



ITEM NO. 14

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, January 16, 2024

2:00 P.M.

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

**This meeting will be teleconferenced from the following location:
Guest Parking Area Located on Ocaso Camino, West of and Closest to the
Intersection of Paseo Padre Parkway**

**Teleconference link: <https://us02web.zoom.us/j/88293365682>
Call-in: 1(669) 900-6833 and enter Meeting ID number: 882 9336 5682**

Committee Members: Johnson (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. Renewal and Replacement Fund Recap

(The Committee will review the current status of the Authority's Renewal and Replacement Fund projects.)

OM7. Draft Public Access Policy

(The Committee will review a draft of a new policy governing public access to Authority facilities.)

OM8. 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

Agenda Explanation
East Bay Dischargers Authority
O&M Agenda
January 16, 2024

ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, contact Juanita Villasenor at juanita@ebda.org or (510) 278-5910. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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, February 13, 2024, at 2:00 p.m.**

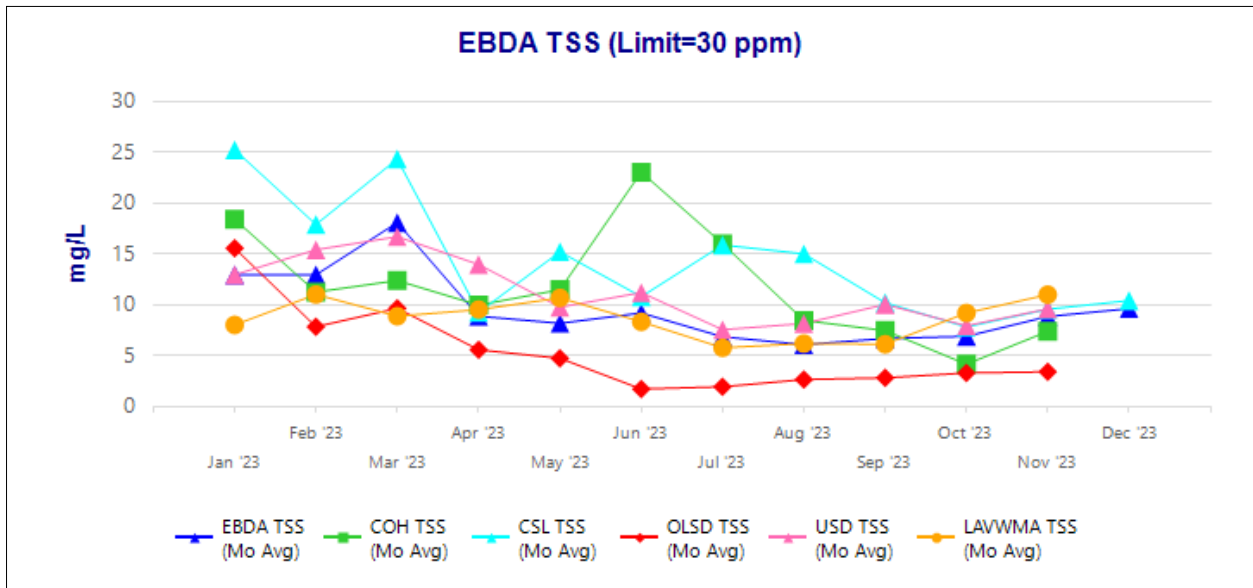
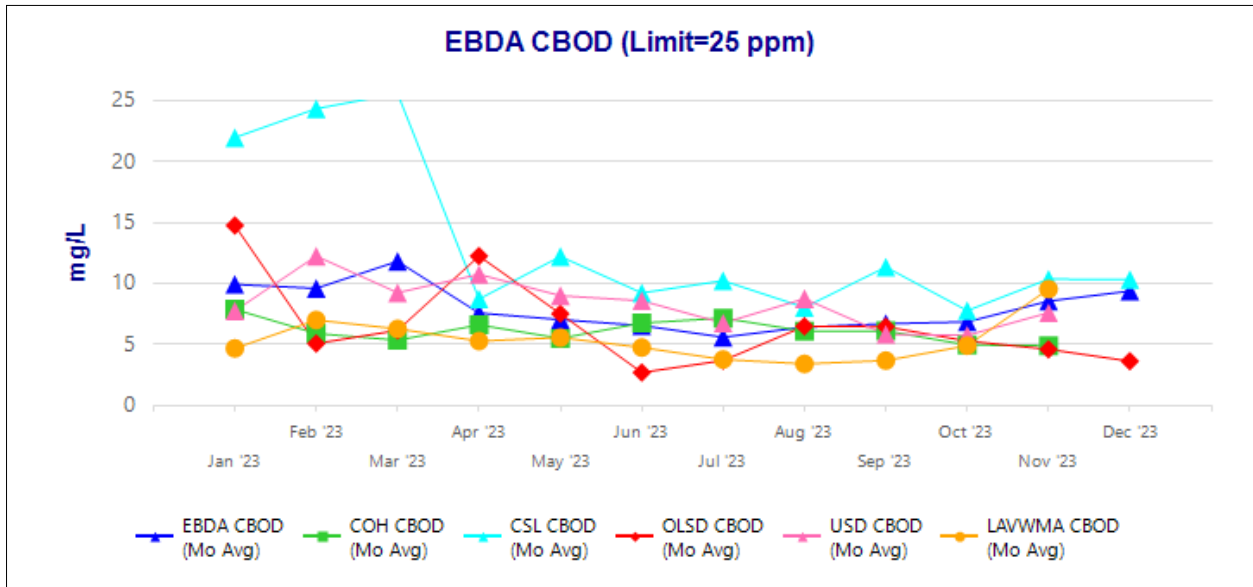
ITEM NO. OM4 EBDA PERMIT COMPLIANCE

