



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

A Joint Powers Public Agency

COMMISSION MEETING AGENDA

Thursday, February 15, 2024

4:00 PM

Oro Loma Sanitary District Boardroom
2655 Grant Avenue, San Lorenzo, CA 94580

This meeting will also be teleconferenced:

Teleconference link: <https://us02web.zoom.us/j/89796898677>

Call-in: 1(669) 900-6833 and enter Webinar ID number: 897 9689 8677

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

CONSENT CALENDAR

- | | |
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| MOTION | 5. Commission Meeting Minutes of January 18, 2024 |
| | 6. List of Disbursements for January 2024 – See Item No. FM4 |
| | 7. Treasurer’s Report for January 2024 – See Item No. FM5 |

REGULAR CALENDAR

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| 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.) |
| INFORMATION | 11. Report from the Operations & Maintenance Committee
(The Operations & Maintenance and General Managers will report on the meeting.) |
| MOTION | 12. Motion Approving the Public Access to Authority Property Policy – See Item No. OM6
(The Commission will consider the motion.) |
| INFORMATION | 13. Report from the Personnel Committee
(The General Manager will report on the meeting.) |

Agenda Explanation
East Bay Dischargers Authority
Commission Agenda
February 15, 2024

INFORMATION 14. Items from the Commission and Staff

(The Commission and staff may address items of general interest.)

CLOSED SESSION 15. Closed Session

(The Commission may meet in closed session pursuant to Government Code §54957(b)(1) to consider General Counsel appointment.)

OPEN SESSION 16. Reconvene Open Session

(The Commission Chair will report any action taken in Closed Session.)

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. 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, March 21, 2024 at 4:00 pm**

GLOSSARY OF ACRONYMS

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

GLOSSARY OF ACRONYMS

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

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 January 18, 2024
- Item No. 6 List of Disbursements for January 2024 – See Item No. FM4
- Item No. 7 Treasurer’s Report for January 2024 – See Item No. FM5

Recommendation

Approve Consent Calendar

ITEM NO. 5 COMMISSION MEETING MINUTES OF JANUARY 18, 2024

1. Call to Order

Chair Lathi called the meeting to order at 4:00 pm on Thursday, January 18, 2024 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 (arrived at 4:40 pm)
	Fred Simon	Oro Loma Sanitary District
	Ralph Johnson	Castro Valley Sanitary District
	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 Villaseñor	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Hayes Morehouse	City of San Leandro
	Jimmy Dang	Oro Loma Sanitary District
	Paul Eldredge	Union 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 December 21, 2023

6. List of Disbursements for December 2023

7. Treasurer's Report for December 2023

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

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

REGULAR CALENDAR

8. General Manager's Report

The General Manager (GM) asked the Commission if the current schedule was suitable. The Commission prefer to keep the current meeting time. An updated Commission Handbook will be shared via Dropbox. A printed handbook will be provided as requested.

9. Report from the Managers Advisory Committee

The GM deferred discussion to specific agenda items.

10. Motion Approving Revisions to the Authority's Personnel Policy

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

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

11. Report from the Regulatory Affairs Committee

The Regulatory Affairs Committee met on January 12, 2024. The General Manager provided an update on negotiations of the Watershed Permit for nutrients. The Committee discussed direct potable reuse regulations and a White Paper on Regulatory Pathway Priorities for Nature-based Shoreline Adaptation Projects.

12. Report from the Financial Management Committee

The Financial Management Committee meeting was cancelled due to a lack of quorum.

13. Motion Approving Revisions to the Authority's Electronic Signature Policy

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

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

14. Report from the Operations and Maintenance Committee

The Operations and Maintenance (O&M) Committee met with staff on January 16, 2024. The O&M Manager provided updates on current activities including the Hayward Effluent Pump Station (HEPS) Pump Replacement Project, the Oro Loma Effluent Pump Station (OLEPS) Automatic Transfer Switch Upgrade, and the implementation of the new chlorine effluent limit that went into effect on January 1. The O&M Manager reviewed the Renewal and Replacement Fund recap. Lastly, the Committee reviewed the draft Public Access Policy and recommended edits to the definition of Authority Official. The policy will be brought to the Commission for adoption in February.

15. Items from Commission and Staff

Nothing to report from Commission and Staff.

16. Adjournment

Chair Lathi adjourned the meeting at 4:46 pm

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**

**Monday, February 5, 2024
2:00 pm**

Via Zoom

- 1. Wet Weather Info Sharing and Reporting**
- 2. Nutrients Watershed Permit Negotiation**
- 3. Meeting with BAAQMD EO on 2/29**
- 4. Biosolids Updates**
- 5. Bike Tours – [Go with the Flow](#)**
- 6. Cargill Brine Project**
- 7. EBDA Commission Agenda**
- 8. Managers Information Sharing**

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A Joint Powers Public Agency

ITEM NO. 10

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Wednesday, February 14, 2024

8:00 AM

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 January 2024
(The Committee will review the Lists of Disbursements.)

FM5. Treasurer's Report for January 2024
(The Committee will review the Treasurer's Report.)

FM6. Insurance Program Review
(The Committee will review changes from the Authority's insurance providers.)

FM7. State Controller's Special District Financial Transactions Report Fiscal Year 2022/2023
(The Committee will review the report submitted to the State Controller's Office.)

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
February 14, 2024

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**Next Scheduled Financial Management Committee is
Wednesday, March 20, 2024 at 8:00 am**

ITEM NO. FM4 DISBURSEMENTS FOR JANUARY 2024

Disbursements for the month of January totaled \$315,913.53.

Reviewed and Approved by:

Fred Simon, Chair	Date
Financial Management Committee	

Jacqueline T. Zipkin	Date
Treasurer	

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
January 2024

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26350	01/16/2024	394450	CITY OF SAN LEANDRO	O&M - NOV	38,252.17	38,252.17
26352	01/16/2024	7262	CSRMA	POOLED LIABILITY PROGRAM RENEWAL	38,176.00	38,176.00
26370	01/31/2024	6885	ORO LOMA SANITARY DISTRICT	O&M - NOV	30,392.24	30,392.24
26366	01/31/2024	S490001	GSE CONSTRUCTION	OLEPS WET WELL GATE REPAIR	10,424.00	10,424.00
26360	01/31/2024	55574	CALCON	MDF AUTOMATION UPGRADE	3,837.90	8,536.06
	01/31/2024	55572	CALCON	MDF PM	1,262.79	
	01/31/2024	55568	CALCON	HEPS PM	1,107.79	
	01/31/2024	55570	CALCON	OLEPS PM	1,107.79	
	01/31/2024	55567	CALCON	SCADA NETWORK SECURITY MEETING & MDF AUTOMATION UPGRADE	969.30	
	01/31/2024	55573	CALCON	MDF PARTS	250.49	
26355	01/16/2024	212340	MEYERS NAVE	LEGAL SERVICES - NOV	4,514.26	7,882.36
	01/16/2024	212947	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	3,368.10	
26364	01/31/2024	Oct-23	DEBORAH QUINN	ACCOUNTING SERVICES - OCT	7,661.13	7,661.13
26353	01/16/2024	192399	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 3	6,554.00	6,554.00
26373	01/31/2024	770371	SOUTHERN COUNTIES LUBRICANTS	DIESEL FUEL FOR OLEPS	6,533.97	6,533.97
26354	01/16/2024	252834	FRANK A OLSEN COMPANY	HEPS POND 3 VALVE ACTUATOR	5,599.73	5,599.73
26345	01/16/2024	1/11/2024	AZYURA	WATERBITS LICENSING AND SMR/EDMR REPORT SERVICES	5,000.00	5,000.00
26358	01/16/2024	4246-0445-5568-7627	US BANK	PURCHASING CARD EXPENSES	4,101.86	4,101.86
26367	01/31/2024	OCT-DEC 2023	KARL D. ROYER	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	3,976.44	3,976.44
26371	01/31/2024	16040	REGIONAL GOVERNMENT SERVICES	MANAGEMENT AND ADMINISTRATIVE SERVICES	3,699.00	3,699.00
26369	01/31/2024	FM 3A	NATE KAUFFMAN	FIRST MILE PROJECT	3,500.00	3,500.00
26372	01/31/2024	24-001-I-01	SOTIRIOS L KOLLIAS	HEPS EFFLUENT PUMP REPLACEMENT	3,278.00	3,278.00
26349	01/16/2024	52205706	CITY OF HAYWARD	BENEFIT PREMIUMS - DEC	1,370.66	2,741.93
	01/16/2024	52205707	CITY OF HAYWARD	BENEFIT PREMIUMS - JAN	1,370.66	
	01/16/2024	52205705	CITY OF HAYWARD	BENEFIT PREMIUMS - NOV	0.61	
26347	01/16/2024	11505438	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	1,573.68	1,573.68
26346	01/16/2024	03326	BAY PLANNING COALITION	ANNUAL MEMBERSHIP DUES	1,210.00	1,210.00
26348	01/16/2024	8421	CAYUGA INFORMATION SYSTEMS	IT SERVICES	997.50	997.50
26357	01/16/2024	1001649289	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	878.00	878.00
26359	01/31/2024	2547627	ALLIANT INSURANCE	POLLUTION LIABILITY INSURANCE RENEWAL	722.26	722.26
26361	01/31/2024	715643	CALTEST	LAB TESTING SERVICES	495.50	495.50
26356	01/16/2024	CD_000727560	RINGCENTRAL INC	DIGITAL PHONE SERVICE	212.60	212.60
26363	01/31/2024	OCT-DEC 2023	CHARLES V. WEIR	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	193.50	193.50
26351	01/16/2024	55086	COMPUTER COURAGE	WEBSITE HOSTING	150.00	150.00

