



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 19, 2026

4:00 PM

Oro Loma Sanitary District Board Room  
2600 Grant Avenue, San Lorenzo, CA

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

MOTION	5. Commission Meeting Minutes of January 15, 2026	6
	6. List of Disbursements for January 2026 – See Item No. FM4	12
	7. Treasurer’s Report for January 2026 – See Item No. FM5	15

### REGULAR CALENDAR

INFORMATION	8. General Manager’s Report (The General Manager will report on EBDA issues.)	8
INFORMATION	9. Report from the Managers Advisory Committee (The General Manager will report on Managers Advisory Committee activities.)	8
INFORMATION	10. Report from the Financial Management Committee (The General Manager will report on the meeting.)	9
MOTION	11. Motion Authorizing the General Manager to Execute Amendment No. 1 to the Professional Services Agreement with H.T. Harvey and Associates for a Biosolids Suitability Assessment in the Amount of \$12,620, for a Total Not to Exceed Amount of \$52,895 (The Commission will consider the motion.)	29
INFORMATION	12. Report from the Operations and Maintenance Committee (The Operations & Maintenance and General Managers will report on the meeting.)	33

Agenda Explanation  
East Bay Dischargers Authority  
Commission Agenda  
February 19, 2026

INFORMATION	<b>13. Report from the Personnel Committee</b>	<b>39</b>
	(The General Manager will report on the meeting.)	
MOTION	<b>14. Motion Designating Authority Representatives to the Alameda County Special Districts Association</b>	<b>109</b>
	(The Commission will consider the motion.)	
INFORMATION	<b>15. Items from the Commission and Staff</b>	<b>110</b>
	(The Commission and staff may address items of general interest.)	
	<b>16. Adjournment</b>	

Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.

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

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

**Next Scheduled Commission meeting is  
March 19, 2026 at 4:00 pm**

## GLOSSARY OF ACRONYMS

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

## GLOSSARY OF ACRONYMS

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

## **CONSENT CALENDAR**

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

- Item No. 5 Commission Meeting Minutes of January 15, 2026
- Item No. 6 List of Disbursements for January 2026 – See Item No. FM4
- Item No. 7 Treasurer’s Report for January 2026 – See Item No. FM5

### **Recommendation**

Approve Consent Calendar

**ITEM NO. 5 COMMISSION MEETING MINUTES OF JANUARY 15, 2026**

**1. Call to Order**

Chair Johnson called the meeting to order at 4:00 pm on Thursday, January 15, 2026, at the Oro Loma Sanitary District, 2655 Grant Avenue, San Lorenzo, CA 94580.

**2. Pledge of Allegiance**

**3. Roll Call**

Present:	Shelia Young	Oro Loma Sanitary District
	Bryan Azevedo	City of San Leandro
	Angela Andrews	City of Hayward
	Jennifer Toy	Union Sanitary District
	Ralph Johnson	Castro Valley Sanitary District

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villasenor	East Bay Dischargers Authority
	Erica Gonzalez	Legal Counsel
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Hayes Morehouse	City of San Leandro
	Paul Eldredge	Union Sanitary District

**4. Public Forum**

There were no public comments.

**C O N S E N T   C A L E N D A R**

**5. Commission Meeting Minutes of December 18, 2025**

**6. List of Disbursements for December 2025**

**7. Treasurer's Report for December 2025**

Commissioner Andrews moved to approve the Consent Calendar. The motion was seconded by Commissioner Toy and carried unanimously.

Ayes: Young, Azevedo, Andrews, Toy, Johnson

**R E G U L A R   C A L E N D A R**

**8. General Manager's Report**

The General Manager (GM) shared that the East Bay Regional Park District has acquired new land from Hayward Area Recreation and Park District (HARD) along the Hayward Shoreline. The GM reported on a recent tour of the First Mile Project for staff from Governor Newsom's office and the offices of California's senators that took place on January 14, 2026. The GM also discussed the Authority's membership in the Alameda

County Special District Association (ACSDA) and the need for two representatives. At the Commission's direction, Commissioners Young and Andrews will be considered for these roles at the February meeting.

**9. Report from the Managers Advisory Committee**

The GM reported on the activities of the Managers Advisory Committee (MAC).

**10. Report from the Financial Management Committee**

The GM reported on the January 12, 2026, Financial Management Committee Meeting . The Committee recommended approval of the December disbursements and Treasurer's Report. The Committee reviewed the Special District Financial Transactions Report and budget schedule. The Committee discussed the proposed Mid-Year Budget Adjustment and recommended approval.

**11. Motion to Approve the Mid-Year Budget Adjustment for Fiscal Year 2025/2026**

Commissioner Young moved to approve the motion. The motion was seconded by Commissioner Andrews and carried unanimously.

Ayes: Young, Azevedo, Andrews, Toy, Johnson

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

The Operations and Maintenance (O&M) Manager and GM reported on the January 13, 2026, O&M Committee Meeting and O&M activities. The O&M Manager reviewed permit compliance data and provided facility updates, including the HEPS Pump No. 3 motor failure. The GM provided updates on the Cargill and AQPI projects.

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

The GM reported on the January 14, 2026, Regulatory Affairs Committee Meeting. The GM discussed the financial savings that have been realized from the chlorine blanket permit amendment and provided PFAS regulatory updates.

**14. Items from Commission and Staff**

There were no comments from Commission and staff.

**15. Adjournment**

Chair Johnson adjourned the meeting at 4:56 p.m.

Jacqueline Zipkin  
General Manager

**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**

**Wednesday, February 11, 2026  
1:00 pm**

- 1. FY 2026/2027 Budget Considerations**
- 2. OLEPS Water Pumps and ATS Projects**
- 3. Nutrients**
  - a. 2025 Dry Season Average**
  - b. Compliance Milestone Reporting**
  - c. EBDA limit allocations**
- 4. EBDA Commission Agenda**
- 5. Managers Information Sharing and Networking**





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**ITEM NO. 10**

**FINANCIAL MANAGEMENT COMMITTEE AGENDA**

**Wednesday, February 18, 2026**

**1:30 PM**

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

**Committee Members: Young (Chair); Toy**

**FM1. Call to Order**

**FM2. Roll Call**

**FM3. Public Forum**

**FM4. Disbursements for January 2026**  
(The Committee will review the List of Disbursements.)

**FM5. Treasurer's Reports for January 2026**  
(The Committee will review the Treasurer's Report.)

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

**FM7. Review of Internal Controls and Fraud Prevention Policy**  
(The Committee will review the Policy.)

**FM8. Review of Budget Policy**  
(The Committee will review the Policy.)

**FM9. Motion Authorizing the General Manager to Execute Amendment No. 1 to the Professional Services Agreement with H.T. Harvey and Associates for a Biosolids Suitability Assessment in the Amount of \$12,620, for a Total Not to Exceed Amount of \$52,895**  
(The Committee will consider the motion.)

**FM10. Adjournment**

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Agenda Explanation  
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February 18, 2026

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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<b>Next Scheduled Financial Management Committee is scheduled for March 16, 2026.</b>
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**ITEM NO. FM4 DISBURSEMENTS FOR JANUARY 2026**

Disbursements for the month of January totaled \$421,809.06.

Reviewed and Approved by:

_____ Shelia Young, Chair Financial Management Committee	_____ Date
--	---------------

_____ Jacqueline T. Zipkin Treasurer	_____ Date
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**EAST BAY DISCHARGERS AUTHORITY**  
**List of Disbursements**  
**January 2026**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
10299	01/15/2026	7595	CSRMA	POOLED LIABILITY PROGRAM RENEWAL	56,551.00	70,249.00
	01/15/2026	7636	CSRMA	POOLED LIABILITY RETRO ADJUSTMENT	13,698.00	
10312	01/30/2026	38557	ANCHOR QEA, INC	FIRST MILE PROJECT	45,076.43	45,076.43
10309	01/15/2026	3253	UNION SANITARY DISTRICT	UEPS O&M, PG&E, FM MAINTENANCE - NOV	41,979.73	41,979.73
10306	01/15/2026	042575D	PUMP REPAIR SERVICE	HEPS EFFLUENT PUMP REPLACEMENT	35,665.50	35,665.50
10298	01/15/2026	403087	CITY OF SAN LEANDRO	MDF O&M, EFFLUENT MONITORING, FM MAINTENANCE - NOV	27,978.87	27,978.87
10319	01/30/2026	002	TEACH EARTH ACTION	HASPA COMMUNITY OUTREACH & ENGAGEMENT	24,100.00	24,100.00
10315	01/30/2026	3062	CROPPER ROWE LLP	AUDITING SERVICES	15,000.00	15,000.00
10301	01/15/2026	04	GREENBELT ALLIANCE	HASPA COMMUNITY OUTREACH	7,403.28	7,403.28
10308	01/15/2026	4246-0445-5568-7627	U.S. BANK	PURCHASING CARD EXPENSES	4,511.13	4,511.13
10293	01/15/2026	60833	CALCON	MDF AUTOMATION UPGRADE NEW SCADA SYSTEM	1,967.06	4,126.48
	01/15/2026	60885	CALCON	FORCE MAIN VAULT HIGH LEVEL FLOAT ALARM REPAIRS	1,499.42	
	01/15/2026	60836	CALCON	OPS CENTER NETWORK SECURITY & SCADA PROGRAMMING	660.00	
10297	01/15/2026	52205707	CITY OF HAYWARD	EMPLOYEE BENEFIT PROGRAMS - JAN	1,829.53	3,171.23
	01/15/2026	52205706	CITY OF HAYWARD	EMPLOYEE BENEFIT PROGRAMS - DEC	1,341.70	
10316	01/30/2026	3402867	DUANE MORRIS LLP	SPECIALIZED LEGAL SERVICES - CARGILL BRINE PROJECT	3,081.50	3,081.50
10300	01/15/2026	435.2	DCM CONSULTING, INC	GEOTECHNICAL ENGINEERING SERVICES	2,640.00	2,640.00
10295	01/15/2026	8472	CAYUGA INFORMATION SYSTEMS	IT SERVICES - NOV	1,207.50	2,205.00
	01/15/2026	8471	CAYUGA INFORMATION SYSTEMS	IT SERVICES - OCT	735.00	
	01/15/2026	8470	CAYUGA INFORMATION SYSTEMS	IT SERVICES - SEP	262.50	
10302	01/15/2026	75876	H.T. HARVEY	BIOSOLIDS SUITABILITY ASSESSMENT	2,038.43	2,038.43
10292	01/15/2026	03630	BAY PLANNING COALITION	ANNUAL MEMBERSHIP DUES	1,210.00	1,210.00
10304	01/15/2026	10-12/25	LINDA M. ADAMS	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	1,147.50	1,147.50
10307	01/15/2026	18652	REDWOOD PUBLIC LAW, LLP	LEGAL SERVICES - DEC	1,086.50	1,086.50
10317	01/30/2026	EA08-1225	EOA, INC	WORK ORDER NO. 2 - NPDES PERMIT REISSUANCE	975.00	975.00
10311	01/30/2026	3389480	ALLIANT INSURANCE	POLLUTION LIABILITY INSURANCE RENEWAL	722.26	722.26
10294	01/15/2026	736358	CALTEST	LAB TESTING SERVICES	653.24	653.24
10314	01/30/2026	403164	CITY OF SAN LEANDRO	MDF CUPA ANNUAL HAZARDOUS MATERIALS & WASTE FEE	629.00	629.00
10296	01/15/2026	10-12/25	CHARLES V. WEIR	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	552.48	552.48
10303	01/15/2026	10-12/25	KARL D. ROYER	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	552.48	552.48
10305	01/15/2026	12435	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES - DEC	208.00	208.00
10318	01/30/2026	12477	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES - JAN	208.00	208.00
10313	01/30/2026	4558379-CAL	CALTRONICS	COPIER USAGE AND MAINTENANCE	167.35	167.35
10310	01/30/2026	0233	ALAMEDA COUNTY EMA	MEMBERSHIP DUES FY 2025/2026	100.00	100.00

**EAST BAY DISCHARGERS AUTHORITY**  
**List of Disbursements**  
**January 2026**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
10320	01/30/2026	S2282327.001	WILLE ELECTRIC SUPPLY CO, INC	HEPS ELECTRICAL PARTS	92.37	92.37
<b>TOTAL CHECKS</b>					<b>297,530.76</b>	<b>297,530.76</b>
<b>ELECTRONIC PAYMENTS</b>						
	01/05/2026	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	43,868.31	43,868.31
	01/29/2026	--	ADP, LLC	PAYROLL PERIOD: 1/16-31/2026	28,267.04	28,267.04
	01/14/2026	--	ADP, LLC	PAYROLL PERIOD: 1/01-15/2026	25,074.04	25,074.04
	01/13/2026	100000018155114	CALPERS	HEALTH PREMIUMS - JAN	8,595.82	8,595.82
	01/08/2026	100000018119225	CALPERS	PENSION CONTRIBUTION, CLASSIC 12/16 - 31/2025	6,032.62	6,032.62
	01/20/2026	100000018153016	CALPERS	PENSION CONTRIBUTION, CLASSIC 1/01 - 15/2026	6,032.62	6,032.62
	01/08/2026	6342887	MISSION SQUARE	DEFERRED COMPENSATION CONTRIBUTION 12/31/2025	2,123.29	2,123.29
	01/20/2026	6827517	MISSION SQUARE	DEFERRED COMPENSATION CONTRIBUTION 1/15/2026	2,106.62	2,106.62
	01/26/2026	1003047982	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION PREMIUM - JAN	951.15	951.15
	01/02/2026	CD_001290676	RINGCENTRAL INC	ADMIN OFFICE DIGITAL PHONE SERVICE - DEC	209.45	209.45
	01/21/2026	CD_001315705	RINGCENTRAL INC	ADMIN OFFICE DIGITAL PHONE SERVICE - JAN	209.45	209.45
	01/28/2026	59599	COMPUTER COURAGE	WEBSITE HOSTING	150.00	150.00
	01/20/2026	77334	FOR2FI	MDF TELEPHONE SERVICE	134.51	134.51
	01/05/2026	--	ADP, LLC	PAYROLL FEES, 12/16-31/2025	109.77	109.77
	01/07/2026	2601072422	INTERMEDIA.NET INC	EMAIL EXCHANGE HOSTING	98.72	98.72
	01/23/2026	--	ADP, LLC	PAYROLL FEES, 1/01-15/2026	94.37	94.37
	01/12/2026	--	WELLS FARGO	SERVICE CHARGE	85.13	85.13
	01/30/2026	--	FREMONT BANK	SERVICE CHARGE	84.92	84.92
	01/22/2026	6132408066	VERIZON WIRELESS	WIRELESS PHONE SERVICE - DEC	50.47	50.47
<b>TOTAL ELECTRONIC PAYMENTS</b>					<b>124,278.30</b>	<b>124,278.30</b>
<b>TOTAL DISBURSEMENTS</b>					<b>421,809.06</b>	<b>421,809.06</b>

**ITEM NO. FM5 TREASURER'S REPORT JANUARY 2026**

The Treasurer's Report summarizes the Authority's financial activities by fund, providing an overview of its financial status. A detailed presentation of transactions, including income and expenditures, along with current account balances for checking and investment accounts, can be found in the Supplemental Treasurer's Report.

The average monthly yield for Local Agency Investment Fund (LAIF) is 3.93%, while the current 7-day yield for California Asset Management Program (CAMP) is 3.82%. The liquidity of both CAMP and LAIF allows for easy transfers to the checking account to meet the daily cash flow needs.

As of January 30, 2026, the Authority's total cash balance is \$4,872,393. Continuous oversight is essential as we move forward to ensure sustained financial health and meet any future obligations.

**Approval is recommended.**

**EAST BAY DISCHARGERS AUTHORITY**

**FINAL TREASURER'S REPORT**

**For the Period Ending January 31, 2026**

FUND	FUND DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	\$ 1,265,392	\$ 1,317,245	\$ 292,040	\$ 2,290,597
13	PLANNING & SPECIAL STUDIES	\$ (337,368)	\$ 372,165	\$ 79,615	\$ (44,818)
14	RECLAMATION O & M (SKYWEST)	\$ 59,056	\$ -	\$ 6,800	\$ 52,256
15	BRINE ACCEPTANCE	\$ 180,218	\$ 24,855	\$ 3,082	\$ 201,992
31	RENEWAL & REPLACEMENT	\$ 2,579,306	\$ (166,667)	\$ 40,273	\$ 2,372,367
<hr/>					
TOTALS		\$ 3,746,604	\$ 1,547,598	\$ 421,809	\$ 4,872,393
<hr/>					
Ending Balance per STR					\$ 4,872,393