Recommendation

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

Discussion

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



EBDA Bacterial Indicators

| Date | FECAL | ENTERO |
|-------------------------------|------------|------------|
| | MPN/ 100mL | MPN/ 100mL |
| Limit (90th Percentile) | 1100 | 1100 |
| Limit (Geomean) | 500 | 280 |
| January 2023 Geomean | 12 | 14 |
| February 2023 Geomean | 4 | 2 |
| March 2023 Geomean | 3 | 2 |
| April 2023 Geomean | 10 | 7 |
| May 2023 Geomean | 15 | 122 |
| June 2023 Geomean | 8 | 83 |
| July 2023 Geomean | 7 | 18 |
| August 2023 Geomean | 17 | 5 |
| September 2023 Geomean | 47 | 4 |
| October 2023 Geomean | 18 | 3 |
| 11/1/2023 | NA | 69 |
| 11/6/2023 | 33 | < 2 |
| 11/7/2023 | 2 | 4 |
| 11/8/2023 | NA | 19 |
| 11/13/2023 | 11 | 6 |
| 11/14/2023 | 8 | 10 |
| 11/20/2023 | 2 | 26 |
| 11/21/2023 | 4 | 6 |
| 11/27/2023 | 23 | 8 |
| 11/28/2023 | 11 | 2 |
| November 2023 Geomean | 8 | 8 |
| 12/4/2023 | 4 | 8 |
| 12/5/2023 | 13 | < 2 |
| 12/6/2023 | NA | 6 |
| 12/11/2023 | 23 | 15 |
| 12/12/2023 | 13 | 8 |
| 12/13/2023 | NA | 6 |
| 12/18/2023 | 11 | 14 |
| 12/19/2023 | 8 | 2 |
| 12/25/2023 | 2 | 2 |
| 12/26/2023 | 2 | 2 |
| December 2023 Geomean | 7 | 5 |

