



EAST BAY DISCHARGERS AUTHORITY
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A Joint Powers Public Agency

ITEM NO. 11

PERSONNEL COMMITTEE AGENDA

Monday, October 13, 2025 at 4:00 PM

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

**This meeting will be teleconferenced from the following location:
711 Hope St., Los Angeles, CA**

**Teleconference link: <https://us02web.zoom.us/j/86701635922>
Call-in: 1(669) 900-6833 and enter Webinar ID number: 867 0163 5922**

Committee Members: Andrews (Chair), Azevedo

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Review Commissioner Compensation Policy**
(The Committee will review the policy.)
- P5. Brown Act Review**
(The Committee will discuss legal council's annual review of the Brown Act.)
- 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.

Agenda Explanation
East Bay Dischargers Authority
Personnel Committee
October 13, 2025

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

Next Scheduled Personnel Committee meeting is December 15, 2025 at 4:00 PM
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ITEM NO. P4 REVIEW COMMISSIONER COMPENSATION POLICY

Recommendation

Provide direction to staff.

Strategic Plan Linkage

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

Background

Per the Sanitary District Act of 1923, Commissioners may receive compensation for each day of service in an amount adopted by the Commission. In December 2020, the Commission adopted the Authority's Commissioner Compensation Policy, which governs the daily compensation rate and the activities that are eligible for compensation. The Policy was revised in May 2023, and again in November 2023 and November 2024. The current rate of compensation, which became effective on January 1, 2024, is \$300. Per the Sanitary District Act, Commissioners are paid per day of service to the Authority, not per meeting, and Commissioner compensation is limited to no more than six (6) days of service in a calendar month.

Discussion

Staff is seeking input from the Commission on whether the daily Commissioner compensation rate should be adjusted, and/or whether any other changes to the Policy are warranted. The current rate of \$300 per day of service may be increased by up to 5% per year over 2 years, with a ceiling of \$330.75. The following table includes current rates for EBDA's sanitary district members and other local agencies.

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

BOARD MEMBER COMPENSATION OVERVIEW SELECTED PUBLIC AGENCIES WITHIN THE REGION	
Agency	Stipend Per Compensable Mtg
West County Wastewater District	\$440.00
East Bay Dischargers Authority	\$300.00
Alameda County Water District	\$290.00
Castro Valley Sanitary District	\$265.00
Oro Loma Sanitary District	\$265.00
Las Gallinas Valley Sanitary District	\$252.70
Union Sanitary District	\$218.99
Livermore-Amador Water Management Agency	\$200.00
Dublin San Ramon Services District	\$195.00
Fairfield Suisun Sewer District	\$182.72
Delta Diablo	\$170.00

POLICY NUMBER: 5

NAME OF POLICY: Commissioner Compensation

LAST REVISED: ~~November 21, 2024~~ TBD

PREVIOUSLY REVISED: November 21, 2024~~November 16, 2023~~

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

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

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

On this basis, Commissioners shall be paid per day, not per meeting. Effective January 1, 2024, the current daily compensation rate is \$300 for each day of service. This compensation rate shall be reviewed once each calendar year in October and may be adjusted by up to 5% annually effective January 1 by action of the Commission. The Authority shall compensate Commissioners for up to six (6) days of service per month.

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

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

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

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

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

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

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

All EBDA Commissioner compensation shall comply with relevant sections of the Codes of the State of California, and this Policy is subordinate to any applicable revisions to State law. EBDA Commissioner compensation shall be subject to disclosure.

ITEM NO. P5 BROWN ACT REVIEW

Recommendation

Receive and review the foregoing updates to the Brown Act.

Strategic Plan Linkage

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

Background

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

The Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Beginning in 2021, the California Legislature codified revised standards for remote participation to accommodate teleconferencing as a public health measure during the COVID-19 pandemic. This includes, but is not limited to, Assembly Bill ("AB") 2449 (2022) which authorizes a member of a legislative body to participate in a public meeting remotely if "emergency circumstances" or "just cause" exists. These rules are set to expire on January 1, 2026.

Discussion

In anticipation of the expiration of the temporary remote meeting provisions enacted during and after the pandemic, the California Legislature has enacted comprehensive changes to the Brown Act under Senate Bill ("SB") 707 (Durazo). SB 707 was signed into law by Governor Newsom on October 3, 2025.

SB 707 creates significant updates to the Brown Act effective July 1, 2026, that require two-way teleconferencing in most public meetings and sets forth other mandates modernizing California's open meeting laws in efforts to expand public participation and access, especially for individuals who are disabled, are working, or are not English-speaking. This report provides an overview of key provisions of SB 707 that will take effect July 1, 2026.

EBDA Must Be An “Eligible Legislative Body” To Be Subject to All Provisions of SB 707

It is important to note that not all provisions of SB 707 apply to EBDA. Certain provisions under SB 707 apply only to “eligible legislative bodies” as defined by the statute. SB 707 defines “eligible legislative body” as a new section to the Government Code, Government Code Section 54953.4 (e)(2), as follows:

- A. A city council of a city with a population of 30,000 or more.
- B. A county board of supervisors of a county, or city and county, with a population of 30,000 or more.
- C. A city council of a city located in a county with a population of 600,000 or more.
- D. The board of directors of a special district that has an internet website and meets any of the following conditions:
 - a. The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.
 - b. The special district has over 1,000 full-time equivalent employees.
 - c. The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed four hundred million dollars (\$400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

As applicable here, Section D applies if EBDA meets any of the conditions set forth in subsections (a) through (c) above. If the definition of “full-time equivalent employees” is interpreted such that it excludes the employees of any of the Authority’s participating agencies, EBDA does not meet these conditions because it has less than 200 employees. Even if “full-time equivalent employees” is interpreted such that it includes the employees of the Authority’s participating agencies, EBDA does not meet these conditions because the number of employees would not exceed 1,000 and the Authority’s annual revenue does not exceed \$400,000,000. Thus, EBDA is unlikely to be an eligible legislative body subject to most provisions of SB 707.

