 BROWN ACT REVIEW

### Recommendation

Receive and review the foregoing updates to the Brown Act.

### Strategic Plan Linkage

4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
6. **Internal Collaboration:** Expand cooperation among EBDA Member Agencies to improve economies of scale, reduce duplication of effort, and enhance each Agency's capacity.
  - a. Engage in proactive communication with Commission and Managers Advisory Committee (MAC).

### Background

The Ralph M. Brown Act ("Brown Act" or "Act") (Gov. Code section 54950 et seq.), governs the public's rights to attend and participate in meetings of local legislative bodies, and provides procedural requirements for such meetings. The Brown Act is updated from time to time by the State legislature, or Gubernatorial Orders. The Personnel Committee annually reviews the Ralph M. Brown Act for changes that may have an effect on how EBDA conducts its Committee and Commission meetings.

### Discussion

#### Teleconferencing

Modifications to Brown Act requirements have been made over the past several years to accommodate teleconferencing as a public health measure during the COVID-19 pandemic. The Brown Act requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. The Act also allows for meetings to occur via teleconferencing subject to certain requirements, particularly that

- the legislative body notice each teleconference location of each member that will be participating in the public meeting,
- each teleconference location be accessible to the public,
- members of the public be allowed to address the legislative body at each teleconference location,
- the legislative body post an agenda at each teleconference location, and
- at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. (Gov't Code § 54953(b).)

AB 361 (2021) allowed for local legislative bodies to conduct meetings via teleconferencing without complying with certain Brown Act provisions 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. Such findings were required to be adopted by resolution at least every 30 days. With the termination of the COVID-19 State of Emergency, EBDA and other public agencies were no longer able to rely on AB 361 after February 28, 2023. Additionally, AB 361 was set to expire at the end of 2023, leaving

open the question of emergency remote meeting procedures beyond that date.

On October 8, Governor Newsom signed AB 557 (Hart) into law, a bill sponsored by the California Special Districts Association (CSDA) to refine the emergency remote meeting procedures created in AB 361. AB 557 strikes the sunset date from the emergency remote meeting procedures of AB 361, thereby extending them indefinitely. AB 557 also changes the 30-day duration of AB 361 resolutions to 45 days. This is helpful for agencies including EBDA, whose time between regular meetings sometimes exceeds 30 days. EBDA will be able to rely on AB 557 in the future to conduct remote meeting during a declared emergency.

AB 2449, signed by Governor Newsom in September 2022, allows local legislative bodies to hold teleconferenced meetings without complying with the traditional Brown Act rules under certain circumstances without a declared emergency. At least a quorum of the members of the legislative body must participate in person from a singular physical location identified on the agenda, which location will be open to the public and within the boundaries of the local agency. The legislative body must also provide either a two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting, and remotely address the legislative body. The agenda must identify and include an opportunity for all persons to attend via a call-in option, internet-based service option, and at the in-person location of the meeting.

Additionally, AB 2449's teleconference procedures are limited to a period of no more than three consecutive months or 20% of the regular meetings within a calendar year, or more than two meetings if the legislative body meets fewer than ten times per calendar year.

The individual members of the legislative body are allowed to participate remotely only if either "just cause" or "emergency circumstances" exist as defined by AB 2449. "Just cause" is defined as either:

- (i) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
- (ii) a contagious illness that prevents a member from attending in person;
- (iii) a need related to a physical or mental disability as defined by statute; or
- (iv) travel while on official business of the legislative body or another state or local agency.

"Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

AB 2449's rules will remain in effect through 2025. In the absence of any future legislation, the traditional Brown Act teleconference rules will return in full effect on January 1, 2026.

#### Orderly Conduct

On August 30, 2022, Governor Newsom signed SB 1100 into law, amending the Brown Act to provide clarification regarding the authority of a local agency's governing body to remove a disruptive member of the public from an open meeting, in order to maintain

order during the meeting. The Brown Act currently permits a governing body to enact reasonable regulations governing public participation at open meetings, but forbids governing bodies from prohibiting “public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.”

SB 1100, effective January 1, 2023, clarifies that despite such a prohibition, the board chair may remove disruptive individuals from a board meeting, so long as the individual is first warned that their behavior is disrupting the meeting and failure to cease such behavior may result in removal. If the behavior does not promptly cease, the individual may be removed. “Disrupting” is defined as engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting.