Jan-26

# SUPPLEMENTAL TREASURER'S REPORT

							ACCOUNT BALANCE				
DATE	DESCRIPTION	RECEIPT	DISBURSEMENT	CAMP	LAIF	WELLS FARGO	FREMONT	CAMP	LAIF	WELLS FARGO	TOTAL CASH
12/31/25	BALANCE						271,750.97	2,853,279.91	521,649.57	99,923.68	3,746,604.13
01/02/26	DIVIDENDS	10,480.88		10,480.88			271,750.97	2,863,760.79	521,649.57	99,923.68	3,757,085.01
01/02/26	ELECTRONIC BILL PAY		209.45				271,541.52	2,863,760.79	521,649.57	99,923.68	3,756,875.56
01/05/26	PAYROLL FEES		109.77				271,431.75	2,863,760.79	521,649.57	99,923.68	3,756,765.79
01/05/26	ELECTRONIC BILL PAY		43,868.31				227,563.44	2,863,760.79	521,649.57	99,923.68	3,712,897.48
01/07/26	ELECTRONIC BILL PAY		98.72				227,464.72	2,863,760.79	521,649.57	99,923.68	3,712,798.76
01/08/26	DEPOSIT - STATE FUND	1,607.40					229,072.12	2,863,760.79	521,649.57	99,923.68	3,714,406.16
01/08/26	ELECTRONIC BILL PAY		2,123.29				226,948.83	2,863,760.79	521,649.57	99,923.68	3,712,282.87
01/08/26	ELECTRONIC BILL PAY		6,032.62				220,916.21	2,863,760.79	521,649.57	99,923.68	3,706,250.25
01/12/26	BANK SERVICE CHARGE					(85.13)	220,916.21	2,863,760.79	521,649.57	99,838.55	3,706,165.12
01/13/26	ELECTRONIC BILL PAY		8,595.82				212,320.39	2,863,760.79	521,649.57	99,838.55	3,697,569.30
01/14/26	PAYROLL		18,477.44				193,842.95	2,863,760.79	521,649.57	99,838.55	3,679,091.86
01/14/26	PAYROLL TAX		6,596.60				187,246.35	2,863,760.79	521,649.57	99,838.55	3,672,495.26
01/15/26	CHECK DISBURSEMENT		207,378.85				(20,132.50)	2,863,760.79	521,649.57	99,838.55	3,465,116.41
01/15/26	INTEREST - LAIF	5,513.47			5,513.47		(20,132.50)	2,863,760.79	527,163.04	99,838.55	3,470,629.88
01/16/26	DEPOSIT - CARGILL	24,855.38					4,722.88	2,863,760.79	527,163.04	99,838.55	3,495,485.26
01/20/26	WIRE TRANSFER			(200,000.00)			204,722.88	2,663,760.79	527,163.04	99,838.55	3,495,485.26
01/20/26	ELECTRONIC BILL PAY		2,106.62				202,616.26	2,663,760.79	527,163.04	99,838.55	3,493,378.64
01/20/26	ELECTRONIC BILL PAY		6,032.62				196,583.64	2,663,760.79	527,163.04	99,838.55	3,487,346.02
01/20/26	ELECTRONIC BILL PAY		134.51				196,449.13	2,663,760.79	527,163.04	99,838.55	3,487,211.51
01/21/26	ELECTRONIC BILL PAY		209.45				196,239.68	2,663,760.79	527,163.04	99,838.55	3,487,002.06
01/22/26	ELECTRONIC BILL PAY		50.47				196,189.21	2,663,760.79	527,163.04	99,838.55	3,486,951.59
01/23/26	PAYROLL FEES		94.37				196,094.84	2,663,760.79	527,163.04	99,838.55	3,486,857.22
01/26/26	DEPOSIT - OLSD	317,931.35					514,026.19	2,663,760.79	527,163.04	99,838.55	3,804,788.57
01/26/26	ELECTRONIC BILL PAY		951.15				513,075.04	2,663,760.79	527,163.04	99,838.55	3,803,837.42
01/28/26	ELECTRONIC BILL PAY		150.00				512,925.04	2,663,760.79	527,163.04	99,838.55	3,803,687.42
01/29/26	DEPOSIT - USD	723,908.42					1,236,833.46	2,663,760.79	527,163.04	99,838.55	4,527,595.84
01/29/26	PAYROLL TAX		6,596.59				1,230,236.87	2,663,760.79	527,163.04	99,838.55	4,520,999.25
01/29/26	PAYROLL		21,670.45				1,208,566.42	2,663,760.79	527,163.04	99,838.55	4,499,328.80
01/30/26	DEPOSIT - LAVWMA	463,301.16					1,671,867.58	2,663,760.79	527,163.04	99,838.55	4,962,629.96
01/30/26	BANK SERVICE CHARGE		84.92				1,671,782.66	2,663,760.79	527,163.04	99,838.55	4,962,545.04
01/30/26	CHECK DISBURSEMENT		90,151.91				1,581,630.75	2,663,760.79	527,163.04	99,838.55	4,872,393.13
TRANSACTION TOTALS		360,388.48	421,723.93	(189,519.12)	5,513.47	(85.13)	1,581,630.75	2,663,760.79	527,163.04	99,838.55	4,872,393.13
ACCOUNT BALANCE							①	②	③	④	

Reconciliation - 1/31/2026

① Fremont Bank Statement	\$ 1,678,354.37
Less: Outstanding Checks	96,723.62
	<u>\$ 1,581,630.75</u>

② CAMP Statement	\$ 2,672,875.37
Less: Accrual Income Dividend	9,114.58
	<u>\$ 2,663,760.79</u>

③ LAIF Statement	<u>\$ 527,163.04</u>
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④ Wells Fargo Bank Statement	<u>\$ 99,838.55</u>
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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

Receive an update on the Authority's insurance programs and provide direction to staff regarding the Pooled Liability deductible.

### 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, 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 CSRMA's 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, 2025, 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 \$26,000,000. 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, which EBDA generally does, will maintain their EPL deductible at \$25,000. Total costs for the PLP program increased by 13.58%, due to many factors including increased exposures, 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 increased for 2026. Due to unfavorable loss development in policy year 2020-21 this year's Retrospective Rating Calculation resulted in a Retro Adjustment of an additional \$1,427,583 due from the members. The Authority's share of the Retro Adjustment is \$13,698.

EBDA is currently at a \$100,000 deductible in the PLP. According to CSRMA staff, increasing EBDA's PLP deductible to \$250,000 would decrease the premium to \$46,910, which is a savings of \$9,641. There is no cost benefit to increasing the deductible to \$500,000. Staff is seeking direction from the Committee on whether to increase EBDA's

deductible from \$100,000 to \$250,000.

#### Property Program

The CSRMA Property Program 2025/2026 renewal costs decreased by 4%. 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.
- 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.

The following table summarizes the Authority's insurance costs and rate changes from last year:

<b>Insurance Program</b>	<b>2026 Cost</b>	<b>Change from 2025</b>
Pooled Liability	\$56,551	\$10,786
Property	\$40,126	(\$1,693)
Public Entity Vehicle Physical Damage	\$282	(\$29)
Pollution Liability Program	\$722	--
Public Official Bond Program	\$875	--
Workers' Comp	\$11,414	\$698

## California Sanitation Risk Management Authority

c/o ALLIANT INSURANCE SERVICES, INC.  
560 Mission Street, 6th Floor, San Francisco, CA 94105

Insurance License No.: 0C36861  
Tel: 415.403.1400

### OFFICERS:

Sandeep Karkal, *President*  
415.892.1694  
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925.756.1920

### PAST PRESIDENTS:

Craig Murray  
2020-2024  
Greg Baatrup  
2018-2020

December 31, 2025

Ms. Jackie Zipkin  
East Bay Dischargers Authority  
2651 Grant Avenue  
San Lorenzo, CA 94580

### Pooled Liability Program Renewal

**Program Year 40: December 31, 2025 – December 31, 2026**

Dear Jackie:

East Bay Dischargers Authority's General, Auto, Errors & Omissions, and Employment Practices Liability coverages through the CSRMA Pooled Liability Program will renew effective December 31, 2025.

The Executive Board approved the renewal increasing the Pooled Layer from \$750K to \$1M and increasing the overall limits from \$25.75M to \$26M. CSRMA's Captive Insurance Company (Clean Water Insurance Captive) will continue to reinsure the Pooled Layer (Member Deductible - \$1M). Munich Re will continue to provide reinsurance excess of the \$1M (\$10M x \$1M). Berkley Public Entity provides the next layer of reinsurance (\$5M x \$11M) and ANML (Great American Insurance Company/StarStone National Insurance Company) will provide the top layer of reinsurance (\$10M x \$16M) for a total of \$26M in limits.

Overall, total costs for the Program increased 13.58% due to a myriad of factors including an increase in exposures (i.e. ADDWF, miles of line and number of autos), loss development in the Program and re/insurance market conditions. ***The percentage change in total cost for individual members varied based on changes in exposure.***

The Board adopted the Employment Practices Liability (EPL) Deductible Reduction Incentive Program which was implemented beginning with the 12/31/23 renewal. Members who meet the eligibility requirements will have their EPL deductible decreased from \$50,000 to \$25,000.