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
January 2024

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26368	01/31/2024	10030	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES	130.00	130.00
26362	01/31/2024	3978949	CALTRONICS	COPIER USAGE AND MAINTENANCE	111.23	111.23
26365	01/31/2024	44777800001	EBMUD	WATER SERVICE, ADMIN	72.42	72.42
					193,055.58	193,055.58
				ELECTRONIC PAYMENTS		
	01/02/2024	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	37,072.67	37,072.67
	01/23/2024	51739780	UNIVAR SOLUTIONS USA, INC	SODIUM BISULFITE	9,874.82	9,874.82
	01/05/2024	100000017391139	CALPERS	HEALTH PREMIUMS - JAN	8,249.51	8,249.51
	01/03/2024	100000017350666	CALPERS	PENSION CONTRIBUTION, CLASSIC 12/16 - 31/2023	5,710.87	5,710.87
	01/17/2024	100000017350648	CALPERS	PENSION CONTRIBUTION, CLASSIC 1/01 - 15/2024	5,710.87	5,710.87
	01/18/2024	6230014	MISSION SQUARE	DEFERRED COMPENSATION 1/15/2024	2,606.70	2,606.70
	01/03/2024	6091345	MISSION SQUARE	DEFERRED COMPENSATION 12/31/2023	2,134.47	2,134.47
	01/16/2024	5104830397	AT&T	TELEPHONE SERVICE MDF	276.75	276.75
	01/05/2024	2401122374	INTERMEDIA.NET	EMAIL EXCHANGE HOSTING SERVICE	121.87	121.87
	01/26/2024	9953099866	VERIZON BUSINESS	WIRELESS PHONE SERVICE	63.04	63.04
				TOTAL ELECTRONIC PAYMENTS	71,821.57	71,821.57
				PAYROLL		
	01/30/2024		ADP, LLC	PAYROLL PERIOD: 1/16-31/2024	27,452.24	27,452.24
	01/11/2024		ADP, LLC	PAYROLL PERIOD: 1/01-15/2024	23,414.22	23,414.22
	01/05/2024		ADP, LLC	PAYROLL FEES, 12/16-31/2023	92.06	92.06
	01/19/2024		ADP, LLC	PAYROLL FEES, 1/01-15/2024	77.86	77.86
				TOTAL PAYROLL	51,036.38	51,036.38
				TOTAL DISBURSEMENTS	315,913.53	315,913.53

ITEM NO. FM5 TREASURER'S REPORT FOR JANUARY 2024

The cash balance as of January 31, 2024 is \$3,345,105.99. EBDA's LAIF balance is \$1,285,144.77, and the average monthly effective yield for January is 4.012%. EBDA's CAMP balance is \$1,533,386.34, and CAMP's 7-day yield is 5.53%.

Approval is recommended.

**EAST BAY DISCHARGERS AUTHORITY
TREASURER'S REPORT
January 31, 2024**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	986,719.24	77,893.62	268,559.45	796,053.41
13	PLANNING & SPECIAL STUDIES	34,610.08	54,305.88	10,054.00	78,861.96
14	RECLAMATION O & M (SKYWEST)	64,256.99	18,000.00	5,000.00	77,256.99
15	BRINE ACCEPTANCE	164,443.33	(8,278.52)	4,941.78	151,223.03
31	RENEWAL & REPLACEMENT	2,211,564.51	57,504.39	27,358.30	2,241,710.60
TOTALS		3,461,594.15	199,425.37	315,913.53	3,345,105.99

Jan-24
2/2/2024

SUPPLEMENTAL TREASURER'S REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF	CAMP	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	CAMP BALANCE	TOTAL CASH
12/31/23	BALANCE							247,000.80	25,466.88	1,662,936.88	1,526,189.59	3,461,594.15
01/02/24	DIVIDENDS	7,196.75					7,196.75	247,000.80	25,466.88	1,662,936.88	1,533,386.34	3,468,790.90
01/02/24	ELECTRONIC BILL PAY		37,072.67					209,928.13	25,466.88	1,662,936.88	1,533,386.34	3,431,718.23
01/03/24	ELECTRONIC BILL PAY		5,710.87					204,217.26	25,466.88	1,662,936.88	1,533,386.34	3,426,007.36
01/03/24	ELECTRONIC BILL PAY		2,134.47					202,082.79	25,466.88	1,662,936.88	1,533,386.34	3,423,872.89
01/05/24	ELECTRONIC BILL PAY		8,249.51					193,833.28	25,466.88	1,662,936.88	1,533,386.34	3,415,623.38
01/05/24	ELECTRONIC BILL PAY		121.87					193,711.41	25,466.88	1,662,936.88	1,533,386.34	3,415,501.51
01/05/24	PAYROLL FEES			92.06				193,711.41	25,374.82	1,662,936.88	1,533,386.34	3,415,409.45
01/08/24	TRANSFER					(400,000.00)		593,711.41	25,374.82	1,262,936.88	1,533,386.34	3,415,409.45
01/09/24	PAYROLL TRANSFER				50,000.00			543,711.41	75,374.82	1,262,936.88	1,533,386.34	3,415,409.45
01/11/24	PAYROLL			23,414.22				543,711.41	51,960.60	1,262,936.88	1,533,386.34	3,391,995.23
01/12/24	INTEREST	22,207.89				22,207.89		543,711.41	51,960.60	1,285,144.77	1,533,386.34	3,414,203.12
01/16/24	DISBURSEMENT		113,329.83					430,381.58	51,960.60	1,285,144.77	1,533,386.34	3,300,873.29
01/16/24	DEPOSIT	2,586.00						432,967.58	51,960.60	1,285,144.77	1,533,386.34	3,303,459.29
01/16/24	ELECTRONIC BILL PAY		276.75					432,690.83	51,960.60	1,285,144.77	1,533,386.34	3,303,182.54
01/17/24	ELECTRONIC BILL PAY		5,710.87					426,979.96	51,960.60	1,285,144.77	1,533,386.34	3,297,471.67
01/18/24	ELECTRONIC BILL PAY		2,606.70					424,373.26	51,960.60	1,285,144.77	1,533,386.34	3,294,864.97
01/19/24	PAYROLL FEES			77.86				424,373.26	51,882.74	1,285,144.77	1,533,386.34	3,294,787.11
01/22/24	DEPOSIT - HAYWARD	18,000.00						442,373.26	51,882.74	1,285,144.77	1,533,386.34	3,312,787.11
01/23/24	ELECTRONIC BILL PAY		9,874.82					432,498.44	51,882.74	1,285,144.77	1,533,386.34	3,302,912.29
01/26/24	ELECTRONIC BILL PAY		63.04					432,435.40	51,882.74	1,285,144.77	1,533,386.34	3,302,849.25
01/30/24	DEPOSIT - SAN LEANDRO	149,434.73						581,870.13	51,882.74	1,285,144.77	1,533,386.34	3,452,283.98
01/30/24	PAYROLL			27,452.24				581,870.13	24,430.50	1,285,144.77	1,533,386.34	3,424,831.74
01/31/24	DISBURSEMENT		79,725.75					502,144.38	24,430.50	1,285,144.77	1,533,386.34	3,345,105.99
TOTAL		199,425.37	264,877.15	51,036.38	50,000.00	(377,792.11)	7,196.75					
CURRENT BALANCE								502,144.38	24,430.50	1,285,144.77	1,533,386.34	3,345,105.99
Reconciliation - 01/31/2024								①	②	③	④	
① Bank Statement Balance	\$	612,576.23										
Less: Outstanding Checks		110,431.85										
	\$	502,144.38										
② Payroll Bank Statement	\$	24,430.50										
③ LAIF Statement	\$	1,285,144.77										
④ CAMP Statement	\$	1,540,574.99										
Less: Accrual Income Dividend		7,188.65										
	\$	1,533,386.34										

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 INSURANCE PROGRAM REVIEW

Recommendation

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

Strategic Plan Linkage

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

Background

The Authority is a member of the California Sanitation Risk Management Authority JPA (CSRMA). CSRMA offers shared risk and group purchase programs to its members. The shared risk programs, which include Pooled Liability and Workers' Compensation, are member owned and operated. Interest-earning funds are placed on deposit with CSRMA, where they are used to pay claims and related expenses. Funds not spent or reserved are refunded to members through retrospective rating adjustments and dividend payments. In addition, members have access to an array of group purchase programs including primary insurance, auto physical damage, and storage tank programs.

Discussion

Pooled Liability Program (PLP)

The Authority participates in the Pooled Liability Program (PLP), which provides members with third-party liability coverage specifically designed to meet the exposures faced by the wastewater industry. The PLP, which renewed on December 31, 2023, provides members with General, Auto, Errors and Omissions, Employment Practices, and Excess Liability coverages. The CSRMA Executive Board approved the renewal with the total coverage limits in the PLP at \$25,750,000. The reinsurance agreements now include PFAS and Cyber exclusions. In addition, the CSRMA Board recently implemented the Employment Practices Liability (EPL) Deductible Reduction Incentive Program. Members who meet the eligibility requirements will maintain their EPL deductible at \$25,000. Total costs for the PLP program increased by 11.07%, due to many factors including increased exposures (i.e., payroll, miles of line, and covered autos), loss development in the PLP, and re/insurance market conditions. While the program premiums increased overall, the cost for individual members varies based on changes in exposure. As shown in the summary table below, EBDA's PLP premium decreased for 2024. PLP participants will not receive a dividend this year due to minimum threshold requirements in CSRMA's Dividend Policy & Procedure.