**ITEM NO. P5 REVIEW OF COMMISSIONER COMPENSATION POLICY AND SET RATE FOR 2024**

**Recommendation**

Provide direction to staff.

**Strategic Plan Linkage**

4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.

**Background**

Per the Sanitary District Act of 1923, Commissioners may receive compensation for each day of service in an amount adopted by the Commission. In December 2020, the Commission adopted the Authority’s Commissioner Compensation Policy, which governs the daily compensation rate and the activities that are eligible for compensation. The Policy, attached, was most recently updated in May 2023. At that time, some changes were made to eligibility, but not to the compensation rate.

In November 2018, the Commission adopted a rate of \$240 per day of service, which has been in effect since January 1, 2019. This compensation rate may be adjusted by up to 5% annually by action of the Commission.

**Discussion**

Staff is seeking input from the Committee on whether the daily Commissioner compensation rate should be adjusted, and/or whether any other changes to the Policy are warranted. The current rate may be increased up to \$252 per day of service. The table below includes current rates for EBDA’s sanitary district members and other local agencies.

<b>Agency</b>	<b>Board Compensation Rate</b>
West County Wastewater District	\$400
Oro Loma Sanitary District	\$265
Castro Valley Sanitary District	\$250
<b>East Bay Dischargers Authority</b>	<b>\$240</b>
Union Sanitary District	\$212.10
Central Contra Costa Sanitary District	\$200
Dublin San Ramon Services District	\$195
Fairfield Suisun Sewer District	\$172.99
Delta Diablo	\$170

Pending feedback from the Committee, staff will bring the Policy back to the Commission for consideration next month. Any rate increase would be effective on January 1.

**POLICY NUMBER:** 5

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**NAME OF POLICY:** Commissioner Compensation

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**LAST REVISED:** May 18, 2023

**PREVIOUSLY REVISED:** December 17, 2020

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**PURPOSE:** The purpose of this Policy is to prescribe the manner in which Authority Commissioners may be compensated and/or reimbursed for actual and necessary expenses related to official business of the Authority as well as for attendance at professional, educational, or vocational meetings.

**POLICY:** It is the policy of the Authority to provide fair and appropriate compensation for Commissioners performing their official duties.

Per the Sanitary District Act of 1923, Health and Safety Code sections 6400 et seq. Health and Safety Code section 6489(a) provides that board members may receive compensation not to exceed one hundred dollars (\$100) “for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.” Health and Safety Code section 6489(b) provides that the board may adopt by ordinance an increased amount of compensation received by board members above the amount of one hundred dollars (\$100) per day.

On this basis, Commissioners shall be paid per day, not per meeting. Effective January 1, 2019, the current daily compensation rate is \$240 for each day of service (Resolution 18-40). This compensation rate shall be reviewed once each calendar year in October and may be adjusted by up to 5% annually effective January 1 by action of the Commission. The Authority shall compensate Commissioners for up to six (6) days of service per month.

The following activities shall be considered Commission service eligible for compensation:

- Attendance at Authority Commission Meetings, Committee Meetings, or other Commission workshops or meetings subject to the Brown Act
- Representing the Authority at meetings or events at the request of Authority staff or Commission



- Meetings with legislators while representing the Authority
- Attendance at an Authority tour or special training
- Meetings with the General Manager regarding the Commission agenda or other business within the subject matter jurisdiction of the Authority

For the events above, Commissioners shall be entitled to the daily service stipend as well as reimbursement for associated travel costs.

For other activities, including conferences, meetings, and professional development, Commissioners shall be compensated by their home agencies. Commissioners may seek exceptions whereby the Authority provides compensation by requesting pre-approval by the Commission. The Commission may consider pre-approving compensation for these and any other activities on a case-by-case basis.

For additional clarity, the following activities are ineligible for compensation:

- Attendance at meeting of a Standing, Liaison, Ad Hoc, or Advisory Committee of the Board on which the Commissioner does not serve
- Attendance at any meeting solely with Authority staff other than those identified above
- Internal Authority events, including groundbreakings, ribbon cuttings, dedications, and anniversary celebrations
- Social gatherings such as retired Commissioner dinners and pre-conference activities and nonpartisan welcoming or retirement events for staff of local agencies and organizations
- Any activity for which a Commissioner is representing their home agency and/or receives compensation from another agency

**ITEM NO. P6 MOTION TO AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH REGIONAL GOVERNMENT SERVICES AUTHORITY FOR FINANCE AND ADMINISTRATIVE SERVICES IN AN AMOUNT NOT TO EXCEED \$136,528**

**Recommendation**

Approve a motion authorizing the General Manager to execute an Agreement with Regional Government Services Authority in an amount not to exceed \$136,528.