(CONTINUED)

Attached please find member-specific Auto ID Cards, Accident First Report Forms and any renewed Certificates of Coverage for the new policy year. The approved Memorandum of Coverage, with declaration page, will be sent separately.

Enclosed, please find invoice number 7595 in the amount of \$56,551 representing the renewal costs.

Each year the Program Administrators perform the Retrospective Rating Calculation for prior program years based on the formula adopted by the Board of Directors. The calculation grants either returns or assessments to members based on their individual experience and the experience of the group as a whole. The Retrospective Rating Calculation based on updated loss information and financial data as of June 30, 2025 has resulted in a Retro Adjustment to be collected from members of the Pooled Liability Program in the amount of \$1,427,583. This is largely due to unfavorable loss development in PY 2020-21. The District's share is \$13,698.

\$1.3M was returned to the membership in previous retro calculations for PY 2020-21. Claims in PY 2020-21 have developed unfavorably, and the Program must now collect the funds previously returned from the members. The District had previously received Retro Adjustments for PY 2020-21 in the amount of \$(18,314). The Retro calculation is asking for those funds back to pay for claims. The Pooled Liability Committee and Executive Board realize that this is unexpected and likely was not budgeted, so they are giving members the opportunity to pay the amount due in installments if the retro adjustment is financial hardship for your agency. The District has the option to pay the funds in a lump sum or in annual installments (up to 3-years @ 2% interest). The first payment will be due in February 2026. Please advise if the District would like to pay the Retro amount due in annual installments.

Also enclosed, please find invoice number 7636 in the amount of \$13,698, representing your District's retrospective rating adjustments.

If you have any questions, please do not hesitate to contact either Seth Cole, [scole@alliant.com](mailto:scole@alliant.com), (415) 403-1419, or myself as below.

Sincerely,



Myron Leavell  
Program Administrators  
(415) 403-1404 – Direct  
[mleavell@alliant.com](mailto:mleavell@alliant.com)

cc: Seth Cole

**ITEM NO. FM7 REVIEW OF INTERNAL CONTROLS AND FRAUD PREVENTION POLICY**

**Recommendation**

Review the Authority's Internal Controls and Fraud Prevention Policy and provide input to staff.

**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's Internal Controls and Fraud Prevention Policy was first adopted in June 2019. It was revised and re-adopted in January 2025 to incorporate recommended revisions from EBDA's financial consultant, RGS. The Policy is reviewed annually.

**Discussion**

Staff is recommending one set of revisions to the Policy for the Committee's consideration. The Policy currently deals with reporting of incidents of fraud by staff to the General Manager. However, the Policy did not sufficiently account for the potential for fraud reports where the General Manager is the subject of the complaint. Additional language was added to the attached draft indicating that concerns about the General Manager's conduct will be handled by the General Counsel.

**POLICY NUMBER:** 1.5

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**NAME OF POLICY:** Finance – Internal Controls and Fraud Prevention

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**ADOPTED:** January 16, 2025**PREVIOUSLY REVISED:** June 20, 2019; May 16, 2013

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**PURPOSE:** The purpose of the Internal Controls and Fraud Prevention Policy is to ensure that EBDA's financial assets, its supplies, equipment, and capital assets, and its intangible assets are safeguarded to the best extent possible. The policy guides the Authority's commitment to the deterrence, detection, and correction of misconduct and dishonesty. The discovery, reporting, and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

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**POLICY:** It is the policy of the Authority to implement internal controls including financial controls so that assets are protected and the risk of opportunities to commit fraud are managed and mitigated through careful adherence to policies, procedures, practices, and best practices common to public agencies.

The impacts of misconduct and dishonesty can be far-reaching. The Authority must be prepared to manage these risks and their potential impact in a professional manner. The impact of misconduct and dishonesty may include:

- Financial loss
- Costs of investigation
- Loss of employees
- Damage to relationships with vendors and contractors
- Damage to employee morale
- Litigation
- Negative publicity
- Damage to the reputation of the Authority, Member Agencies, Commissioners and employees
- Loss of public confidence

Staff of the Authority shall maintain a practice of regularly assessing controls and adapting to changes in the service delivery environment to mitigate areas of risk. While the staff size of the Authority is relatively small, it is important to maintain a separation of duties in

financial matters and other security measures while providing transparency of Authority official actions and financial information. Internal controls will be implemented with consideration of the cost of implementation.

Authority controls include:

- Multiple sign-offs on finance-related transactions
- Separation of duties where possible and to the extent possible
- Submission of the Authority's annual Financial Statements to review, examination, and audit by an independent financial audit firm experienced in the audit of governmental records
- Implementation of auditor recommendations for internal controls, to the extent possible
- Limited staff access to financial system data entry, but full view-access to reports
- Secured check stock
- Purchasing card spending limits and monthly reconciliation
- Adherence to the Authority's Purchasing Policy
- Limited staff ability to initiate banking transfers
- Careful credential management and password requirements
- *Implementation of best practices in production, review, and oversight:*
  - Periodic physical inventory (Renewal & Replacement Fund)
  - Production of regular accounting, financial, and budget reports
  - Monthly Treasurer's Reports
  - Timely posting of transactions to the general ledger
  - Timely reconciliation of all bank accounts to the Authority' accounting records

#### Definition of Misconduct and Dishonesty

For purposes of this policy, misconduct and dishonesty include but are not limited to:

- Theft or other misappropriation of supplies, equipment, assets, and resources of the Authority, Member Agencies, or others with whom the Authority has a business relationship
- Misstatement and other irregularities in public records, including the misstatement of the results of operations
- Wrongdoing
- Forgery
- Alteration of documents

#### Responsibility and Reporting

It is the responsibility of every Authority employee to immediately report suspected misconduct or dishonesty to the General Manager, or, in the event of suspected

misconduct by the General Manager, to the Authority's General Counsel. Due to the important yet sensitive nature of the suspected violations, effective professional follow up is necessary. Employees should not perform investigations or otherwise follow up on their own. All relevant matters, including suspected but unproven matters, should be referred to the General Manager or General Counsel as per the instructions above.

Any reprisal against any employee or other reporting individual because that individual, in good faith, reported a suspected violation is strictly forbidden (see also Personnel Policy, Section XX).

### Responsibility and Authority for Follow-Up and Investigations

The General Manager has the primary responsibility for all investigations involving the Authority unless the General Manager is the subject of the investigation, in which case, The General Manager may request the assistance of General Counsel will handle the investigation. In some instances, outside public or private investigative services may be engaged.

Designated members of the investigative team will have:

- Free and unrestricted access to all records
- The authority to examine, copy and/or remove all or any portion of contents of files, desks, cabinets and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of the investigative or related follow up procedures

All investigations of alleged wrongdoing will be conducted in accordance with applicable laws and Authority procedures. Investigative or other follow-up activity will be conducted without regard to the suspected individual's position or level of authority, or relationship with the Authority.

### Procedures for Reported Incidents

Care will be taken in the follow-up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that a follow-up and/or investigation is underway, and to avoid making statements which could adversely affect the Authority, its employees, or other parties.

Accordingly, the general procedures for follow-up and investigation of reported incidents are as follows:

1. Employees and others must immediately report all factual details as indicated above under Policy.
2. The General Manager has the responsibility to follow up and, if appropriate, investigate all reported incidents.



3. All records related to the reported incident will be secured as appropriate and retained wherever they reside.
4. No communication with the suspected individual(s) or organization(s) should occur while the matter is under investigation.
5. All reported fraud should be ~~The General Manager will also determine whether the matter should be~~ brought to the attention of the Authority's independent auditors.
6. The General Manager is authorized to obtain special counsel to the Authority for legal advice at any time throughout the course of an investigation or other follow up activity on any matter related to the report, investigation or other follow up activity on any matter related to the report, investigation steps, proposed disciplinary action or any anticipated litigation.
7. Neither the existence nor the results of investigations or other follow-up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively.
8. All inquiries from an attorney or any other contacts from outside of the Authority, including those from other law enforcement agencies or from the employee(s) under investigation, should be referred to the General Manager.

**ITEM NO. FM8 REVIEW OF BUDGET POLICY**

**Recommendation**

Review the Authority's Budget Policy and provide input to staff.

**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's Budget Policy was last revised and adopted in December 2022. The Policy is reviewed by the Commission in even years.

**Discussion**

Staff is not proposing any changes to the Budget Policy at this time. The current Policy is attached for the Committee's review.

**POLICY NUMBER:** 1.9

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**NAME OF POLICY:** Finance – Budget

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**LAST REVIEWED:** February 18, 2026

**LAST REVISED:** December 15, 2022

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**PURPOSE:** The budgeting function establishes control and accountability for Authority resources.