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 HEPS Effluent Pump motors and pumps were delivered on December 1 and December 7, respectively. The new pumps and motors are being stored at the Hayward Water Pollution Control Facility until they are installed. On December 8, a coordination and scheduling meeting was held at HEPS. The concrete subcontractor is planning to start work in mid-January on the new concrete base for Effluent Pump No. 4. Because Effluent Pump No. 4 had previously been removed, starting this work during wet weather will not decrease the current capacity of the pump station. This work will involve demolishing the old concrete pump base, coring holes in the pump station to install new threaded rod pump anchors, installing new rebar, and pouring the new concrete pump base. The work also includes coating of the metal sleeve around the hole in the pump station that the pump sits in. Depending on the condition of the metal sleeve, it may need to be replaced with a new stainless-steel sleeve. Once the new Effluent Pump No. 4 is installed, it will be put in service and tested for several weeks before work is started on the next pump.

Oro Loma Effluent Pump Station (OLEPS)

Automatic Transfer Switch Upgrade

On January 12, a site visit and meeting are scheduled with Todd Beecher, EBDA's contract electrical engineer, to kick off this project. In February, Mr. Beecher will begin the design of two new automatic transfer switches (ATs) at OLEPS. The two new ATs will improve reliability of the pump station in the event of a power outage. If the PG&E power fails, the OLEPS emergency generator is the primary source of backup power. Currently, if the emergency generator fails to start, operators can manually switch to the secondary source of backup power from OLSD. The installation of two new ATs will allow the switch from primary to secondary backup to occur automatically. This AT work is being completed as part of Phase Two of the OLEPS Electrical Upgrades. Replacement of the breakers and refurbishment of the Main Switchboard was completed in Phase One of the OLEPS Electrical Upgrades last year.

Skywest Pump Station

Recycled Water Production

During the month of December 2023, the Skywest Recycled Water System operated for two days and produced 1.0 million gallons of recycled water. The total recycled water produced during 2023 was 8.75 MG. The peak day of recycled water production in 2023

was 567,200 gallons. A summary of the monthly recycled water produced for the last eight years is shown below:

| Skywest Total Recycled Water | | | | | | | | |
|-------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | 2023 Total Flow MG | 2022 Total Flow MG | 2021 Total Flow MG | 2020 Total Flow MG | 2019 Total Flow MG | 2018 Total Flow MG | 2017 Total Flow MG | 2016 Total Flow MG |
| January | 0.00 | 0.00 | 0.89 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| February | 0.00 | 1.08 | 0.00 | 1.65 | 0.00 | 2.37 | 0.00 | 0.41 |
| March | 0.00 | 0.00 | 0.00 | 0.53 | 0.00 | 0.73 | 0.25 | 0.00 |
| April | 0.00 | 1.10 | 1.06 | 2.64 | 3.91 | 1.86 | 1.80 | 6.51 |
| May | 1.67 | 1.00 | 1.12 | 2.53 | 5.77 | 9.38 | 12.00 | 12.71 |
| June | 1.66 | 1.12 | 2.64 | 2.00 | 9.57 | 12.50 | 10.97 | 16.73 |
| July | 1.10 | 1.10 | 2.10 | 1.10 | 11.40 | 12.12 | 11.98 | 16.42 |
| August | 1.08 | 1.52 | 2.16 | 1.09 | 10.34 | 10.59 | 10.41 | 13.81 |
| September | 1.12 | 1.00 | 1.60 | 1.37 | 8.30 | 7.45 | 8.12 | 11.29 |
| October | 1.12 | 1.03 | 0.49 | 1.10 | 6.22 | 6.14 | 5.58 | 3.60 |
| November | 0.00 | 1.01 | 0.00 | 1.43 | 1.64 | 2.24 | 0.00 | 2.02 |
| December | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1.24 | 0.00 |
| Total | 8.75 | 9.96 | 12.06 | 15.44 | 57.15 | 65.38 | 62.35 | 83.50 |

Marina Dechlorination Facility (MDF)

Total Residual Chlorine (TRC) Effluent Limit Implementation and Automation Upgrades

As discussed previously, on November 8, the Regional Water Quality Control Board adopted a blanket permit amendment revising the TRC effluent limits for all wastewater dischargers to San Francisco Bay. The permit amendment raises EBDA’s TRC effluent limit from 0.0 mg/L at all times to 0.98 mg/L measured as a one-hour average. The new limit took effect on January 1, 2024. On January 2, 2024, at 8:30 am, the Sodium Bisulfite (SBS) at MDF was turned off. The reduction in SBS usage is estimated to result in a cost savings of approximately \$250,000 annually.