**Strategic Plan Linkage**

- 4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
  - c. Develop and implement succession plans for each staff role.

**Background**

EBDA’s Classification Plan currently includes four roles: General Manager, Operations and Maintenance Manager, Administration Manager, and Administrative Support Specialist. The first three roles are currently budgeted as full-time positions. The Administrative Support Specialist role is currently budgeted as a half-time position. EBDA also currently engages a part-time accountant by contract.

As noted at the last Personnel Committee meeting, the half-time Administrative Support Specialist position is currently vacant, following the departure of Bert (Bubba) Manzo in July 2023 when he accepted a position as an operator with Oro Loma Sanitary District. Staff is also preparing for the retirement of EBDA’s long-time contract accountant, Deborah Quinn. Ms. Quinn, who has been a critical member of the EBDA team since 1989, has indicated that she would like to phase out her role as the Authority’s primary accountant after the FY 2022/2023 audit, which is currently in process. She has agreed to assist in getting new accounting staff onboarded and intends to retire at the end of the 2023 calendar year.

**Discussion**

Over the last several years in preparation for Ms. Quinn’s retirement, staff has looked at a number of potential accounting solutions, summarized in the table below.

<b>Option</b>	<b>Analysis</b>
Engage an EBDA Member Agency to handle EBDA’s accounting.	While this model is used with other JPAs (e.g., the Bay Area Clean Water Agencies uses EBMUD for accounting), none of EBDA’s members is currently in a position to take on EBDA’s accounting workload.

Hire an employee.	Hiring an accountant would add to the cost, when benefits and pension are considered. EBDA also does not need a full-time accountant, but could in the future consider partnering with a Member Agency, such as CVSan, that also has part-time accounting needs. Staff will continue to look at this in concert with CVSan, but is not recommending a recruitment at this time. Hiring one individual also limits flexibility to take on tasks or roles beyond accounting.
Hire an individual contractor.	While EBDA has had great success with Ms. Quinn, there are not very many individual contractors that are interested in taking on part time public accounting work, and the fit would be important. In addition, depending on one non-employee individual for such a critical business function has risks if that person becomes unavailable for some reason.
Hire a company or organization to provide accounting resources.	Partnering with a company or organization, at least as an interim strategy, allows for maximum flexibility, as the company can tap the appropriate individuals to meet the Authority's workload needs.

Based on this analysis, staff is recommending hiring a company to lead EBDA's finance and accounting functions going forward. Based on how the success of the transition and ongoing performance, the partnership could be continued indefinitely, or staff could re-consider the options presented above at any time if circumstances change.

Staff received proposals from two organizations interested in providing accounting resources and recommends contracting with Regional Government Services Authority (RGS). RGS is a Joint Powers Authority (JPA) founded in 2001 and began serving the needs of cities, counties, special districts, joint powers authorities, and other governmental entities in 2002. RGS works exclusively for public agencies, providing support and consulting services to meet the needs of its partner agencies in a broad range of disciplines including accounting and finance, human resources, clerk of the board, and others. RGS has over 180 staff, many of whom previously worked as public agency employees.

RGS, which has been supporting CVSan's accounting function for the past year, has a depth of knowledge and experience performing accounting tasks for agencies like EBDA. In addition, on an as-needed basis, EBDA could avail itself of RGS's support on other functions such as human resources questions, payroll processing, and even recording Commission minutes.

Staff envisions working with RGS to refine their scope as they begin to integrate into EBDA's routine activities. While the core function will be in succession to Ms. Quinn to perform accounting functions, RGS staff may also take on tasks previously performed by the Administrative Support Specialist and/or alleviate workload constraints of the Administration Manager. Staff also looks forward to working with RGS staff to identify

opportunities for process efficiencies and streamlining. Staff will reassess administrative workload following this transition and report back to the Committee. During this process, the Administrative Support Specialist position will remain open.