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**POLICY:** It is the policy of the Authority to prepare and adopt a budget for the fiscal year to ensure that revenues are sufficient to meet operating and capital expenditures.

The draft budget shall be reviewed by the Managers Advisory Committee (MAC) and Financial Management Committee and approved by the Commission. Adoption of the annual Budget constitutes authority to bill Member Agencies for contributions. It also constitutes approval for expenditures for programs and authorizes the General Manager to make payment for them.

Major budgetary items include:

- Operations – salaries, benefits, chemicals, supplies, maintenance, professional services
- Renewal and Replacement Fund (Capital) Projects – those included on the Commission-approved Project List
- Special Projects – studies and projects outside of normal operations
- Revenues from recycled water, brine, and grants
- Assessment for the Renewal and Replacement Fund

The Annual Budget must be completed and adopted by July 1, in accordance with the Joint Powers Agreement. The annual budget may be amended only upon approval of the Commission. The General Manager, however, has discretion of budget changes by account number.

The General Manager shall report budget-to-actual results to the Commission on at least a quarterly basis. The Member Agencies shall submit timely invoices to the Authority to enable prompt and accurate reporting of Authority expenditures.

At the end of each Fiscal Year, the General Manager shall provide year-end closing statements to each Member Agency and LAVWMA detailing that agency's share of actual expenditures, and comparing that to the amounts budgeted and collected. If an agency's share of actual expenditures exceeded the amount collected, EBDA shall invoice that agency for the additional funds owed. If the agency's share of actual expenditures was less than the amount collected, that agency shall have the option to request that EBDA hold all or a portion of the surplus funds as fulfillment of that agency's reserve contribution under the Emergency Reserves Policy, or that EBDA return the surplus funds to the agency as a credit on their next EBDA invoice.

**ITEM NO. FM9 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH H.T. HARVEY AND ASSOCIATES FOR A BIOSOLIDS SUITABILITY ASSESSMENT IN THE AMOUNT OF \$12,620, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$52,895**

**Recommendation**

Approve a motion authorizing the General Manager to execute amendment to the Agreement with H.T. Harvey and Associates.

**Strategic Plan Linkage**

5. **Resilience:** Champion resilience for communities and the environment through regional leadership and advancing priority programs to support the Member Agencies in achieving their sustainability goals.
  - b. Advance concepts for shoreline adaptation and climate resilience.
6. **Internal Collaboration:** Expand cooperation among EBDA Member Agencies to improve economies of scale, reduce duplication of effort, and enhance each Agency's capacity.
  - c. Advance a joint Biosolids Management Strategy.

**Background**

EBDA's member agencies currently use a combination of landfilling, land application as an agricultural soil amendment, and compost for disposal or beneficial reuse of their biosolids. Wastewater agencies across California have been under increasing pressure over the past several years to divert biosolids from landfill to reduce methane emissions as part of the state's Short-lived Climate Pollutant Reduction Strategy. More recently, land application and composting of biosolids have been under mounting public relations, regulatory, and legislative threats due to risks associated with per- and poly-fluoroalkyl substances (PFAS).

Meanwhile, there is recognition that around the Bay region, action is needed to improve shoreline resilience to sea level rise. Nature-based flood protection projects along the shoreline will require significant quantities of sediment to achieve desired elevations. The opportunity to reuse fill materials has the potential to bring down costs and accelerate wetland restoration and shoreline resilience. Projects such as the South Bay Salt Ponds Restoration Project and the South San Francisco Bay Shoreline Project require significant amounts of fill. Some of that fill is now being sourced from upland construction projects, and then amended with compost to improve its organic content. The ability to use biosolids for restoration and shoreline resilience would be a win-win for EBDA agencies, providing a beneficial outlet for biosolids in the face of decreasing options, while providing a vital source of sediment and organic content for wetland ecosystems.

In February 2025, the Commission approved a contract for H.T. Harvey and Associates to evaluate the suitability of biosolids as an amendment to upland soils for use in wetland restoration and ecotone levee projects.

## **Discussion**

Working with EBDA and Member Agency staff, H.T. Harvey developed a Pilot Study Sample Plan. The Plan involved creating samples that contain varying ratios of upland quarry soils mixed with Member Agency biosolids. These samples were collected in December 2025 and sent to EBDA's contract lab, Caltest, for analysis of constituents in the Master Quality Assurance Project Plan (Master QAPP) that governs use in the U.S. Fish and Wildlife Service Don Edwards National Wildlife Refuge, as well as for PFAS. Staff is currently awaiting these lab results, which H.T. Harvey will analyze for consistency with wetland thresholds. Depending on the results, an additional phase of sampling may be conducted to assess additional constituents. Phase 2 may also include analyzing samples of upland soil blended with compost for comparison with the biosolids mixes where clear thresholds have not been established or were exceeded.

H.T. Harvey will then develop a Technical Memorandum and materials suitable for presentation to the regulators that would have governance over use of biosolids in wetland restoration – the San Francisco Regional Water Quality Control Board (RWQCB) and the Bay Conservation and Development Commission (BCDC).

Development of the Pilot Study Sample Plan required more iteration than previously anticipated. Staff is therefore recommending the Commission approve an amendment to H.T. Harvey's contract of \$12,620 to allow the team to complete their analysis and documentation of sampling results and prepare for the regulatory discussions. This proposed increase is within EBDA's approved budget for this effort.

# **East Bay Dischargers Authority – Assessment of Biosolids for Beneficial Reuse in San Francisco Bay Marsh-Upland Ecotones**

**January 28, 2026**  
**Proposal No. 11935**

H. T. Harvey & Associates (H. T. Harvey) is pleased to submit a proposal to the East Bay Dischargers Authority (EBDA) to continue to assess the chemical suitability of Class B biosolids (hereafter, biosolids) produced from the wastewater treatment process for beneficial reuse in San Francisco Bay (Bay) shoreline restoration. We understand that this would be an add-on to the current consulting services agreement between EBDA and H. T. Harvey. Under the existing agreement, H. T. Harvey produced a study plan to analyze the chemical suitability of biosolids mixed with upland soil for use in Bay shoreline tidal marsh-upland ecotone (ecotone) restoration (e.g., for construction of “horizontal levees”). Biosolid samples have been delivered to Caltest to analyze the contaminants listed in the Don Edwards National Wildlife Refuge (Refuge) Master Quality Assurance Project Plan (Master QAPP) and PFAS as part of a Phase 1 study. Depending on the results of the Phase 1 study, the samples may be further analyzed (Phase 2 study) for nutrients, microplastics (MPs), and pharmaceuticals and personal care products (PPCPs). The Phase 2 study also includes testing of commercial compost for PFAS, nutrients and MPs to compare to biosolids. This proposal provides additional scope and budget to evaluate the results of these studies as well as potentially share the results with the Regional Water Quality Control Board (RWQCB) and the Bay Conservation and Development Commission (BCDC).

Our proposed scope is presented below and our team’s fee estimate is provided in Table 1 at the end of the scope of work.

## **Task 1. Analyze Sample Results, Prepare Memorandum Summarizing Potential for Beneficial Reuse and Meet with RWQCB and BCDC**

H. T. Harvey will compare the sample results from Phase 1 to the applicable screening limits for wetland surface criteria in the Master QAPP and for known RWQCB PFAS limits. If conducted, H. T. Harvey will also review the results of the Phase 2 study. The results of the assessment will be summarized into a concise 4 to 6-page memorandum and submitted to EBDA for review. The H. T. Harvey team will meet with EBDA to discuss comments on the draft, then we will prepare a final version. Following completion of the memorandum, if EBDA judges that they would like to proceed with evaluating the potential for beneficial reuse of biosolids, H. T. Harvey will coordinate and lead a virtual 1.5-hour meeting with EBDA and key staff involved in the Master QAPP from the RWQCB and BCDC. The purpose of the meeting will be to discuss the findings in the

memorandum, H. T. Harvey's opinion about the potential suitability of biosolids for beneficial reuse, and get feedback from RWQCB and BCDC. Following the meeting, H. T. Harvey will prepare meeting notes and a list of ideas for next steps.

**Deliverables:**

- Draft and final technical memorandum summarizing potential for biosolid reuse in San Francisco Bay shoreline ecotone soils.
- PowerPoint presentation for RWQCB/BCDC meeting.
- Meeting notes.

**Assumptions:**

- Laboratory testing results provided by Caltest will have sufficient accuracy to compare with applicable screening limits.