Force Main

No change; all equipment is operational.

Operations Center

Office Health & Safety Improvements

EBDA staff is in the process of procuring quotes for the installation of additional vents and an automatic fan controlled with a moisture sensor for the crawl space of the EBDA Administration Building.

Miscellaneous Items

Underground Service Alerts

EBDA received fourteen (14) Underground Service Alert (USA) tickets during the month of December 2023. All 14 tickets were renewals.

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 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. Staff may bring an interim agreement between EBDA and Cargill to the Commission for consideration in 2024, as the parties continue to negotiate the final operating agreement.

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 Las Trampas Regional Wilderness Park in December 2022. Data from the Rocky Ridge site finally became available in early December 2023, and can be viewed and downloaded from the [NOAA](#) or [Colorado State](#) websites. 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, which they expect to make available before the 2024-2025 wet season. 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 provided in the coming months. Staff will also be planning a site visit to Rocky Ridge for interested Commissioners and other parties.

ITEM NO. OM6 RENEWAL AND REPLACEMENT FUND RECAP

In June 2023, as part of adopting the Authority’s budget, the Commission authorized an annual contribution to the Renewal and Replacement Fund (RRF) for Fiscal Year (FY) 2023/2024 in the amount of \$750,000. This amount is consistent with the Authority’s Asset Management Plan and has been fixed at this level for the past 4 years. In June 2023, the Commission authorized a list of RRF projects totaling \$1,080,000 for FY 2023/2024, including \$100,000 in contingency funds to be used for unplanned projects.

The attached table provides a summary of the funds expended this fiscal year-to-date on these projects, as well as a recap of projects approved in FY 2022/2023 and prior years that remain active or were recently completed. A total of \$1,068,133 was spent in FY 2022/2023, and \$1,012,510 has been spent this fiscal year-to-date. A description of noteworthy projects is as follows:

Union Effluent Pump Station (UEPS, formerly AEPS) – Payments #3 & #4 of 10 per the JPA – \$420,000 Each Fiscal Year

The Amended and Restated Joint Powers Agreement (JPA) states that “in fiscal years from 2020/21 through 2029/30, the Authority will pay Union a total of Four Million, Two-Hundred Thousand dollars (\$4,200,000), divided in ten equal and annual installments, as a credit toward their annual budget contribution for Operation and Maintenance Costs, for all Capital Costs associated with the Union Effluent Pump Station during the Term of the Agreement.”

Hayward Effluent Pump Station (HEPS) – Effluent Pump Replacement Project – \$730,000

Replacement of the four HEPS Effluent Pumps.

Oro Loma Effluent Pump Station (OLEPS), Marina Dechlorination Facility (MDF) & EBDA Administration Building – Roof Replacement Project – \$550,000

Installation of new roofs on the EBDA Administration Building, the MDF SBS Storage Building, and OLEPS.

OLEPS – Electrical Upgrades – \$260,000

Replacement of the breakers and refurbishment of the Main Switchboard and the installation of two new automatic transfer switches (ATSs). Replacement of the 75 kW generator will be evaluated as part of this project. These upgrades will improve reliability of the station in the event of a power outage. The Main Switchboard work was completed in Phase One of the project. The installation of two new ATSs will be completed as part of Phase Two of this project with design work starting in February 2024.

Contingency/Small Projects Fund – \$100,000

The purpose of the Contingency/Small Projects Fund is to provide additional funding for as yet unidentified projects and/or equipment that may need to be replaced or refurbished during the fiscal year.