RGS's proposal is attached. The term would begin upon contract execution to maximize overlap between RGS staff and Ms. Quinn, and would run through Calendar Year 2024 to ensure continuity through the Fiscal Year 2023/2024 audit. Beginning January 1, 2025, the contract would automatically convert to a month-to-month basis until terminated. Staff believes this is an appropriate period to assess RGS's capabilities and fit and determine whether to continue with their services or pursue an alternative strategy.

RGS conservatively estimates that following a start-up and transition period (estimated to cost \$7,448), their monthly level of effort for finance and accounting services would be \$8,272. RGS has also included a monthly allowance of \$948 for as-needed human resources questions and clerk services. Assuming a start date of November 1, 2023, the total for 14 months of service is \$136,528. RGS will only bill the Authority for hours actually spent on Authority work, so costs may end up lower as staff and RGS identify efficiencies and appropriate workload share between RGS and Authority staff.

RGS's cost estimates are well within EBDA's budget. EBDA's FY 2023/2024 budget includes \$150,000 for accounting. Based on previous years, staff expects to spend approximately \$30,000 on Ms. Quinn's contract, leaving \$120,000 for RGS through June 30, 2024. RGS services through June 30, 2024 are projected to be just over \$81,000. The budget also includes approximately \$38,000 in salary and benefits for the Administrative Support Specialist, which could be used to support this contract if needed.



# East Bay Dischargers Authority

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Finance Services

October 19, 2023



October 19, 2023

Jacqueline Zipkin, General Manager  
East Bay Dischargers Authority  
2651 Grant Avenue  
San Lorenzo, CA 94580

**SUBJECT: East Bay Dischargers Authority Finance Services**

Dear Ms. Zipkin,

Thank you for giving Regional Government Services (RGS) the opportunity to provide this proposal to the East Bay Dischargers Authority to provide finance and administrative project guidance and support. We are confident that RGS is uniquely qualified to make this a successful endeavor.

Our attached informal proposal addresses our understanding of the Authority's needs at this time, and we have also included in the proposed scope of services a provision for human resources consulting and clerk to the commission support should these services be needed in the future. If the services aren't needed, there won't be any costs incurred reflecting projects undertaken in those areas.

Please find herein:

- RGS Information – What are we?
- Informal Proposal - Proposed Scope of Services for EBDA
- Service Rates for 2023 (These rates are effective through June 30, 2024)
- Our Proposal

Our proposed scope of services and proposal reflects our anticipation that the RGS project team will work with EDDBA's financial support team for several weeks to provide for a smooth transition.

As noted in our meeting, RGS Strategic Services Consultant, Tracy Fuller, who has committed to the project, is both highly qualified and available to provide these services. If you have any questions regarding this proposal, please feel free to contact either of us.

Sincerely,

*Glenn Lazof*

Glenn Lazof, Strategic Services Consultant  
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## **ORGANIZATIONAL PROFILE**

**Regional Government Services (RGS)** is a California Joint Powers Authority established in 2002 to serve the needs of cities, counties, special districts, and other governmental entities throughout California. RGS works extensively with public agencies providing a ready source of competent and effective administration and consulting services to meet the needs of our partner agencies.

We currently have over 181 employees throughout California serving more than 150 cities, special districts, counties, other JPAs and special consortiums of government agencies. RGS provides consulting services in the areas of financial and human resource management, organizational development, community engagement, strategic planning, and more, specifically to public agencies. RGS has served over 300 agencies throughout the state and is proud to have partnered with so many public agencies, who benefit from our cost-effective delivery model and open-source access. RGS' expert public sector staff create and share resources and tools to improve internal efficiencies and deliver services to the public.

RGS is a virtual government agency and has developed a unique network of geographically distributed Advisors who work both onsite at partner agency offices on a limited basis, and through various remote access technologies to deliver services to partner agencies, reducing overhead and expanding our ability to provide high-quality services throughout the state. RGS Advisors form ad hoc teams to provide services and project delivery, and do not operate in a traditional organizational hierarchy.

RGS Executive Director Sophia Selivanoff joined RGS in 2009. Ms. Selivanoff implements the Authority's strategic plan and oversees the day-to-day operations through a staff of professional public agency managers. Working closely with her, Glenn Lazof, Director of Finance Services, leads a team of over 35 Finance Specialists providing outsourced public agency Finance Services.