**Fee Estimate**

H. T. Harvey will bill time hourly up the maximum Not-to-Exceed Fee shown in the table below.

Task	Not-to-Exceed Fee
Task 1. Analyze Sample Results, Prepare Memorandum Summarizing Potential for Beneficial Reuse and Meet with RWQCB and BCDC	\$12,620





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. 12**

### **OPERATIONS & MAINTENANCE COMMITTEE AGENDA**

**Tuesday, February 17, 2026**

**4:00 PM**

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

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

**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. Adjournment**

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**Next Scheduled Operations and Maintenance Committee is  
March 17, 2026 at 4:00 pm**

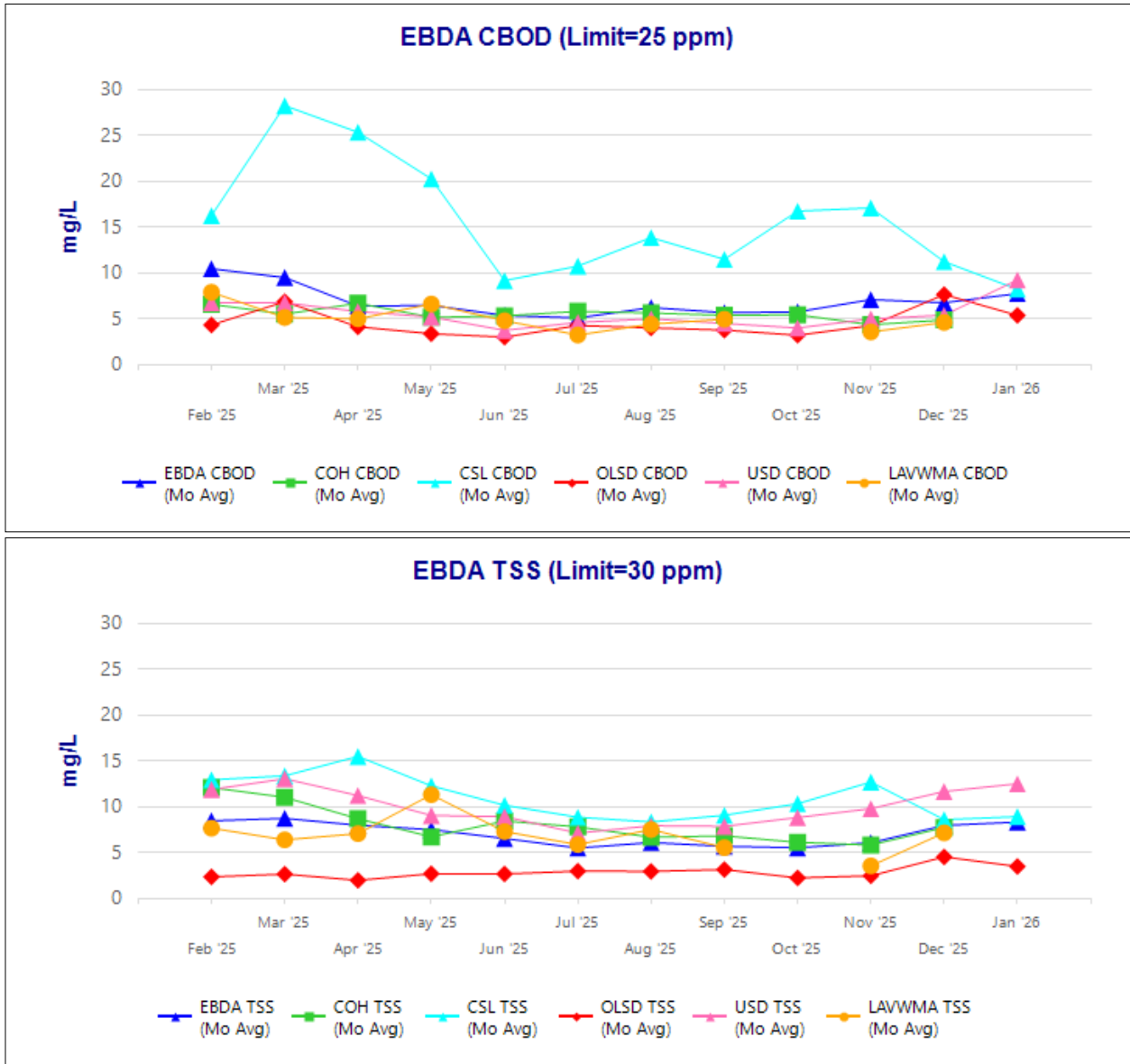
ITEM NO. OM4 EBDA PERMIT COMPLIANCE

Recommendation

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

Discussion

EBDA has continued NPDES compliance. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators follows.



## EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	1100
Limit (Geomean)	500	280
<b>February 2025 Geomean</b>	<b>44</b>	<b>10</b>
<b>March 2025 Geomean</b>	<b>20</b>	<b>13</b>
<b>April 2025 Geomean</b>	<b>32</b>	<b>62</b>
<b>May 2025 Geomean</b>	<b>41</b>	<b>148</b>
<b>June 2025 Geomean</b>	<b>17</b>	<b>12</b>
<b>July 2025 Geomean</b>	<b>25</b>	<b>4</b>
<b>August 2025 Geomean</b>	<b>16</b>	<b>6</b>
<b>September 2025 Geomean</b>	<b>64</b>	<b>8</b>
<b>October 2025 Geomean</b>	<b>33</b>	<b>4</b>
<b>November 2025 Geomean</b>	<b>14</b>	<b>61</b>
12/1/2025	240	19
12/2/2025	79	15
12/8/2025	23	4
12/9/2025	23	17
12/15/2025	8	6
12/16/2025	49	2
12/22/2025	13	8
12/23/2025	4	2
12/29/2025	2	2
12/30/2025	2	< 2
<b>December 2025 Geomean</b>	<b>15</b>	<b>5</b>
1/5/2026	9	6
1/6/2026	2	6
1/7/2026	NA	4
1/12/2026	7	2
1/13/2026	< 2	< 2
1/14/2026	NA	4
1/19/2026	13	< 2
1/20/2026	< 2	< 2
1/26/2026	22	2
1/27/2026	8	10
<b>January 2026 Geomean</b>	<b>21</b>	<b>10</b>

## **ITEM NO. OM5 STATUS REPORT**

### **Union Effluent Pump Station (UEPS)**

No change; all equipment is operational.

### **Hayward Effluent Pump Station (HEPS)**

#### **Effluent Pump #3 Motor Failure**

On January 4, HEPS Effluent Pump #3 motor, recently installed as part of the Effluent Pump Replacement Project, failed. The next day, the City of Hayward's electricians investigated the issue and determined that the motor experienced a ground fault. On January 22, the contractor that installed the new pumps and motors removed the failed motor and sent it to Koffler Electrical, the local General Electric (GE) motor warranty shop in the area. GE approved the warranty repair of the motor. GE is scheduled to ship the replacement parts to complete the warranty repair on March 10.

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

No change; all equipment is operational.

### **Skywest Pump Station**

#### **Recycled Water Production**

During the month of January 2026, due to the electrical issues described below, the Skywest Recycled Water System did not produce any recycled water.

#### **Skywest Power Outage**

On December 25 at approximately 9:03 am, a storm downed a PG&E power pole located near the Center Pond on the Skywest property. This resulted in the loss of power to the City of Hayward's and EBDA's equipment near the Center Pond. PG&E replaced the power pole on December 26, and Hayward staff is working to reestablish power to the equipment, which is required both to fill the Center Pond and to transfer water from the Center Pond to the East Pond. On January 26, Hayward informed EBDA that the parts for the new Skywest Center Pond electrical panel have a 6- to 10-week lead time. EBDA staff has been in communication with Hayward staff to identify ways to get water to the East Pond in the interim, such as using potable water or renting a portable generator.

### **Marina Dechlorination Facility (MDF)**

No change; all equipment is operational.

### **Operations Center**

No change; all equipment is operational.

## **Miscellaneous Items**

### **Underground Service Alerts**

EBDA received twelve (12) Underground Service Alert (USA) tickets during the month of January 2026. Ten of the twelve tickets were for contractors working at USD.

### **Wet Weather**

During the month of January 2026, there was a significant rain event coinciding with king tides on January 4 that required one OLEPS diesel pump to operate for 5.6 hours. During the rain event, when extra pumping capacity was available with the equipment already online, EBDA requested and received extra flow from Member Agencies.

