

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.

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.

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.