RRF Summary

Updated as of: December 31, 2023

| Project Name | FY 2023/2024 YTD Expenditures | FY 2022/2023 Total Expenditures | Prior Years' Expenditures | Total Expenditures through 12/2023 | Percent Spent | Percent Complete | Budget Estimate | Projected Completion Date |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------|------------------------------|---------------------------------------------|------------------|---------------------|--------------------|------------------------------|
| Prior Years' Scheduled Projects | | | | | | | | |
| FM Manhole Coating & New Valves | | | | | 0% | 0% | \$75,000 | Postponed |
| MDF Analyzer | | | \$616 | \$616 | 1% | 0% | \$75,000 | Postponed |
| OLEPS DE-PLC-SCADA | | | \$31,471 | \$31,471 | 31% | 31% | \$100,000 | Postponed |
| EBDA Office Upgrade | \$37,085 | | \$6,130 | \$43,215 | 108% | 100% | \$40,000 | Completed |
| HEPS Effluent Pump Replacement | \$374,822 | \$23,417 | \$17,463 | \$415,702 | 57% | 50% | \$730,000 | June 2024 |
| OLEPS Electrical Upgrades | | \$106,408 | \$23,595 | \$130,004 | 50% | 50% | \$260,000 | June 2025 |
| OLEPS Emergency Outfall | \$52,647 | \$4,672 | \$7,263 | \$64,582 | 76% | 100% | \$85,000 | Completed |
| MDF Automation Upgrade | \$969 | | \$8,445 | \$9,414 | 27% | 25% | \$35,000 | June 2024 |
| OLEPS Pump Station Bypass Eval. | | \$21,747 | | \$21,747 | 36% | 36% | \$60,000 | June 2024 |
| Pickup Truck Replacement | \$29,498 | | | \$29,498 | 74% | 90% | \$40,000 | June 2024 |
| MDF Automatic Transfer Switch | | | | \$0 | 0% | 0% | \$20,000 | June 2024 |
| Prior Years' Project Subtotal | \$495,020 | \$156,245 | \$94,983 | \$746,248 | | | \$1,520,000 | |
| 2022/2023 Scheduled Projects | | | | | | | | |
| UEPS Payment #3 of 10 Per JPA | | \$420,000 | | \$420,000 | 100% | 100% | \$420,000 | Completed |
| OLEPS, MDF & Office Roof Replacement | \$421 | \$458,390 | | \$458,811 | 83% | 90% | \$550,000 | June 2024 |
| MDF SBS Building Heating System | | \$23,803 | | \$23,803 | 95% | 100% | \$25,000 | Completed |
| OLEPS Equipment Cleaning & Painting | | | | \$0 | 0% | 0% | \$15,000 | Postponed |
| HEPS Pond #3 Valve Actuator | | | | \$0 | 0% | 0% | \$15,000 | June 2024 |
| 2022/2023 Scheduled Project Subtotal | \$421 | \$902,192 | | \$902,614 | | | \$1,025,000 | |
| 2022/2023 Contingency Projects | | | | | | | | |
| OLEPS Lighting Upgrade | | \$9,696 | | \$9,696 | 97% | 100% | \$10,000 | Completed |
| 2022/2023 Contingency Subtotal | | \$9,696 | | \$9,696 | | | \$100,000 | |
| 2022/2023 Projects Total | \$421 | \$911,888 | | \$912,310 | | | \$1,125,000 | |
| 2023/2024 Scheduled Projects - This list only includes projects with expenditures and is not a comprehensive list. | | | | | | | | |
| UEPS Payment #4 of 10 Per JPA | \$420,000 | | | \$420,000 | 100% | 100% | \$420,000 | Completed |
| OLEPS Wet Well Gate Repair | \$18,592 | | | \$18,592 | 25% | 25% | \$75,000 | September 2024 |
| MDF Exterior Painting | \$38,900 | | | \$38,900 | 86% | 100% | \$45,000 | Completed |
| 2023/2024 Scheduled Project Subtotal | \$477,492 | | | \$477,492 | | | \$540,000 | |
| 2023/2024 Contingency Projects | | | | | | | | |
| OLEPS Diesel Engine #2/Pump #3 | \$25,389 | | | \$25,389 | 102% | 100% | \$25,000 | Completed |
| Office Health & Safety Improvements | \$14,188 | | | \$14,188 | | | | |
| 2023/2024 Contingency Subtotal | \$39,577 | | | \$39,577 | | | \$100,000 | |
| 2023/2024 Projects Total | \$517,069 | | | \$517,069 | | | \$640,000 | |
| Total | \$1,012,510 | \$1,068,133 | | \$2,175,627 | | | \$3,285,000 | |