Property Program

The CSRMA Property Program 2023/2024 renewal costs increased by 39%. In July 2021, CSRMA implemented a pooled layer for the Property Program funded by program participants in response to the hardening insurance market. Catastrophic events, inflation, and increased costs to rebuild/replace damaged structures are driving property insurance rate increases.

Additional CSRMA Coverage

Additional coverages afforded by CSRMA to the Authority include:

- Public Entity Vehicle Physical Damage Program – Physical damage coverage for the Authority owned vehicle. Premium increase due to vehicle change.
- Pollution Liability Program – Third-party pollution legal liability and clean-up for above ground storage tank exposure at OLEPS.
- Public Official Bond Program – Surety bonds for the General and Operations & Maintenance Managers.

Workers' Compensation

The Authority does not participate in the CSRMA Workers' Compensation Program due to the minimum premium requirement of \$15,000. Instead, the Authority purchases workers' compensation coverage through the State Compensation Insurance Fund.

Insurance Program	2024 Cost	Change from 2023
Pooled Liability	\$38,176	-\$11,833
Property	\$38,412	\$10,916
Public Entity Vehicle Physical Damage	\$308	\$215
Pollution Liability Program	\$722	--
Public Official Bond Program – 3 years	\$4,376	--
Workers' Comp	\$10,536	\$816

**ITEM NO. FM7 STATE CONTROLLER'S SPECIAL DISTRICT FINANCIAL
TRANSACTIONS REPORT FISCAL YEAR 2022/2023**

Recommendation

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

Strategic Plan Linkage

3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.

Background

The Special District Financial Transactions Report is required to be submitted each year to the State Controller's Office (SCO) by January 31. The report is prepared in conformance with requirements set by the SCO and submitted electronically.

Discussion

While this report is consistent with the Authority's audited financial statements and provides no new information, it is attached for the Committee's review and knowledge of what has been submitted.

SPECIAL DISTRICTS' FINANCIAL TRANSACTIONS REPORT COVER PAGE

Special District Name: East Bay Dischargers Authority

Fiscal Year: **2023**

ID Number: **12500108500**

Certification:

I hereby certify that, to the best of my knowledge and belief, the report forms fairly reflect the financial transactions of the special district in accordance with the requirements as prescribed by the California State Controller.

Special District Fiscal Officer


C4IB4MJZVocbO4f...

Signature

General Manager

Title

Jacqueline Zipkin

Name (Please Print)

Date

Per Government Code section 53891(a), this report is due within seven months after the close of the fiscal year or within the time prescribed by the Controller, whichever is later. The report shall contain underlying data from audited financial statements prepared in accordance with generally accepted accounting principles, if this data is available.

If submitted manually, please complete, sign, and mail this cover page to either address below:

Mailing Address:

Local Government Reporting Section – Special Districts
Local Government Programs and Services Division
California State Controller's Office
P.O. Box 942850
Sacramento, CA 94250

Express Mailing Address:

Local Government Reporting Section – Special Districts
Local Government Programs and Services Division
California State Controller's Office
3301 C Street, Suite 700
Sacramento, CA 95816

The Financial Transactions Report was successfully submitted to the State Controller's Office on 1/29/2024 2:16:40 PM

Special District Name: East Bay Dischargers Authority
Special Districts' Financial Transactions Report
General Information

Fiscal Year: 2023

District Mailing Address

Street 1 ☐ Has Address Changed?
Street 2
City State Zip
Email

Members of the Governing Body

	First Name	M. I.	Last Name	Title
Member 1	<input type="text" value="Angela"/>	<input type="text"/>	<input type="text" value="Andrews"/>	<input type="text" value="Chair"/>
Member 2	<input type="text" value="Anjali"/>	<input type="text"/>	<input type="text" value="Lathi"/>	<input type="text" value="Vice-Chair"/>
Member 3	<input type="text" value="Fred"/>	<input type="text"/>	<input type="text" value="Simon"/>	<input type="text" value="Commissioner"/>
Member 4	<input type="text" value="Ralph"/>	<input type="text"/>	<input type="text" value="Johnson"/>	<input type="text" value="Commissioner"/>
Member 5	<input type="text" value="Bryan"/>	<input type="text"/>	<input type="text" value="Azevedo"/>	<input type="text" value="Commissioner"/>
Member	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

District Fiscal Officers

	First Name	M. I.	Last Name	Title	Email
Official 1	<input type="text" value="Jacqueline"/>	<input type="text" value="T"/>	<input type="text" value="Zipkin"/>	<input type="text" value="General Manager"/>	<input type="text" value="jzipkin@ebda.org"/>
Officials	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Report Prepared By

First Name M. I. Last Name
Telephone Email

Independent Auditor

Firm Name
First Name M. I. Last Name
Telephone

1. Is this district a component unit of a City, County, or Special District (Choose one)? If "Yes", answer question 2. ☐ Yes ☒ No

2. Is this district a blended component unit (BCU) or a discretely presented component unit (DPCU) of a City, County, or Special District (Choose one)? Refer to the Financial Transactions Report (FTR) instructions for definitions of these terms. If the district is a BCU, answer questions 3 - 5.

☐ BCU ☐ DPCU

3. Is financial data of this BCU included in the financial statements or Annual Comprehensive Financial Report (ACFR) of a City, County, or Special District (Choose one)?

☐ City ☐ County ☐ Special District

4. In which City, County, or Special District financial statements or ACFR is the financial data of this BCU included?

City name:
County name:
Special District name:

5. Is financial data of this BCU included in the City, County, or Special District FTR (Choose one)? ☐ Yes ☐ No

6. In preparing the District's financial transactions reports for governmental fund type accounts, which basis of accounting was used? (Choose one):

☐ Cash basis ☐ Modified cash basis ☐ Modified accrual basis ☐ Full accrual basis ☒ N/A

7. In preparing the District's financial transactions reports for proprietary fund type accounts (Internal Service Funds and Enterprise Funds), which basis of accounting was used? (Choose one):

☐ Cash basis ☐ Modified cash basis ☐ Modified accrual basis ☒ Full accrual basis ☐ N/A

8. In preparing the District's financial transactions reports for fiduciary fund type accounts, which basis of accounting was used? (Choose one):

☐ Cash basis ☐ Modified cash basis ☐ Modified accrual basis ☐ Full accrual basis ☒ N/A

Special District Name: East Bay Dischargers Authority
Special Districts' Financial Transactions Report
Sewer Enterprise Fund
Statement of Revenues, Expenses, and Changes in Fund Net Position

Fiscal Year: 2023

Operating Revenues

R01.	Service Charges	5,641,311
R02.	Permit and Inspection Fees	
R03.	Connection Fees	
R04.	Standby and Availability Charges	
R05.	Service-Type Assessments	
R06.	Service Penalties	
R07.	Other Operating Revenues	39,016
R08.	Total Operating Revenues	\$5,680,327

Operating Expenses

R09.	Transmission	
R10.	Treatment and Disposal	3,666,811
R11.	Taxes	
R12.	Personnel Services	
R13.	Contractual Services	
R14.	Materials and Supplies	
R15.	General and Administrative Expenses	1,781,881
R16.	Depreciation and Amortization Expenses	889,510
R17.	Other Operating Expenses	
R18.	Total Operating Expenses	\$6,338,202
R19.	Operating Income (Loss)	\$-657,875

Nonoperating Revenues

R20.	Investment Income	70,197
R21.	Rents, Leases, Concessions, and Royalties	
Taxes and Assessments		
SD22.	Current Secured and Unsecured (1%)	
SD23.	Voter-Approved Taxes	
SD24.	Pass-through Property Taxes (ABX1 26)	
SD25.	Property Assessments	
SD26.	Special Assessments	
SD27.	Special Taxes	
SD28.	Prior-Year Taxes and Assessments	
SD29.	Penalties and Cost of Delinquent Taxes and Assessments	
Intergovernmental – Federal		
R30.	Aid for Construction	
R31.	Other Intergovernmental – Federal	106,356
Intergovernmental – State		
R32.	Aid for Construction	
SD33.	Homeowners Property Tax Relief	
SD34.	Timber Yield	

R35.	In-Lieu Taxes	
R36.	Other Intergovernmental – State	
R37.	Intergovernmental – County	
R38.	Intergovernmental – Other	
R39.	Gain on Disposal of Capital Assets	9,100
R40.	Other Nonoperating Revenues	847,675
R41.	Total Nonoperating Revenues	\$1,033,328

Nonoperating Expenses

R42.	Interest Expense	
R43.	Loss on Disposal of Capital Assets	420,000
R44.	Other Nonoperating Expenses	935,031
R45.	Total Nonoperating Expenses	\$1,355,031

R46.	Income (Loss) Before Capital Contributions, Transfers, and Special and Extraordinary Items	\$-979,578
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Capital Contributions

R47.	Federal	
R48.	State	
R49.	Connection Fees (Capital)	
R50.	County	
R51.	Other Government	
R52.	Other Capital Contributions	
R53.	Total Capital Contributions	\$0

R54.	Transfers In	648,129
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R55.	Transfers Out	-648,129
------	----------------------	-----------------

Special and Extraordinary Items

R55.5	Special Item	
R55.6	Extraordinary Item	
R55.7	Total Special and Extraordinary Items	\$0

R56.	Change in Net Position	\$-979,578
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R57.	Net Position (Deficit), Beginning of Fiscal Year	\$28,335,331
------	---	---------------------