Total rainfall for the month of January 2026 (in inches) was as follows:

Oakland	Hayward	Livermore
2.60	3.10	1.58

Significant daily rainfall for the month of December 2025 (in inches) was as follows:

Date	Oakland	Hayward	Livermore
1/1/2026	0.58	0.59	0.40
1/4/2026	1.00	1.57	0.95
1/5/2026	0.76	0.75	0.10

## **Special Projects**

### **Cargill Brine Project**

With the Project Approval Agreement executed and the initial Environmental Impact Report complete, Cargill is refocusing on technical and contractual efforts related to the pipeline. They are currently in negotiations with existing owners of the abandoned fuel pipeline that could potentially be repurposed for brine transfer, and they have identified a promising technology for slip lining the metal pipe. Cargill anticipates having preliminary proposals for EBDA to review as follows:

- CEQA Plan (Process, Schedule) – Meeting scheduled for March 5, 2026
- Pipeline Plans / EBDA Facility Connection Requirements – April 2026

Cargill also continues to meet with key stakeholders to inform them of their updated plans and engage them for the required agreements that Cargill will need to obtain. This includes meetings planned with the cities of Newark and Fremont in February 2026.

EBDA staff is working to develop scopes of work for consultants to support both technical review of Cargill's design, as well as commercial terms for a future Operations Agreement. Any consultant fees would be reimbursed by Cargill.

### **Advanced Quantitative Precipitation Information (AQPI) Project**

The regional AQPI project continues to move forward with the goal of improving the prediction of rainfall events in the Bay Area. The East Bay radar was installed at [Rocky Ridge](#) in Las Trampas Regional Wilderness Park in December 2022, and data from the site became available in December 2023. The last radar in the system – the regional C-band – was installed at Mount Barnaby in Marin County the week of November 10, 2025.

Sonoma Water, which has acted as program manager and grant administrator for the project since its inception, is in the process of reaching out to participating agencies regarding future funding needs. This includes reimbursing Sonoma Water a total of \$1.2M for the C-band installation. Additionally, long-term annual funding of \$1M is being sought to support the Center for Western Weather and Water Extremes (CW3E) at Scripps Institution of Oceanography, UC San Diego, to operate, maintain, and improve the AQPI system. This local funding would begin in Fiscal Year 2026-2027.

Discussions to date have led to a proposal to split both the C-band and O&M costs in four ways according to geographic quadrants:

- North – Sonoma Water and other Sonoma and Marin partners
- South – Valley Water and other South Bay partners
- West – San Francisco Public Utilities Commission and other Peninsula partners
- East – EBDA and other East Bay partners, which may include Alameda County Water Agency, Zone 7 Water Agency, Contra Costa County Flood Control and Water Conservation District, Alameda County Flood Control and Water Conservation District, East Bay Regional Park District, Central Contra Costa Sanitary District, West County Wastewater District, Delta Diablo, and East Bay Municipal Utility District.

EBDA staff is working with the East Bay partners to determine commitments and a funding split for the \$300k C-band and \$250k O&M responsibilities. Bay Area Clean Water Agencies (BACWA) will serve as the fiscal agent to invoice and pass through the funds.

## **ITEM NO. 13**

### **PERSONNEL COMMITTEE AGENDA**

**Wednesday, February 18, 2026 at 11:30 AM**

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

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

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. New Employee Introduction**  
(Staff will introduce the Authority's new Administrative Assistant.)
- P5. Secure 2.0 Deferred Compensation**  
(The Committee will review 457 Deferred Compensation Plan.)
- P6. FY 2026-2027 Budget Assumptions for Wages and Benefits**  
(The Committee will review proposed recommendations.)
- P7. Review of the Authority's Draft Fiscal Year 2026-2027 Compensation Plan**  
(The Committee will review the Draft Plan.)
- P8. Draft Updates to the Authority's Personnel Policy**  
(The Committee will review proposed recommendations.)
- P9. Draft Updates to the Rules of the Commission**  
(The Committee will review proposed recommendations.)
- P10. Motion Designating Authority Representatives to the Alameda County Special Districts Association**  
(The Committee will consider the motion.)
- P10. Adjournment**

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Agenda Explanation  
East Bay Dischargers Authority  
Personnel Committee  
February 18, 2026

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<p><b>Next Scheduled Personnel Committee meeting is</b> <b>April 13, 2026 at 4:00 PM</b></p>
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## **ITEM NO. P4 NEW EMPLOYEE INTRODUCTION**

### **Recommendation**

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

### **Strategic Plan Linkage**

4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
  - b. Provide professional development opportunities and competitive pay and benefits to attract and retain high caliber staff.
  - c. Develop and implement succession plans for each staff role.

### **Background**

The Authority's Classification Plan, Compensation Plan, and Budget include three full-time positions (General Manager, Operations and Maintenance Manager, and Administration Manager) and one half-time position (Administrative Assistant). The Administrative Assistant position has been open since it was vacated by Bubba Manzo, who accepted a position as a full-time operator with Oro Loma Sanitary District in 2023.

### **Discussion**

Following a competitive process, staff has selected Karen Li to serve as EBDA's Administrative Assistant. Ms. Li has worked as an administrative assistant and manager at a local construction company. She is a Bay Area native who enjoys exploring new restaurants with her husband and toddler.

Ms. Li will start on February 18, 2026.

## **ITEM NO. P5 SECURE 2.0 DEFERRED COMPENSATION**

### **Recommendation**

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

### **Strategic Plan Linkage**

4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
  - b. Provide professional development opportunities and competitive pay and benefits to attract and retain high caliber staff.

### **Background**

The Setting Every Community Up for Retirement Enhancement 2.0 Act (SECURE 2.0), enacted in December 2022, builds upon the original SECURE Act of 2019. This legislation introduces various provisions aimed at enhancing retirement savings for individuals.

Key provisions of SECURE 2.0 include:

- Increasing the Required Minimum Distribution (RMD) age from 72 to 73, giving individuals more time to grow their retirement savings before mandatory withdrawals begin.
- Introducing a "super catch-up" provision for employees aged 60, 61, 62, and 63, allowing them to contribute even more toward retirement during these years.
- Roth Catch-Up Wage Threshold (Roth Mandate) requires certain high-income earners to make any catch-up contributions on an after-tax Roth basis.

In addition to the defined benefit pension plans offered through CalPERS, EBDA employees currently have the option to participate in an Authority-sponsored 457 deferred compensation plan. For participants that defer 0.32% of gross earnings, the Authority contributes 2.32% to the employee's plan account. In addition, employees may elect to defer a voluntary dollar amount to which the Authority, will match \$0.50 for each \$1, up to a maximum employer contribution of \$500 per calendar year, per employee.

### **Discussion**

The super catch-up provisions allow eligible employees aged 60 and older to contribute additional funds to their retirement accounts beyond the standard limit. These contributions can be made either on a pre-tax basis or as Roth contributions, which require taxes to be paid upfront. Whether an employee is subject to the Roth Mandate depends on whether their wages from the previous calendar year were subject to Federal Insurance Contributions Act (FICA), i.e. whether they paid into Social Security. State and local government employees whose compensation is not subject to FICA are exempt from the Roth designation requirement, regardless of income level. Because EBDA does not participate in Social Security, Roth contributions are not required. Therefore, employees are not obligated to designate these additional catch-up contributions as Roth, allowing them to choose the tax option that is most advantageous for their individual financial situation.

Additionally, in response to SECURE 2.0, staff reviewed and adopted several new optional retirement savings plan provisions to further enhance employee benefits. These changes to the Authority's 457 plan help our team build more secure financial futures. New options include: allowing penalty-free emergency withdrawals of up to \$1,000 per year for unforeseen expenses, offering a loan option, and permitting in-service withdrawals beginning at age 59½.

## ITEM NO. P6 FY 2026/2027 BUDGET ASSUMPTIONS FOR WAGES AND BENEFITS

### Recommendation

Provide guidance 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 FY2026/2027 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 3% 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 – see Item No. P7.

Agenda Explanation  
East Bay Dischargers Authority  
Personnel Committee  
February 18, 2026

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

Month	2021		2022		2023		2024		2025	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
February	0.5	1.6	1.4	5.2	1.8	5.3	1.5	2.4	1.8	2.7
April	1.7	3.8	1.5	5.0	0.4	4.2	1.8	3.8	0.4	1.3
June	0.0	3.2	1.7	6.8	0.5	2.9	-0.1	3.2	0.2	1.5
August	0.5	3.7	-0.5	5.7	0.0	3.4	-0.5	2.7	0.4	2.5
October	0.7	3.8	1.0	6.0	0.3	2.8	0.0	2.4	-	-
December	0.8	4.2	-0.3	4.9	-0.4	2.6	-0.4	2.4	-	3.0

Note: The October 2025 data values are not available due to the 2025 lapse in appropriations.