At RGS, we strive to be a partner to the agencies we serve, not simply a consultant or contractor. We believe in relationships that are lasting and mutually respectful and beneficial. The RGS vision is to promote good governance and outstanding community service through providing expertise to public agencies. At RGS, we value the extensive knowledge required to operate a public agency in today's complex environment and serve public sector agencies with our team of dedicated and experienced public sector leaders. RGS encourages and develops innovative and sustainable services to help each agency meet its operational needs and challenges. We customize solutions to achieve timely provision of the right level and type of service for each agency's unique organizational needs. RGS listens, works with our partner agencies, and perseveres through each challenge, seeking the best outcomes. RGS tracks emerging best practices and shares them with our clients and our advisors. We learn openly from each other's hard-won experience.

At RGS, we know that government agencies are the public's only choice for many services. Public trust must be maintained and used wisely, it is earned, not automatically acquired. RGS will do its part to assist you in improving and maintaining public trust.

## **PUBLIC AGENCY FINANCE, HUMAN RESOURCES, AND ADMINISTRATION EXPERIENCE**

Since our inception, RGS has served as a full-service third-party provider of administration

functions for a variety of public agencies. The following information describes just a few of our current services in the area of finance services, human resources services, and clerk services, and public agency administration:

- RGS provides budgeting, auditing, and all elements of accounting to the City of Del Rey Oaks. Special Services includes the review of their MIP on a quarterly basis for quality control; providing quality control for monthly bank statement reconciliation; and the development of monthly financial reports for management.
- RGS provides all administrative and accounting functions to the Sonoma Mendocino Economic Development District, a JPA formed by the Counties of Mendocino and Sonoma. This project includes clerking functions, and extensive accounting for grants.
- RGS is providing all budgeting, finance, and accounting services to the Castro Valley Sanitary District, including preparing the agency for audits.
- For over a decade, we have provided comprehensive administration to the Marin Emergency Radio Authority, and a wide range of both administration and project staff statewide to the CalSAWS Consortium, a JPA of all California counties collaborating on automating public assistance funding and services.
- RGS also currently provides outsourced executive and administrative leadership to the Silicon Valley Regional Interoperability Agency (in cooperation with County of Santa Clara in-kind staff support) and the Richardson Bay Regional Agency.
- In 2017, RGS assumed full administrative responsibility for the newly-formed Salinas Valley Basin Groundwater Sustainability Agency. The RGS team assigned to SVBGSA has successfully developed an approved GSP, as well as identifying and implementing effective agency funding structures, including numerous grants.
- In addition to core agency administration services noted above, we offer organizational solutions and expert consultative advice in a variety of areas such as financial management, human resources management, project management, public works special projects, regional and land use planning projects, strategic planning, community engagement and outreach, and training and employee development.



## Exhibit A

### Proposed Scope of Services

Subject to the terms and conditions of this Agreement, RGS shall assign RGS employee(s) to serve as Advisor(s) to the East Bay Dischargers Authority (Authority), which may require performing any or all of the functions described below:

#### Finance

Provide immediate ongoing consultative services to the General Manager. This work may be done either onsite or remotely. Such services may include the following:

1. Project Services
  - a. Financial Reports to Management, the governing board, the State Controller's Office. Develop and prepare periodic management reports for oversight and management control uses. This includes monthly Treasurer's Reports and quarterly Expense Summaries for distribution to the Authority Commission.
  - b. External Audit Management – review accounting records for accuracy; prepare adjusting journal entries; review financial statements; prepare audit schedules requested by external auditors; retrieve records in support of audit; facilitate communication between auditors and agency staff.
  - c. Budget Development – analyze budget estimates; review proposed budget for accuracy; enter budget data into financial system; provide recommendations for budget adjustments and updates as needed.
  
2. Technical Advisory Support and Coaching:
  - a. Assess Authority's capacity to conform to Generally Accepted Accounting Principles for Special Districts and make recommendations regarding system controls, separation of duties, and fraud prevention.
  - b. Conduct a Financial Policy and Procedures review and assist in implementing recommendations.
  - c. Evaluate tools and processes in order to identify opportunities to streamline operations and create efficiencies, and if needed, assist in implementing recommendations.
  - d. Advise and facilitate the Authority's Subsidiary Ledger Processes:
    - i. All phases of the revenue receipting, cash collections, and accounts receivable functions, including best practices in recording revenues.
    - ii. All phases of the accounts payable function utilizing appropriate controls and best practices in recording payments.
    - iii. All phases of the payroll function and employee benefit payments, including best practices in recording said payments.
  - e. Advise and facilitate the Authority's General Ledger Processes:
    - i. Preparation of journal entries as may be required.