R58.	Adjustment	
------	-------------------	--

R59.	Reason for Adjustment	
------	-----------------------	--

R60.	Net Position (Deficit), End of Fiscal Year	\$27,355,753
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Net Position (Deficit)

R61.	Net Investment in Capital Assets	24,086,832
R62.	Restricted	67,951
R63.	Unrestricted	3,200,970
R64.	Total Net Position (Deficit)	\$27,355,753

Special District Name: East Bay Dischargers Authority
Special Districts' Financial Transactions Report
Statement of Net Position
Proprietary Funds

Fiscal Year: 2023

	Enterprise	Internal Service
Assets		
Current Assets		
Cash and Investments		
R01. Unrestricted	2,902,459	
R02. Restricted		
R03. Accounts Receivable (net)	580,625	
R04. Taxes Receivable		
R05. Interest Receivable (net)	21,410	
R05.5 Lease Receivable		
R06. Due from Other Funds		
R07. Due from Other Governments	352,230	
R08. Inventories	162,952	
R09. Prepaid Items	45,680	
R10. Other Current Assets 1	2,291	
R11. Other Current Assets 2		
R12. Total Current Assets	\$4,067,647	\$0
Noncurrent Assets		
R13. Cash and Investments, Restricted		
R14. Investments		
R14.5 Lease Receivable		
R15. Other Loans, Notes, and Contracts Receivable		
Capital Assets		
R16. Land	442,339	
R17. Buildings and Improvements	20,431,335	
R18. Equipment	888,958	
R18.5 Infrastructure	36,369,660	
R18.6 Lease Assets (Lessee)	12,900	
R19. Other Intangible Assets – Amortizable		
R20. Construction in Progress		
R21. Intangible Assets – Nonamortizable		
R22. Other Capital Assets		
R23. Less: Accumulated Depreciation/Amortization	-34,058,360	
R23.5 Net Pension Asset		
R23.6 Net OPEB Asset		
R24. Other Noncurrent Assets 1		
R25. Other Noncurrent Assets 2		
R26. Total Noncurrent Assets	\$24,086,832	\$0
R27. Total Assets	\$28,154,479	\$0

Deferred Outflows of Resources

R28.	Related to Pensions	911,869	
R28.5	Related to OPEB	33,135	
R28.6	Related to Debt Refunding		
R29.	Other Deferred Outflows of Resources		
R30.	Total Deferred Outflows of Resources	\$945,004	\$0
R31.	Total Assets and Deferred Outflows of Resources	\$29,099,483	\$0

Liabilities

Current Liabilities

R32.	Accounts Payable	409,030	
R33.	Contracts and Retainage Payable		
R34.	Interest Payable		
R35.	Due to Other Funds		
R36.	Due to Other Governments	319,845	
R37.	Deposits and Advances		
R38.	Compensated Absences		
R39.	Long-Term Debt, Due Within One Year	0	0
R40.	Other Long-Term Liabilities, Due Within One Year		
R41.	Other Current Liabilities 1	6,450	
R42.	Other Current Liabilities 2		
R43.	Total Current Liabilities	\$735,325	\$0

Noncurrent Liabilities

R44.	Deposits and Advances		
R45.	Compensated Absences	102,357	
R46.	General Obligation Bonds		
R47.	Revenue Bonds		
R48.	Certificates of Participation		
R49.	Other Bonds		
R50.	Loans (Other Long-Term Debt)		
R51.	Notes (Other Long-Term Debt)		
R52.	Other (Other Long-Term Debt)		
R53.	Construction Financing – Federal		
R54.	Construction Financing – State		
R54.5	Lease Liability	6,450	
R55.	Lease-Obligations (Purchase Agreements)		
R56.	Net Pension Liability	473,485	
R57.	Net OPEB Liability	74,625	
R58.	Other Noncurrent Liabilities 1		
R59.	Other Noncurrent Liabilities 2		
R60.	Total Noncurrent Liabilities	\$656,917	\$0
R61.	Total Liabilities	\$1,392,242	\$0

Deferred Inflows of Resources

R62.	Related to Pensions	287,973	
R62.5	Related to OPEB	63,515	
R62.6	Related to Debt Refunding		
R62.7	Related to Leases		

R63.	Other Deferred Inflows of Resources		
R64.	Total Deferred Inflows of Resources	\$351,488	\$0
R65.	Total Liabilities and Deferred Inflows of Resources	\$1,743,730	\$0
R66.	Total Net Position (Deficit)	\$27,355,753	\$0
	Net Position (Deficit)		
R67.	Net Investment in Capital Assets	24,086,832	
R68.	Restricted	67,951	
R69.	Unrestricted	3,200,970	
R70.	Total Net Position (Deficit)	\$27,355,753	\$0

Special District of East Bay Dischargers Authority
Special District Financial Transactions Report
Footnotes

Fiscal Year: 2023

FORM DESC	FIELD NAME	FOOTNOTES
SewerEnterpriseFund	(R07)OtherOperatingRevenues	Sale of reclaimed water \$36,000 Other Operating Revenues \$3,016
SewerEnterpriseFund	(R15)GeneralandAdministrativeExpenses	Increase in liabilities for employee pension and OPEB benefits
SewerEnterpriseFund	(R31)OtherIntergovernmentalFederal	Federal grant managed by Association of Bay Area Governments (ABAG)
SewerEnterpriseFund	(R40)OtherNonoperatingRevenues	Reimbursements from Cargill for brine project development \$827,675 Zone 7 Brine \$20,000
SewerEnterpriseFund	(R44)OtherNonoperatingExpenses	Expenses related to Cargill brine project development \$827,675 Expenses related to federal grant by Association of Bay Area Governments (ABAG) \$106,356 Bruce Wolfe Memorial \$1,000
SewerEnterpriseFund	(R54)TransfersIn	Transfer of capital assets from Renewal and Replacement Fund to Operations and Maintenance Fund
SewerEnterpriseFund	(R55)TransfersOut	Transfer of capital assets from Renewal and Replacement Fund to Operations and Maintenance Fund
ProprietaryFunds	(R01)Entpr-Unrestricted	Capital outlay at Operations Center and Oro Loma Pump Station
ProprietaryFunds	(R10)Entpr-OtherCurrentAssets1	Deposit
ProprietaryFunds	(R41)Entpr-OtherCurrentLiabilities1	Right-to-use lease liability
ProprietaryFunds	(R43)Entpr-TotalCurrentLiabilities	Less money owed to other governments-member agencies and LAVWMA

Total Footnote: 11



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

A Joint Powers Public Agency

ITEM NO. 11

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, February 13, 2024

2:00 PM

**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. Motion Approving Public Access to Authority Property Policy

(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 or (510) 278-5910. Notification of at least

Agenda Explanation
East Bay Dischargers Authority
O&M Agenda
February 13, 2024

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, March 19, 2024, at 2:00 pm**

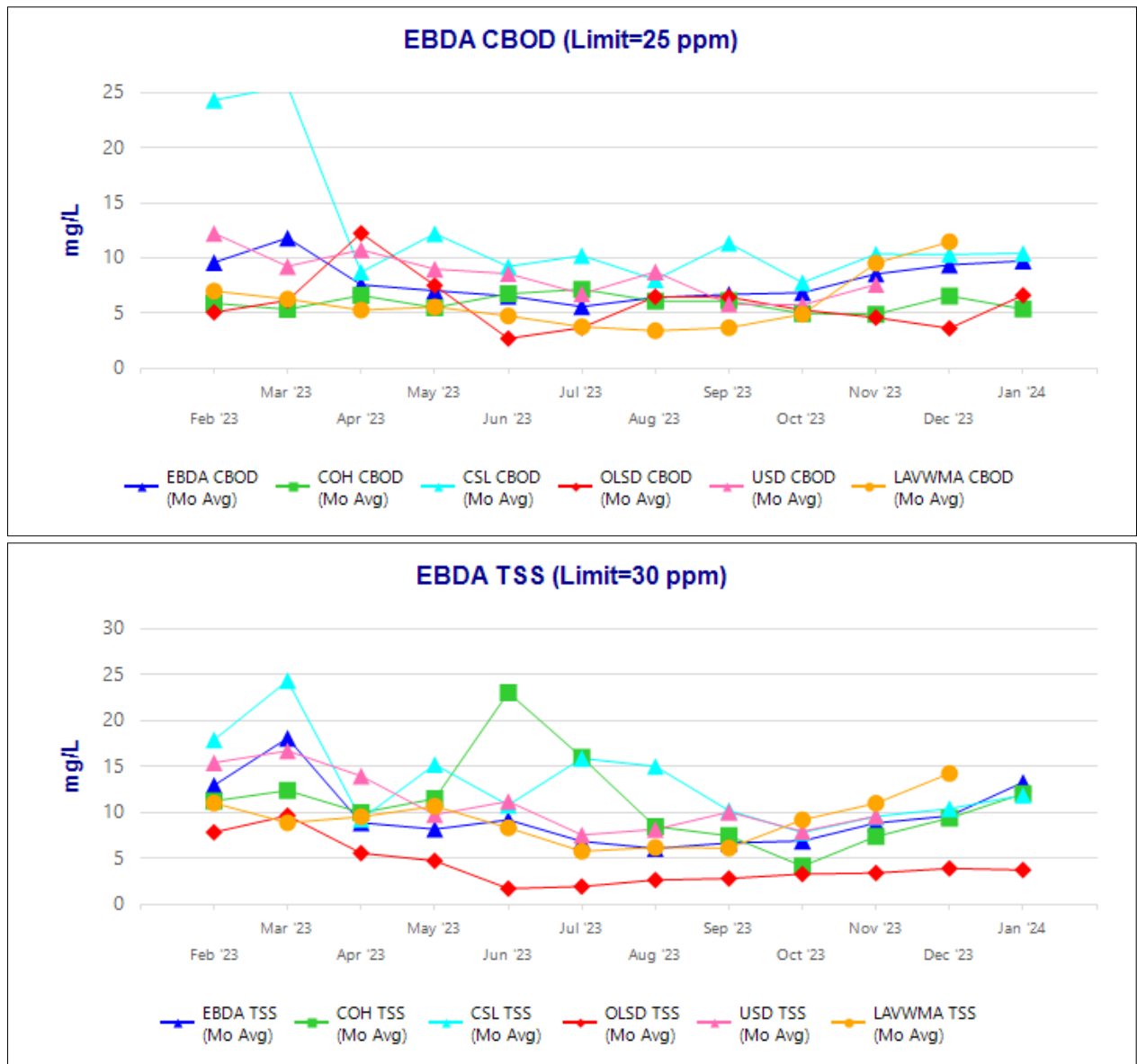
ITEM NO. OM4 EBDA PERMIT COMPLIANCE

Recommendation

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

Discussion

There were no NPDES permit violations in December. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators follows. Staff notes that in late January, Oro Loma Sanitary District experienced a high TSS event. Final data from January 30 samples was not yet available at the time this agenda was compiled and is therefore not reflected in the graphs below. Additional information on this event and final numbers will be included in next month's agenda.



EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	1100
Limit (Geomean)	500	280
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
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
1/1/2024	4	4
1/2/2024	2	2
1/8/2024	27	2
1/9/2024	11	< 2
1/15/2024	8	< 2
1/16/2024	79	8
1/22/2024	13	22
1/23/2024	49	17
1/29/2024	13	2
1/30/2024	7	6
January 2024 Geomean	12	4

ITEM NO. OM5 STATUS REPORT

Union Effluent Pump Station (UEPS)

No change; all equipment is operational.

Hayward Effluent Pump Station (HEPS)

PG&E Power Outage

On Sunday, February 4, 2024, at 10:32 am, a PG&E power failure occurred at HEPS. The power was out for over 12 hours, and the HEPS generator operated without any issues. Initially, the power failure affected 420 customers, including the Hayward Water Pollution Control Facility (WPCF). The power was restored relatively quickly to most of the customers. Unfortunately, a power wire at the end of West Winton Avenue in Hayward was blown down due to high winds, causing seven customers to remain without power. The seven customers included HEPS and the 60-inch valve vault on the EBDA force main. The downed wire was repaired and power was restored by 10:42 pm.

Effluent Pump No. 2 Motor Failure

On January 31, 2024, the HEPS Effluent Pump No. 2 motor failed. The City of Hayward Maintenance staff tested the motor, and it was shorted internally. As part of the Effluent Pump Replacement Project, Effluent Pump No. 4 was previously removed, and the pump and motor were stored at the Hayward WPCF. On February 6, 2024, Pump Repair Service Company, Inc. (PRS) and City of Hayward Maintenance staff installed the Effluent Pump No. 4 motor on Effluent Pump No. 2. Pump No. 2 is currently in service and operating without any issues.

Effluent Pump Replacement Project

The new pumps and motors were delivered in December and are being stored at the Hayward Water Pollution Control Facility until they are installed. The concrete subcontractor plans to start work in mid-February 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.

Pond 3 Valve Actuator Replacement

As part of the FY 2022/2023 RRF project list, EBDA has agreed to split the cost of a new Pond 3 valve actuator with the City of Hayward. The actuator is the property of the City of Hayward, but replacing it will benefit both the City and EBDA. The current actuator

does not have a feedback loop, so the information displayed on SCADA is limited. During wet weather storm events, having better information on SCADA will greatly improve EBDA operations. The ability to automatically divert flow to Pond 3 will save EBDA the cost of pumping the flow to Pond 7, which requires using the HEPS pumps. The ability to automatically divert flow to Pond 3 will also save the City the cost of adding sodium hypochlorite to the diverted flow. This project also includes the programming necessary to add the valve operations to SCADA. The new valve actuator was delivered in late 2023, and EBDA is coordinating the installation with the City of Hayward staff. Calcon, EBDA's contract electrical and instrumentation contractor, has already begun work on the project, including procuring the radios and Programmable Logic Controller (PLC) that will communicate with and control the new valve actuator.

Oro Loma Effluent Pump Station (OLEPS)

PG&E Power Outage

On Friday, January 5, 2024, at 12:57 pm, a truck hit a power pole in front of the EBDA and OLSD Administration Buildings. On Saturday, January 6, at 7:02 pm, over 18 hours after the pole was hit, PG&E turned off the power to the end of Grant Avenue. They did not provide any notice to customers, and they kept the power off for 10 hours, much longer than was needed to fix the pole. This power outage affected OLEPS, the OLSD/CVSan Treatment Plant, and the EBDA and OLSD Administration Buildings. During the outage, the OLEPS generator and one diesel pump operated without any issues.

Automatic Transfer Switch Upgrade

Todd Beecher, EBDA's contract electrical engineer, has commenced the design of two new automatic transfer switches (ATSs) at OLEPS. The two new ATSs 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 ATSs will allow the switch from primary to secondary backup to occur automatically. This ATS 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 January 2024, the Skywest Recycled Water System did not produce any recycled water.

Marina Dechlorination Facility (MDF)

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

As discussed previously, EBDA's new NPDES permit effluent limit for Total Residual Chlorine, which took effect on January 1, 2024, is a one-hour average of 0.98 mg/L. On January 2, 2024, EBDA turned off its continuous feed of sodium bisulfite (SBS).

The permit further specifies that EBDA is required to have a Chlorine Process Control Plan that targets zero residual at the discharge point, which is EBDA's outfall diffuser, seven and a quarter miles out into the Bay. Based on field testing and literature, EBDA has established that targeting a one-hour average of 0.60 mg/L at the compliance point (effluent of MDF) ensures that a residual of zero is achieved at the discharge point. Targeting 0.6 mg/L also provides a factor of safety that ensures effluent never exceeds the limit of 0.98 mg/L.

EBDA has analyzers that continuously monitor chlorine residual at the influent and effluent of MDF. The Programmable Logic Controller (PLC) that controls the operations at MDF will automatically start an SBS pump once the MDF influent chlorine residual is above 0.50 mg/L for 30 seconds. The PLC is constantly calculating the amount of SBS necessary to reduce the influent chlorine residual to 0.50 mg/L. The SBS Pump will operate at the calculated value or the minimum pump speed, whichever is greater. Once the influent chlorine residual drops below 0.50 mg/L for 30 seconds, the SBS Pump will turn off. As a secondary fail-safe, in case something goes wrong with this system, the PLC will automatically start an SBS Pump once the effluent chlorine residual is above 0.60 mg/L for 30 seconds. Once the effluent chlorine residual drops below 0.50 mg/L for 30 seconds, the SBS Pump will reduce its speed until it turns 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

PG&E Power Outage

The power outage described in the OLEPS section of this agenda also affected the EBDA Administration Building. The EBDA office generator operated for several hours during the power outage. As a result of this power outage, EBDA upgraded the battery capacity of the SCADA Server Uninterruptable Power Supply (UPS).

Miscellaneous Items

Underground Service Alerts

EBDA received eight (8) Underground Service Alert (USA) tickets during the month of January 2024. 7 tickets were renewals. One required an Electronic Positive Response (EPR), a call, and an email to the excavator.

Wet Weather

During the month of January 2024, there were several significant rain events, and one OLEPS diesel pump was required to operate for 8.1 hours on 1/22/24 and for 3.7 hours on 1/24/24. During the significant rain events, when extra pumping capacity was available with the equipment already online, EBDA requested extra flow from all Member Agencies. There were no capacity exceedance events during the month of January.

Total rainfall for the month of January 2024 (in inches) was as follows:

Oakland	Hayward	Livermore
4.04	6.60	3.21

Significant daily rainfall for the month of January 2024 (in inches) was as follows:

Date	Oakland	Hayward	Livermore
1/02/2024	0.23	0.80	0.49
1/13/2024	0.45	0.78	0.23
1/16/2024	0.40	0.55	0.42
1/21/2024	0.51	0.49	0.00
1/22/2024	0.77	1.22	0.80
1/24/2024	0.43	0.74	0.23
1/31/2024	0.55	0.76	0.17

The MDF peak flow of 160.1 MGD was recorded at 1:05 pm on January 22, 2024, and the average daily flow at MDF was 121.9 MGD on that day. For reference, the average daily flow for the month of January 2024 was 81.5 MGD, and the average daily flow for December 2023 was 66.6 MGD.

Overall, the EBDA system performed well, once again demonstrating the value of EBDA. There was consistent communication and cooperation between the Member Agencies, LAVWMA, and EBDA to manage flows.

Average daily flow at MDF was as follows:

Date	MDF Average Daily Flow - MGD
July 2023 Monthly Average	54.1
December 2023 Monthly Average	66.6
January 2024 Monthly Average	81.5
1/22/2024	121.9
1/23/2024	100.8
1/24/2023	105.7
1/25/2023	97.0

Special Projects

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.

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 AQPI [website](#). 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. CW3E has also developed an [Executive Summary](#) of the AQPI program. 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 this Spring.

ITEM NO. OM6 MOTION APPROVING THE PUBLIC ACCESS TO AUTHORITY PROPERTY POLICY

Recommendation

Approve a motion adopting the Public Access to Authority Property Policy.