Provisions of SB 707 That Apply to EBDA and All Agencies

The following provisions of SB 707 will apply to the EBDA Commission and Committees if SB 707:

1. Updated Social Media Rules

The Brown Act prohibits a majority of the members of a legislative body from using a series of communications of any kind to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. An exception currently exists that allows members of a legislative body to use social media for communication with constituents without violating meeting rules, if a majority of members do not use it to discuss business amongst themselves. The exception is currently set to expire January 1, 2026. SB 707 will make this exception permanent.

To comply with this exception, Commission and Committee members may use social media to communicate with constituents without violating the Brown Act, but members cannot use social media platforms to communicate with other Commission or Committee members regarding any item of business that is within the jurisdiction of EBDA.

2. Oral Report Out Following Closed-Session

As stated above, the Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Existing law authorizes a legislative body to hold a closed session only as specified by statute. One such ground relates to matters by designated representative to discuss the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. (Govt. Code §54957.6.) Such closed session cannot be held during a special meeting. (Govt. Code § 54956(b).) Legislative bodies are then required to announce actions taken in closed sessions during the open meeting in which the final action is to be taken. SB 707 revises and expands on this existing law in the following ways:

- Executive compensation: SB 707 requires an oral report summarizing the recommendation made in closed session before final action can be taken on compensation for a local agency executive.
- Unrepresented employees: SB 707 specifically extends this oral report-out requirement to include unrepresented employees or a department head, requiring that a summary of the compensation recommendation be reported orally before final action is taken.
- Fiscal impact of closed session actions: In addition to reporting the title of a position affected by a closed session action, the new law requires the oral report include an estimate of the fiscal impact of that action.

3. Brown Act Material

SB 707 amends previous law, which only authorized a legislative body to require a copy of the Brown Act be given to any person elected or appointed to a legislative body, to make it a requirement for the local agency. EBDA staff will ensure a copy of the Act is given to each newly appointed Commissioner.

4. Remote Participation

Beginning in 2021, the Legislature codified revised standards for remote participation to accommodate teleconferencing as a public health measure during the COVID-19 pandemic. In particular, AB 2449 (2022) permitted members of Brown Act bodies to participate remotely for (1) “just cause,” defined as the need to provide care to a child or close relation, having a contagious illness, needs related to a physical or mental disability,

or being on official travel for the agency; or (2) “emergency circumstances,” which include physical or family emergencies that prevent a member from attending.

Effective September 13, 2022, AB 2449 authorized a member of a legislative body to participate in a public meeting remotely if “emergency circumstances” or “just cause” exists. AB 2449’s primary difference from the pre-pandemic Brown Act rules on teleconferencing is that the member’s teleconference location does not have to be identified on the agenda or accessible to the public.

AB 2302 (Addis), which took effect on January 1, 2025, clarified the limitations on the allowable maximum of remote participation with a formulation based upon the frequency with which the body meets rather than a specified number of meetings per year. AB 2302 currently limits the allowed number of remote appearances for members of Brown Act bodies to:

- Two times per year if the body regularly meets once per month or less;
- Five times per year if the body regularly meets twice per month; or
- Seven times per year if the body regularly meets three or more times per month.

SB 707 makes permanent the above provisions, which were scheduled to sunset effective January 1, 2026. It also extends the ability for Committee and Commission members to participate remotely by extending and expanding the “just cause” exception, which now includes illness, caregiving needs, or being immunocompromised.

5. Enhanced Public Access

- **Recording:** SB 707 removes the specific language which defines recording devices as “audio or video recorder or a still or motion picture camera” to allow for any recording device. By removing the restricted (and outdated) language specifying the types of recording devices, SB 707 expands the public’s right to record public proceedings.
- **Website:** Current laws mandate a website for only specified agencies and make it optional for others. SB 707 encourages public engagement by requiring all legislative bodies to maintain a public meeting webpage. This revision will have no practical impact on the Commission given EBDA’s current website practices and procedures.

Other Provisions of SB 707 That Will Not Apply to EBDA

The following is an overview of key provisions of SB 707 that apply only to eligible legislative bodies.

1. **Mandatory Virtual Access:** Eligible agencies must provide a way for the public to attend either through a two-way audio-visual platform or a two-way telephonic service with webcasting. This mandate will be effective from July 1, 2026, until January 1, 2030. Eligible agencies must also adopt a policy regarding disruption

of telephonic or internet services that occur during meetings which must include, among other terms, a procedure to recess the open session for at least one hour and make a good faith attempt to restore the service, before meetings can resume. To reconvene without remote access, the body must vote to find that the public interest in continuing the meeting outweighs remote access concerns.

2. Agenda translation: For eligible legislative bodies, agendas must be translated into "applicable languages." These languages are defined as the top three non-English languages spoken by 20% or more of the local population who speak English "less than very well". This mandate will be effective from July 1, 2026, until January 1, 2030.