- ii. Reconciliation of cash to the general ledger.
    - iii. Execute Fiscal Year opening and closing processes.
  - f. Advise and facilitate the Authority's Banking activities and Treasury Management including:
    - i. Preparation of bank reconciliations.
    - ii. Entry of positive pay files.
    - iii. Cash management observant of Authority policy; provide analysis as needed.
    - iv. Migration of cash accounts to a new banking institution in Fiscal Year 2023/2024.
  - g. Advise and facilitate the Authority's Capital Improvement Planning activities including:
    - i. Maintaining the Authority's fixed assets list, in coordination with the Operations & Maintenance Manager.
    - ii. Developing an annual depreciation schedule.
    - iii. Financial management of the Authority's Renewal and Replacement Fund.
3. Additional efforts may include:
- a. Provide or assist the Authority in analyzing financial records as requested.
  - b. Provide or assist the Authority with its grant accounting as needed.
  - c. Prepare invoices for reimbursable work to project partners.
  - d. Be reasonably available to respond to questions or requests for assistance with implementation of recommendations or provide advice about emerging issues.
  - e. Remotely attend Commission and Committee meetings if requested.
  - f. Coach and mentor financial skills for Authority Staff as appropriate.

### **Human Resources**

Provide consultative services to the General Manager and Administration Manager on an as-needed basis. This work may be done either onsite or remotely. Efforts may include:

- Response to questions regarding labor best practices
- Recruitment-related tasks
- Benefits administration
- Leave tracking
- Review of Personnel Policy, Compensation Plan, or other HR policies and plans and implementation of recommended updates
- Salary and benefits surveys

### **Authority's Clerk to the Commission**

Provide consultative services to the General Manager and Administration Manager on an as-needed basis. This work may be done either onsite or remotely. Efforts may include:

- Advise and facilitate the drafting of Brown Act-compliant agendas
- Advise and facilitate agenda packet assembly and publishing (*assembly* of Authority's materials only)
- Drafting of Action Minutes

### **General**

RGS Team Members will:

- Be reasonably available to perform the services during the normal work week.
- Provide project reporting on a mutually agreed schedule to the appropriate Authority project manager.
- Maintain open lines of communication with each other and Authority staff through written documentation, video conference calls, phone, and e-mail as needed to accomplish agreed-upon projects.
- Report to an RGS Lead Advisor, who may both perform work and direct projects to qualified RGS staff as needed at Lead Advisor's discretion. Cost-effectiveness of assigned personnel is an objective, subject to the Lead Advisor's discretion regarding flexibility of project timing and relevant staff availability.

Projects and activities may be modified on request of the Authority.

Projects may be directed to other RGS staff with equal or lower bill rates, as needed to fulfill the Authority's requests for finance and administrative systems support.

**Exhibit B**  
**Cost Estimate**

<b>Total Assessment and Evaluation (One Time Investment)</b>	<b>\$7,448</b>
<b>Finance and Accounting Services</b>	
Oversight + Separation of Duties; Cash Management; Board Meetings Attendance	\$26,752
Audit Schedules	\$5,120
Payroll Subsidiary Ledger Tasks	\$18,468
Accounts Payable and Cash Receipts Subsidiary Ledger Tasks	\$48,108
Miscellaneous	\$816
<b>Subtotal Finance and Accounting (Annual Cost)</b>	<b>\$99,264</b>
Monthly Average Cost	\$8,272
<b>Total Projected to 14 Months</b>	<b>\$115,808</b>
<b>Human Resources and Clerk Support Services</b>	
Human Resources - On Call	\$3,168
Commission Minutes	\$8,208
<b>Subtotal Human Resources and Clerk Support Services (Annual Cost)</b>	<b>\$11,376</b>
Monthly Average Cost	\$948
<b>Total Projected to 14 Months</b>	<b>\$13,272</b>
 <b>Total Contract Value</b>	 <b>\$ 136,528</b>

Title	Hourly Rate
Strategic Services Consultant	\$176
Senior Advisor	\$150
Advisor	\$128
Technical Specialist	\$114
Administrative Specialist	\$102

**ITEM NO. 16 ITEMS FROM THE COMMISSION AND STAFF**

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

**ITEM NO. 17 ADJOURNMENT**