Background

As discussed in the January 2023 meeting, a trend has recently 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, 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 recommends that the Commission adopt a Public Access Policy for the Authority. A draft Policy was reviewed by the Committee last month. The Committee recommended revisions to the definition of Authority Official, which have been incorporated. Track changes and clean versions of the updated Policy are attached.

As discussed, the Policy designates 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. Following adoption of the proposed Policy, signage designating spaces as employee only will be placed on all outside doors. Signage indicating that areas are for authorized personnel only will 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: 910

NAME OF POLICY: Public Access to Authority Property

LAST REVISED: ~~January 18, 2024~~ February 15, 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;
- ~~- Authority staff;~~
- ~~- Member Agency staff performing work for or in collaboration with the Authority;~~
- ~~- Authority Commissioners and Alternates; and~~
- 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.

POLICY NUMBER: 10

NAME OF POLICY: Public Access to Authority Property

LAST REVISED: February 15, 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.

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- Authority Commissioners and Alternates; and
- 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.

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- (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.

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EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
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A Joint Powers Public Agency

ITEM NO. 13

PERSONNEL COMMITTEE AGENDA

**Tuesday, February 13, 2024
4:00 PM**

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. FY 2024/2025 Budget Assumptions for Wages and Benefits**
(The Committee will review proposed recommendations.)
- P5. Review of Updates to Rules of the Commission**
(The Committee will review proposed revisions.)
- P6. 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 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>.

<p>Next Scheduled Personnel Committee meeting is April 16, 2024 at 4:00 pm</p>

ITEM NO. P4 FY 2024/2025 BUDGET ASSUMPTIONS FOR WAGES AND BENEFITS

Recommendation

The Committee may provide guidance/approval to staff on wages and benefits assumptions.

Strategic Plan Linkage

3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
 - b. Proactively manage expenditures to stay within adopted budget.
4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
 - a. Foster partnership between the Commission and staff to jointly achieve EBDA's Mission and Vision.

Background

Each year's budget makes a number of assumptions on wages and benefits. The proposed assumptions for FY2024/2025 are summarized below for the Committee's input.

Discussion

1. **Salary.** EBDA's current Personnel Plan states the following:

Appropriate consideration shall be given to adjustments of the cost of living as measured by the Consumer Price Index for All Urban Consumers (CPI-U), the base figure for comparison shall be the San Francisco-Oakland-Hayward, CA for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. The cost-of-living adjustment (COLA) shall be based on the above index within a floor-to ceiling-range of 2% - 5%. The COLA range shall be reviewed every three years. In adopting a COLA, the Commission may also consider the short- and long-term financial status of the Authority. Effective July 1, by adoption of an amended Compensation Plan, adjustments shall be applied to the salary range of each position to reflect the COLA.

Data from the CPI-U for San Francisco-Oakland-Hayward is shown in the table below. The December-to-December comparison yields a 2.6% increase. Staff is presenting this information here to vet budget assumptions. The Commission will also consider the COLA as part of the annual Compensation Plan adoption.

Agenda Explanation
East Bay Dischargers Authority
Personnel Committee
February 13, 2024

Table A. San Francisco-Oakland-Hayward, CA, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted

Month	2019		2020		2021		2022		2023	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
February	0.5	3.5	0.9	2.9	0.5	1.6	1.4	5.2	1.8	5.3
April	1.2	4.0	-0.5	1.1	1.7	3.8	1.5	5.0	0.4	4.2
June	0.2	3.2	0.7	1.6	0.0	3.2	1.7	6.8	0.5	2.9
August	0.1	2.7	0.0	1.6	0.5	3.7	-0.5	5.7	0.0	3.4
October	1.0	3.0	0.5	1.1	0.7	3.8	1.0	6.0	0.3	2.8
December	-0.5	2.5	0.4	2.0	0.8	4.2	-0.3	4.9	-0.4	2.6

2. **Medical Premiums.** National Health Expenditures for 2022-2031 projects an increase of 5.4%. However, CalPERS saw an increase of 12% in 2024. At this time, staff is assuming a 12% increase for 2024/2025. CalPERS preliminary premiums for 2025 are expected to be available late spring and will be incorporated in the draft budget.
3. **PEMHCA.** The Authority's fixed contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA) is \$502 per month for each annuitant. The PEMHCA rate was last updated in 2023, and the Commission may consider increasing it up to 3% annually. Currently, four EBDA retirees receive PEMHCA, and two retirees receive full medical based on their negotiated contracts. The effect of increasing the PEMHCA by 3% would be \$720 annually.
4. **Dental Insurance.** Rates are established on a calendar year basis by the provider and are expected to remain at the current level through 2024. Staff recommends budgeting for a 2% increase in 2025.
5. **Vision Insurance.** The rate is expected to remain at the current level through 2024. Staff recommends budgeting for a 2% increase in 2025.
6. **Disability Insurance.** Long & Short-Term Disability insurance rates are expected to remain at the current levels through 2024.
7. **CalPERS.** Annual valuation reports indicate the FY2024/2025 Employer Normal Cost Rates for the classic and PEPRAs plans will be 14.13% and 7.87% respectively. EBDA pays 0% of the Employee contribution rate.
8. **Deferred Compensation.** Employer contribution expenditures are assumed to increase 2.6%, commensurate with salary increases.
9. **Workers Compensation.** Premiums are based on classification rates multiplied by all discount modifiers from the CDI website.

ITEM NO. P5 REVIEW OF UPDATES TO RULES OF THE COMMISSION

Recommendation

Review and 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.
 - b. Foster partnership between the Commission and staff to jointly achieve EBDA's Mission and Vision.

Background

Prior to 2020, EBDA's Joint Powers Agreement (JPA) contained content regarding the conduct of the Commission and meeting protocols. That language was removed in the Amended and Restated JPA in favor of creating Rules of the Commission that would cover the details of Commission business and could be more easily modified than the JPA. The Rules of the Commission document is intended to be a high-level guidance manual for the workings of the Commission.

With the passage of AB 2449 allowing remote participation in meetings under certain circumstances, the Rules were updated in in June 2023 to add a new Rule IV. Remote Participation in Meetings.

Discussion

Staff is suggesting minor revisions to designate regular meeting locations for the Commission and Committees and to clarify that a quorum must be present at the regular location. Following input from the Committee and Commission, staff will bring the new Rules to the Commission for approval.

EAST BAY DISCHARGERS AUTHORITY

RULES OF THE COMMISSION

~~June 2023~~ February 2024

EAST BAY DISCHARGERS AUTHORITY

RULES OF THE COMMISSION

Contents

RULE I.	OFFICERS OF THE Commission.....	1
A.	Chair.....	1
B.	Vice-Chair.....	2
C.	General Manager.....	2
D.	Treasurer and Auditor	2
E.	Term.....	2
RULE II.	MEETINGS OF THE COMMISSION.....	3
A.	Call of Meetings.....	3
1.	Regular Meetings	3
2.	Special Meetings	3
3.	Emergency Meetings	3
B.	Notice of Meetings.....	3
C.	Agenda of Meetings.....	3
D.	Meetings Open to the Public.....	4
E.	Order of Business.....	4
F.	Procedure.	4
1.	Role of Chair.....	4
2.	Convening the Meeting and Quorum.....	4
3.	Consent Calendar	5
4.	General Principles for Discussion or Debate	5
5.	Motions	5
6.	Voting	6
7.	Time Limit on Meetings	6
8.	Adjournment	7
9.	Minutes	7
RULE III.	COMMITTEES OF THE Commission	9
A.	Standing Committees	9
1.	Financial Management Committee	9
2.	Operations and Maintenance Committee.....	9
3.	Personnel Committee.....	9
4.	Regulatory Affairs Committee.....	9
B.	Ad Hoc Committees.....	9
C.	Committee Members and Alternates	9
RULE IV.	REMOTE PARTICIPATION IN MEETINGS	11
A.	Quorum in Person	11
B.	Remote Participation Pursuant to AB 2449	11
C.	Remote Participation under the Brown Act.	12
RULE V.	COMMUNICATIONS TO THE Commission	12
A.	General.....	12
1.	Agenda Items	12

2.	Non-Agenda Items	12
B.	Time Limits on Public Comments	12
RULE VI.	Commissioner communications.....	13
A.	Communications with Staff	13
B.	Communications on behalf of EBDA	13
C.	Communications with the Public	13
RULE VII.	SUSPENSION/AMENDMENT/REPEAL	14
ATTACHMENT 1	15
ATTACHMENT 2	16
ATTACHMENT 3	17

EAST BAY DISCHARGERS AUTHORITY COMMISSION

RULES OF THE COMMISSION

The Commission of the East Bay Dischargers Authority (“EBDA”) adopts these Rules pursuant to Section 7(j) of the Amended and Restated Joint Exercise of Powers Agreement dated July 1, 2020 (“Amended and Restated JPA”).

The Commission is the legislative body that governs EBDA and is accountable to the member agencies for the following actions:

- Establish policies for EBDA operations;
- Establish and oversee the EBDA's finances and its budgets, programs, and performance; and
- Provide the resources needed by staff to carry out EBDA policy.

These Rules are designed solely to facilitate the Commission’s conduct of its own meetings and proceedings. They are not intended to, and do not, create procedural or substantive rights in any person.

The Rules are subordinate to state and federal law.

RULE I. OFFICERS OF THE COMMISSION

- A. Chair. The Commission shall elect a Chair from among its members annually at the regular meeting in June. Until otherwise determined by the Commission, current Commission policy is to provide for the equitable rotation of the Chair position among members (see Resolution 99-11). The Chair typically will have served as the Vice-Chair the prior year.