ITEM NO. OM7 DRAFT PUBLIC ACCESS POLICY

Recommendation

Review the draft Policy and provide input to staff.

Background

Recently, a trend has emerged of “First Amendment audits.” In a First Amendment audit, one or more individuals film public officials or employees to hold them accountable or “test” their right to film in public spaces like town halls, libraries, police stations, parking lots, or state and local agencies. In some instances auditors seek to incite confrontation or aggression through harassing or argumentative behavior. The auditors then post the footage on YouTube. In some cases, public employees have responded to these auditors with some level of hostility, which increases the entertainment value and therefore profitability for the auditor, in terms of numbers of views.

While the public has a right to be present and even to film in public spaces, not all spaces owned or managed by public agencies have to be open to the public. For example, even though government offices may be publicly accessible to the public, that alone does not automatically render it a public forum. Certain spaces such as permit counters are public by their nature, whereas wastewater facilities and even administrative offices where a municipality conducts the business of the municipality and members of the public do not need to conduct business, do not need to be open to the public.

Discussion

EBDA is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Authority’s employees and the general public. In efforts to do so and to provide clarity about where members of the public can be present and/or film, and for protection from potential First Amendment audits, staff is recommending that the Commission adopt a Public Access Policy for the Authority. A draft Policy is attached for review.

Members of the public do not conduct business at EBDA’s administrative offices. EBDA does not have any direct relationships with customers – the Authority does not bill customers or issue permits. Therefore, staff suggests that the Policy designate EBDA’s administrative offices as employee-only with limited public access. Members of the public that have business with EBDA can make an appointment to meet with staff. In conjunction with the proposed Policy, signage designating spaces as employee only would be placed on all outside doors. Signage indicating that areas are for authorized personnel only would also be placed at the Marina Dechlorination Facility. The Policy would not restrict the public’s access to Authority property that is generally open to general public access, including the Authority’s conference room during meetings subject to the Brown Act. EBDA’s other facilities are located on Member Agency sites.

POLICY NUMBER: 9

NAME OF POLICY: Public Access to Authority Property

LAST REVISED: January 18, 2024

PREVIOUSLY REVISED: NA

POLICY: It is the policy of East Bay Discharges Authority (the “Authority”) to ensure the rights of citizens under the First Amendment of the United States Constitution are protected, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Authority’s employees and the general public who do business with or use the services of the Authority, as well as ensure the continued safe operation of Authority facilities. This policy (“Policy”) delineates portions of the Authority Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Authority Property, and specify procedures for Authority employees who encounter those who wish to access Authority Property for observational purposes.

RESPONSIBILITIES: All general public members entering the Authority property are responsible for adhering to the rules of conduct at all Authority property as stated in this Policy in order to maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Authority Property as well as critical Authority facilities and infrastructure.

DEFINITIONS:

Limited Access Area: Any designated area on Authority Property that is not generally open to or occupied by the public shall be open to or occupied by the public on a limited, as-needed, or by-invitation basis. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, or other visible indications. The lack of visible indications shall not prevent the Authority from considering or treating an area as a Limited Access Area. The Authority shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- The Authority Administration Building;
- Employee offices;
- Employee workspaces including copy rooms, mailrooms, and break areas;

- Hallways, staircases, restrooms, and other areas by purpose or function restricted to providing access solely to other Limited Access Areas;
- Maintenance, storage, and warehousing facilities; and
- All wastewater treatment facilities.