The Chair shall preside at all meetings of the Commission.

The Chair's duties shall include calling meetings to order, adjourning meetings, announcing the business before the Commission in order in which it is to be acted upon, recognizing members and non-members entitled to the floor, putting to vote all questions moved and seconded, announcing results of votes, maintaining the rules of order, executing documents on behalf of the Commission when duly approved for action, and such other powers and duties as are provided elsewhere in these Rules or delegated by the Commission. Subject to any statutory requirement otherwise, the Chair shall be entitled to exercise his or her full voting rights on all questions before the Commission and need not relinquish the chair to discuss a question before the Commission.

The Chair may appoint members of the Commission to standing and ad hoc committees of the Commission and may designate the chairs of such committees.

The Chair may also appoint members of the Commission to serve as the representative of EBDA to other groups and organizations, unless the law requires such appointments to be made by action of the full Commission.

- B. Vice-Chair. The Commission shall elect a Vice-Chair from among its members annually at the regular meeting in June.

The Vice-Chair shall perform the duties of the Chair in the Chair's absence or incapacity. In the case of a vacancy of the office of the Chair, the Vice-Chair shall succeed to that office. In the case of a vacancy of the office of the Vice-Chairperson, an election shall be held at the next regular meeting to fill the vacancy.

- C. General Manager. The General Manager's duties and authority shall be as specified in Section 7(f) of the Amended and Restated JPA.
- D. Treasurer and Auditor. The Treasurer's and Auditor's duties and authority shall be as specified in Section 7(g) of the Amended and Restated JPA.
- E. Term. The term of officers shall be for one year commencing on July 1 of each and every Fiscal Year.

RULE II. MEETINGS OF THE COMMISSION

A. Call of Meetings

1. Regular Meetings. The Commission will hold at least six regular meetings each year. The date upon which, and the hour and place at which each such regular meetings will be held, will be fixed by resolution of the Commission. The date and/or time of a particular regular meeting may be changed by the Commission as needed to accommodate scheduling conflicts, subject to the notice requirements in Rule II.B below.
2. Special Meetings. Special meetings of the Commission may be called by the Chair or by a majority of the members of the Commission¹. The notice of the meeting shall state the particular business to be conducted. The Commission may not consider other business at such meetings.
3. Emergency Meetings. The majority of the members of the Commission may call an emergency meeting in the case of an “emergency situation,” as defined in the Brown Act.

B. Notice of Meetings. A notice stating the time and place of the meeting shall be sent to each Commissioner no later than the time the agenda is required to be distributed by Rule II.C. If the date, time or place of a regular meeting is changed, notice of the change shall be sent at least 72 hours in advance of the regular meeting date or the rescheduled date, whichever is earlier, to each member and to all newspapers of general circulation and radio and television stations that have requested notice of meetings pursuant to the Brown Act.

C. Regular Meeting Location. Unless otherwise specified, the Regular Meeting Location for the Commission shall be the Board Room of Oro Loma Sanitary District at 2655 Grant Ave. San Lorenzo.

D. Agenda of Meetings. The General Manager shall prepare the agenda of all meetings of the Commission, in consultation with the Chair.

A copy of the agenda shall be posted in a location freely accessible to the public, EBDA's website, and delivered to each member, at least 72 hours before each regular meeting and at least 24 hours before each special meeting.

A copy of the agenda, and of all documents (other than those exempt from disclosure under the Public Records Act) distributed to the members with the agenda, shall be available for public inspection at EBDA's office at least 72 hours before each regular meeting and at least 24 hours before each special meeting. A

¹ Special meetings may be called in accordance with Government Code Section 54956; weighted voting does not apply.

copy of the agenda and such supporting documents shall also be available for public review at the meeting.

E. Meetings Open to the Public. All meetings of the Commission shall be open and public and conducted in accordance with the Brown Act.

F. Order of Business. The Order of Business shall generally be as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Public Forum
- Consent Calendar
- Regular Calendar
- Reports
- Commissioners' Comments and/or Agenda Requests
- Closed Session (if any)
- Adjournment

A member may request that an item be taken out of order. The Chair may take any item out of order in response to a request by a member or on his or her own initiative, subject to the right of a member to appeal.

G. Procedure.

1. Role of Chair. Authority for conduct of meetings is assigned to the Chair, who shall be responsible for timely, fair and reasonable conduct of the meeting's business. Decisions of the Chair on questions of procedure are final, except that any ruling may be appealed to a vote of the Commission.

In the event both the Chair and Vice-Chair are absent from a meeting which otherwise would constitute a quorum and a Chair pro tem was not designated by the Chair at the last regular meeting, any member may call the meeting to order and a chair pro tem may be elected by majority vote, as set forth in Section 7(c)(1) of the Amended and Restated JPA, to serve until the Chair or Vice-Chair is present. In such case, the Chair pro tem is authorized only to conduct meetings of the Commission pursuant to these Rules and is not authorized to add items to the Agenda for any meeting of the Commission or exercise any other duties of the Chair or Vice-Chair of the Commission.

2. Convening the Meeting and Quorum. A majority of the full Commission (or, in the absence of a member, that member's alternate) constitutes a quorum for the conduct of business. The Chair shall be responsible for ascertaining and announcing the presence of a quorum and the due convening of the meeting. In the event a majority of the Commission is not also a majority of the Commissioner and weighted voting calculations

pursuant to Section 7(c)(1) of the Amended and Restated JPA, the Commission may convene and hold a meeting to receive reports and information, but it may not take action to approve any item.

3. Consent Calendar. Matters to be included on the Consent Calendar are those that are regularly presented to the Commission and are routine in nature, such as approval of minutes. All matters on the Consent Calendar may be acted upon by a single vote. Any Commission member may request that a matter on the Consent Calendar be removed for comment only, prior to a single vote on the entire Consent Calendar. If any member requests that a matter on the Consent Calendar be considered and acted upon separately, the matter shall be removed from the Consent Calendar. In the event a member of the public requests that a matter on the Consent Calendar be considered and acted upon separately, the Chair has full discretion to determine whether or not such matter shall be removed from the Consent Calendar. Such matters shall be separately considered immediately after approval of the remainder of the Consent Calendar, subject to the Chair's authority to take up the matter later in the meeting.
4. General Principles for Discussion or Debate. Discussion of any issue is subject to regulation by the Chair to assure adequate consideration of relevant points of view in the best interests of EBDA. The objectives of discussion are to:
 - Determine the will of the Commission.
 - Assure sufficient discussion and consideration of issues so that all pertinent points of view are considered.
 - Maintain the dignity and decorum of the meeting so that each recognized speaker's views are made known to the members and to ensure that appropriate respect is accorded all members and the public.
 - Present the consideration of business in a manner understood by all participants.
5. Motions. The Commission prefers a flexible format for meetings and does not insist that its meetings be conducted strictly in accordance with formal rules of procedure. The conduct of the Commission's meetings will be informed by Robert's Rules of Order, but the Commission will not be obligated to strictly comply with Robert's Rules.

The following rules of motion practice are to be applied as a guide to the Chair in disposition of motions. If a member believes that adequate order is not being maintained or that the procedures being followed do not allow for adequate and orderly discussion of an item, the member may raise a

point of order to the Chair. If the member is not satisfied with the ruling of the Chair, the member may appeal to the full Commission.

All matters requiring Commission action must be presented in the form of a motion. In order for a vote to be taken on a motion, the motion must be seconded by another member. When a motion has been made and seconded, it shall be stated by the Chair for consideration by the Commissioners.

In general, every agenda item requiring action will be presented with a written staff report and clear recommendation; however, action may be by motion and reflected in the minutes. In certain circumstances, statutory law requires Commission action by written resolution, such as matters related to CalPERS. Furthermore, in practice, the Commission may choose to adopt significant governing policies, such as a Reserve Policy and Procurement Policy, by written resolution. In each case, the Chair will call for a motion to adopt such action.

Under these Rules, motions should be limited to those set forth on the Chart of Motion Practice (Attachment 1). Motions on Attachment 1 are listed in order of precedence. When a motion is pending, any motion listed above it on the chart is in order, but those below it are out of order.

6. Voting. The affirmative vote of (a) three or more commissioners; and (b) greater than fifty percent of the weighted votes based on Maximum Flow Rate Capacity is required to adopt any action, including passing a main motion, except for unanimous or other special voting protocols as set forth in Sections 7(c)(2) and 7(c)(3) of the Amended and Restated JPA. A voice vote shall be taken first on all motions subject to weighted voting. If the voice vote is not unanimous, a roll call vote shall be taken.

A roll call shall be taken on the vote on all main motions associated with an ordinance or resolution and on any other motion when requested by a member. All votes will be recorded.

The number of votes assigned to each member for purposes of weighted voting is shown on Attachment 2.

7. Time Limit on Meetings. When a meeting of the Commission has lasted two and one quarter hours or more, no new item of business may be taken up for discussion or action unless the Commission votes to extend the meeting. This provision may be invoked by the Chair or any member. However, it has no effect on the validity of any action taken by the Commission unless and until it is invoked. Upon motion, items which were not completed within the allotted time may be continued as a future agenda item.

8. Adjournment. Upon completion of the meeting's agenda, or upon conclusion of a meeting pursuant to Rule II.G.7, the Chair shall adjourn the meeting. Adjournment may be accomplished by a motion or announcement of the Chair.
9. Minutes. The General Manager shall prepare minutes of each Commission meeting, which shall be submitted for action at a subsequent meeting. Minutes shall record the ayes and nays on roll call votes. Minutes should not include the text of ordinances and resolutions, which shall be maintained by the General Manager in separate volumes. Minutes are intended to be a record of Commission action and a brief summary of discussion; they should not be an exhaustive record of deliberation.