Authority Official: For purposes of this Policy the Authority Official shall be:

- The Authority General Manager, or his or her designee;
- Any person providing security services in any Authority Property pursuant to contract with the Authority or with any person, firm, or corporation managing an Authority Property on the Authority's behalf; and
- With respect to any building, facility, area, or space assigned to an Authority department, division, or agency, the director or manager of such department, division, or agency, or any person that such official specifically designates in writing.

Authority Property: Any real property owned or leased by the Authority or in which the Authority has a property interest or property management responsibility.

Public Area: Any area on Authority Property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area. The Public Area shall include the Authority's Conference Room when used as a meeting space for a meeting subject to the Ralph M. Brown Act, Government Code Section 54950 et seq.

RULES OF CONDUCT: Specific guidelines set forth in this Policy.

POLICY:

RULES OF CONDUCT ON AUTHORITY PROPERTY:

ALL AUTHORITY PROPERTY:

- (a) No person shall enter, attempt to enter, or remain in any areas of Authority Property for any purpose other than to conduct legitimate business with Authority offices located at Authority Property, or to exercise other constitutionally protected rights. The appropriate Authority Officials may adopt specific policies with respect to Authority Property under their custody and control to manage conditions for use of such Authority Property including without limitation to establish hours and terms of use, reservation protocols, use and user priority, and fees for use.
- (b) No person shall engage in any activity on Authority Property that would constitute a violation of federal, state, or local law or regulation.

- (c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Authority business at Authority Property, lawful use by Authority employees and authorized users at Authority Property, or Authority-permitted activities.
- (d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the wellbeing and safety of Authority employees, agents, volunteers or private third parties lawfully using Authority Property. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Likewise, conduct that would otherwise violate this Rule of Conduct shall not be permitted merely because the conduct involves photography, audio recording, or video recording.
- (e) No person shall interfere or obstruct the free passage of any individuals in, on, to or through the Public Area, or Authority employees or authorized third parties in, on, to, or through any Authority Property, including without limitation Limited Access Areas. Interference or obstruction includes, but is not limited to, standing in, blocking access to, or occupying areas for purposes of photography, audio recording, or video recording.
- (f) No person shall photograph, audio record, or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties and Authority employees.

LIMITED ACCESS AREAS:

- (a) Limited Access Areas shall be accessible only to the following:
 - (i) Employees, elected officials, and appointed officials of the Authority;
 - (ii) Private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting business with Authority employees; and
 - (iii) Any member of the public wishing to access to Limited Access Area for the express purpose of conducting business with Authority employees, must schedule an appointment, by using the online contact form at <https://ebda.org/contact/> or calling (510) 278-5910.
- (b) Photography, audio recording, and video recording is prohibited in Limited Access Areas, except as follows:

- (i) Any Authority Official may authorize audio or video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that any Authority Official may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and
 - (ii) Audio and video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.
- (c) The restrictions in this section shall not apply to individuals who are filming a Limited Access Area from a publicly accessible location outside of the Limited Access Areas.
- (d) The Authority's Conference Room is located in the Authority's Administration Building. Without limiting the foregoing, if a meeting subject to the Ralph M. Brown Act, Government Code Section 54950 et seq., is noticed to occur in the Authority's Conference Room, any member of the public shall have the right to enter the Conference Room without prior approval, invitation, or accompaniment from an Authority Official. Individuals attending such meetings shall be limited to traveling directly from the Authority's entrance to the Authority's Conference Room. All other areas of the Authority's Administration Building shall remain Limited Access Areas at all times, unless otherwise specifically provided for herein.

EXCLUSION: If a person violates these Rules of Conduct while in or upon Authority Property, any Authority Official may eject and direct such person to leave Authority Property. It shall not be necessary for such Authority Official to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such exclusion; provided that violation of such exclusion may be deemed a trespass under applicable law. Individuals who repeatedly violate these Rules of Conduct may be excluded from Authority Property on a longer-term basis, as determined appropriate by the General Manager.