RULE III. COMMITTEES OF THE COMMISSION

- A. Standing Committees. The Commission may establish standing committees that have continuing jurisdiction over a particular subject matter, or a set meeting schedule pursuant to the Brown Act. Rules II.B, C, D, and E shall apply to all meetings of a standing committee. Until otherwise determined by the Commission, the current policy is that the physical presence at the Regular Meeting Location of a single Standing Committee member is sufficient to constitute a quorum (see Resolution 05-13). The Regular Meeting Location for Committees shall be the EBDA Conference Room at 2651 Grant Ave. San Lorenzo.

Standing committees may include, but shall not be limited to the following:

1. Financial Management Committee. The Financial Management Committee advises the Commission and General Manager regarding financial matters applicable to EBDA and its related budget and expenses.
 2. Operations and Maintenance Committee. The Operations and Maintenance Committee advises the Commission and General Manager on long range objectives of EBDA and the operation and maintenance of its facilities.
 3. Personnel Committee. The Personnel Committee advises the Commission and General Manager regarding personnel matters before the Commission.
 4. Regulatory Affairs Committee. The Regulatory Affairs Committee advises the Commission and General Manager on regulations and legislation at the local, State and Federal level which may affect EBDA, requirements of regulatory agencies, coordination with environmental and water quality organizations in and about San Francisco Bay, and other EBDA policy decisions.
- B.C. Ad Hoc Committees. The Commission, or the Chair on his or her own initiative, may establish ad hoc advisory committees to undertake special, specific or limited assignments on behalf of the Commission pursuant to the Brown Act.
- C.D. Committee Members and Alternates. Following the submission of each member's preference, the Chair may appoint members to standing and ad hoc committees of the Commission and may designate the chairs of such committees. Such appointments are effective on July 1 of each and every Fiscal Year. In the event of an absence of a Committee member, including the designated chair, that Commissioner's agency-appointed alternate will represent the Committee member, including serving as chair, if designated. In the event of a vacancy of a designated chair of a committee, the Commission Chair will designate a new committee chair.

RULE IV. REMOTE PARTICIPATION IN MEETINGS

- A. Quorum in Person. For a Commission or Committee meeting to proceed as scheduled, a quorum must be present in-person at the designated physical meeting location, which must be open to the public and within the boundaries of the Authority.
- B. Remote Participation Pursuant to AB 2449. A Commissioner may participate in a Commission or Committee Meeting via teleconference or web-conferencing platform pursuant to AB 2449, provided that the following conditions are met:
- The Authority has also provided to the public a two-way audiovisual platform or two-way telephonic service, allowing the public to remotely hear and visually observe the meeting, and remotely address the Commission; and
 - The Commissioner has not invoked the provisions of AB 2449 more than three consecutive months or 20% of the regular meetings within a calendar year; and
 - A quorum is present at the Regular Meeting Location; and
 - Either “just cause” or “emergency circumstances” exists as defined by AB 2449 (See Govt. Code § 54953(i)).
 - (a) "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.
 - (b) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person. Members shall not be required to disclose any medical diagnosis or disability, or any personal medical information.
 - The Commission must take action to approve a request to participate in the meeting remotely due to emergency circumstances. No action is required to approve a request for just cause. If a request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting

for which the request is made, the Commission may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

- C. Remote Participation under the Brown Act. A Commissioner may participate in a Commission or Committee meeting remotely via teleconference or web-conferencing platform without invoking AB 2449 if the Commissioner has provided notice in the agenda of the physical location from which they intend to participate. The public must also have access to address the Commission from that location.

RULE V. COMMUNICATIONS TO THE COMMISSION

- A. General. Members of the public should address comments and questions to the Chair.
1. Agenda Items. Members of the public may speak on any item on the agenda, after receiving recognition from the Chair.
 2. Non-Agenda Items. Members of the public may speak on matters not on the agenda during Public Forum. The Commission will take no immediate action on matters which are not on the Agenda. Such items raised by the public may be referred to staff for review and analysis and may be reported back to the Commission at a subsequent meeting. Members and staff may also briefly respond to statements or questions made during Public Forum or take any other action permitted by law.
- If a speaker refers to any document, writing, record, picture, or other exhibit, the General Manager shall request a copy so that it can be included in the record.
- B. Time Limits on Public Comments. The Chair may impose time limits on each speaker.

RULE VI. COMMISSIONER COMMUNICATIONS

- A. Communications with Staff. Members should endeavor to direct all questions and requests to the General Manager for delegation to staff, as needed. Members, by making a request to the General Manager, shall have access to information relative to the operations of EBDA, including but not limited to statistical information, information serving as the basis for certain actions of staff, justification for staff recommendations, etc. Members should receive any information from staff as preliminary and be cautious with the use of the information until the General Manager makes a formal recommendation for action.
- B. Communications on behalf of EBDA. Individual members have no authority and should not make any promises on behalf of the Commission or EBDA. Only the Commission may commit EBDA to an action or a policy. If a member is speaking on behalf of EBDA at another agency's public meeting, he/she should always clearly state that what he/she is saying has been approved by the Commission and not deviate from the message and/or position. If a member speaks as a private citizen at a public gathering, he/she should clearly state that he/she is doing so in an individual capacity.
- C. Communications with the Public. Commissioners may always speak with members of the public regarding EBDA matters. It is advisable to inform the General Manager as soon as practicable regarding complaints and concerns from members of the public. Only the Chair and General Manager are authorized to speak with the media regarding EBDA matters. All media requests should be directed to the General Manager.

RULE VII. SUSPENSION/AMENDMENT/REPEAL

A Rule may be suspended at any Commission meeting by a majority vote of the Commission. The Rules may be amended or repealed by a vote of the Commission.

ATTACHMENT 1				
CHART OF MOTION PRACTICE				
Motion	Second Required?	Debatable?	Amendable?	Vote Required*
MEETING CONDUCT (PRIVILEGED) MOTIONS				
Point of Privilege	No	No	No	None
Point of Order	No	No	No	None
To Appeal Ruling of Chair	No	Yes	No	Majority + Weighted
To Recess	Yes	Yes	Yes	Majority + Weighted
To Adjourn	Yes	Yes	No	Majority + Weighted
DISPOSITION (SUBSIDIARY) MOTIONS				
To Withdraw a Motion	No	No	No	None
To Postpone Consideration (Table)	Yes	Yes	Yes	Majority + Weighted
To Refer to Committee	Yes	Yes	Yes	Majority + Weighted
To Amend	Yes	Yes	Yes	Majority + Weighted
To Limit or Close Debate (Call the Question)	Yes	Yes	Yes	2/3
MAIN MOTIONS				
To Take Action; To Reconsider	Yes	Yes	Yes	Majority + Weighted

* For privileged and subsidiary motions, required vote refers to those present and voting. Main motions require a majority of the full Commission, whether or not present and voting. Except where noted, for purposes of this motion practice, weighted voting does apply.

ATTACHMENT 2

MEMBER AGENCY VOTES **UNDER WEIGHTED VOTING CALCULATION**

<u>Name of Agency</u>	<u>No. of Votes</u>
Castro Valley	10.30
Hayward	14.72
Oro Loma	19.14
San Leandro	13.74
Union	42.10

In the event one or more Agencies adjusts its Maximum Flow Rate Capacity as set forth in Section 11 of the Amended and Restated JPA, this attachment will be recalculated, and all agencies will be informed, pursuant the Amended and Restated JPA. After such recalculation, a revised Attachment 2 will be automatically incorporated in these Rules.

ATTACHMENT 3

COMMISSION VOTING

A. Weighted Voting:

Except as set out in B and C below, every action will be subject to two vote calculations.

- 1) A calculation of Commissioner's votes where each Commissioner is allocated one vote; and
- 2) A calculation of weighted votes as set forth in Attachment 2.

B. Unanimous Voting:

The following actions require unanimous approval:

- 1) Amendment of the Amended and Restated JPA;
- 2) Termination of the JPA during the Term;
- 3) Approval of modifications to, or extension of, the Master Agreement between the Livermore-Amador Valley Water Management Agency ("LAVWMA") and the Authority, dated April 26, 2007;
- 4) Approval of any agreement that would result in the utilization of the Facilities to dispose of brine pursuant to Section 23(b)(1) of the Amended and Restated JPA;
- 5) Changes to the ownership of Authority Facilities; and
- 6) Approval of the Authority Policies and Procedures regarding purchasing and brine.

C. Other Actions:

For the purpose of Commission actions related to effluent violations addressed in Section 16(b) of the Amended and Restated JPA, the unanimous vote requirement will not include the violating Agency(ies) and the Commissioner from the violating Agency(ies) will not be permitted a vote.

ITEM NO. 14 ITEMS FROM THE COMMISSION AND STAFF

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

ITEM NO. 15 CLOSED SESSION

Recommendation

Provide direction to staff regarding General Counsel appointment.

Background

The Commission's General Counsel is appointed by the General Manager and approved by the Commission in the form of a legal services agreement. The Commission may conduct a performance review of the General Counsel at any time. The review takes place in closed session at the Commission Meeting. The Commission's General Counsel has a changed circumstance impacting his legal services agreement that will necessitate discussion and direction from the Commission.

Discussion

The Commission will meet in closed session to discuss the following:

Public Employee Appointment (Government Code §54957(b)(1))

Title: General Counsel

ITEM NO. 16 RECONVENE OPEN SESSION

ITEM NO. 17 ADJOURNMENT