2. **Medical Premiums.** National Health Expenditure Projections for 2024-2033 forecasts an average annual rate increase of 5.8%. CalPERS saw an increase of 5% in 2026. At this time, staff is assuming an 7.5% increase in 2027.
3. **Dental and Vision Plans.** Rates are established on a calendar year basis by the provider and will remain at the current level through 2026. Rate changes are expected in January 2027, but are currently unknown. Staff is assuming a 2% increase.
4. **Disability Insurance.** Rates are established on a calendar year basis by the provider and will remain at the current level through 2026. Rate changes are expected in January 2027, but are currently unknown.
5. **CalPERS Pension.** Annual valuation reports indicate the FY2026/2027 Employer Normal Cost Rates for the classic and PEPRAs plans will be 14.16% and 7.93%, respectively, with the Unfunded Accrued Liabilities at \$63,366. EBDA pays 0% of the Employee contribution rate.
6. **Deferred Compensation.** Employer contribution expenditures are assumed to increase 3%, commensurate with the CPI-U.
7. **Workers Compensation.** Premiums are based on classification rates multiplied by all discount modifiers from the CDI website.

**ITEM NO. P7 REVIEW OF THE AUTHORITY'S DRAFT FISCAL YEAR 2026/2027  
COMPENSATION PLAN**

**Recommendation**

Provide guidance to staff for adoption of the FY 2026/2027 Compensation Plan.

**Strategic Plan Linkage**

3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
  - a. Proactively manage expenditures to stay within adopted budget.
4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
  - b. Provide professional development opportunities and competitive pay and benefits to attract and retain high caliber staff.

**Background**

Each year, the Commission adopts a Compensation Plan that reflects the salaries and benefits provided to Authority employees. The Compensation Plan is generally adopted in May, in parallel with the budget.

**Discussion**

A draft FY 2026/2027 Compensation Plan is attached for the Committee's consideration. As discussed in Item No. P5, the draft Plan includes a 3% increase for salaries, consistent with the Authority's Personnel Plan, which provides for use of the December-to-December CPI-U for San Francisco-Oakland-Hayward in establishing an annual cost-of-living-adjustment (COLA). No other changes from the FY 2025/2026 Compensation Plan are being proposed at this time.

**EAST BAY DISCHARGERS AUTHORITY  
COMPENSATION PLAN  
JULY 1, 2026 TO JUNE 30, 2027**

**MONTHLY SALARY SCHEDULE**

CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
Administration Manager	9,552.82	10,030.48	10,532.00	11,058.60	11,611.52
Administrative Assistant	5,619.56	5,900.52	6,195.56	6,505.32	6,830.62
General Manager	20,980.70	22,032.02	23,117.38	24,266.50	25,473.08
Operations & Maintenance Manager	15,585.42	16,364.70	17,182.92	18,042.08	18,944.18

**SUMMARY OF BENEFITS**

BENEFIT	DESCRIPTION
Medicare	The employee and the Authority each pay the Medicare tax rate of 1.45% on taxable earnings.
Retirement – CalPERS Classic Members	Benefit Formula: 2.5% @ 55, 1 year final average compensation Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. Classic Members <sup>1</sup> shall contribute 100% of the plan's Employee Contribution Rate.
Retirement – CalPERS New Members	Benefit Formula: 2% @ 62, 3 years final average compensation Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. New Members <sup>2</sup> shall contribute 100% of the plan's Employee Contribution Rate.
Medical Coverage – CalPERS Kaiser Permanente	Insurance premiums paid by Authority for employees and their eligible dependents enrolled in the employer-sponsored health plan.
Retiree Medical Coverage – CalPERS	Retiree Health provided for eligible retirees and their eligible dependents that participate in the employer-sponsored plan. EBDA will issue a quarterly reimbursement to the retiree for eligible medical premiums less the required PEMHCA employer contribution paid directly to CalPERS.  Employees hired before <u>January 1, 2013</u> who retire from EBDA with a minimum of five (5) years of service: <ul style="list-style-type: none"> <li>Up to 100% of Kaiser one-party member rate, including PEMHCA rate</li> </ul> Employees hired on or after <u>January 1, 2013</u> who retire from EBDA with a minimum of ten (10) years of CalPERS service and at least five (5) years at EBDA: <ul style="list-style-type: none"> <li>Up to 50% of Kaiser one-party member rate, increasing 5% for each additional year of CalPERS service, up to 100% at 20 years</li> </ul>
Dental & Vision Care	Authority pays dental and vision insurance premiums for employees and their eligible dependents enrolled in the employer sponsored programs.
Basic Life Insurance and AD&D	Benefit: 1 x Annual Salary  Authority provides basic life insurance and accidental death & dismemberment coverage.

SUMMARY OF BENEFITS (Continued)	
BENEFIT	DESCRIPTION
Short Term/Long Term Disability Insurance	Benefit: 66 2/3% of salary Authority provides coverage up to the date of permanent separation from EBDA. Employee must exhaust all available leave. Note: EBDA does not pay into State Disability Insurance.
Deferred Compensation	An Authority-sponsored 457 deferred compensation plan is available to employees. For participants that defer 0.32% of gross earnings, the Authority contributes 2.32% to the employee's plan account. In addition, employees may elect to defer a voluntary dollar amount to which the Authority will match \$0.50 for each \$1, up to a maximum employer contribution of \$500 per calendar year, per employee.
Holidays	12 paid holidays plus 20 hours of floating holiday annually.

MISCELLANEOUS	
Prorated Benefits	An employee hired or placed into a part-time position will receive prorated benefits proportionate to their scheduled work hours.
Compensatory Time Off	Unclassified, exempt employees do not receive additional payment for overtime. In lieu of payment, the General Manager may adjust working hours to compensate the employee for time worked in excess of 40 hours per week.  Classified, non-exempt employees are compensated at the rate of one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 hours per week. The Authority shall pay overtime worked by non-exempt employees in a manner consistent with the Fair Labor Standards Act.
Calculation Method of Hourly Rate	Hourly rate equivalents shall be determined by dividing the employee's actual monthly salary rate by 173.33, which is considered to be the average number of working hours per month.
Use of Authority Vehicle	The General Manager may authorize the use of Authority vehicles by employees for business travel when determined that such use would be in the best interest of the Authority.
Flexible Spending Accounts (FSA)	Benefit eligible employees may enroll in the Authority's FSA to make pre-tax salary contributions up to the IRS limits.

<sup>1</sup> Definition of a Classic Member – A classic member is defined as:

- An existing member of a California public retirement system as of December 31, 2012. Please note, however, that because new member determination is based on an appointment-by-appointment basis, upon appointment, new hires will be required to self-certify their classic member status by submitting a form that tests against the new member definition and which may ultimately result in a change in status to new member.

<sup>2</sup> Definition of a New Member – A new member is defined as any of the following:

- A new hire who is brought into a California public retirement system membership for the first time on or after January 1, 2013, and who has no prior membership in a California public retirement system.
- A new hire who was an active member of a California public retirement system and who, after a break in service of more than six months, returned to active membership in that system.



## ITEM NO. P8 DRAFT UPDATES TO THE AUTHORITY'S PERSONNEL POLICY

### Recommendation

Provide guidance to staff on proposed Policy revisions.

### Strategic Plan Linkage

4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
  - b. Provide professional development opportunities and competitive pay and benefits to attract and retain high caliber staff.

### Background

The Authority's Personnel Policy governs human resources decisions for the agency. It was last amended in September 2024 to adjust the list of Authority holidays to add Juneteenth and to adjust floating holiday benefits commensurately. The Policy is reviewed annually or as needed.

### Discussion

Staff recommends the following revisions to the Personnel Policy:

1. In Section VI – Selection Procedure, the Medical Examination language states that “the individual shall be required to satisfactorily pass a medical examination.” To provide flexibility when conducting a recruitment, staff recommends changing the word “*shall*” to “*may*.”
2. Staff recommends adding verbiage to clearly state that gambling is prohibited while at work, not just at Authority properties.
3. To align with practices at Member Agencies, staff recommends implementing a vacation cash-out policy that allows employees to receive payment for accrued, unused vacation leave. Currently, only vacation accruals exceeding the maximum cap are paid to the employee at the end of the fiscal year. In addition to providing a benefit to employees, this policy would help the Authority more effectively manage its financial liability by decreasing outstanding leave balances on the balance sheet.
4. Staff recommends adding Reproductive Loss Leave was to Section XIII of the policy to ensure compliance with Government Code section 12945.6, providing employees with the necessary support during times of reproductive loss.

# Personnel Policy

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## SECTION I – DEFINITIONS

Allocation	The assignment of a position to an appropriate class on the basis of the nature, difficulty and responsibility of duties actually performed.
Applicant	Any person who has made application for a position.
Authority	The East Bay Dischargers Authority.
Candidate	A qualified applicant who has been selected to participate in the selection process.
Class or Classification	A position or group of positions, the duties and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties and tests for fitness may apply.
Class Specification	A written description of duties, responsibilities and desirable qualifications for employment in a classification.
Commission	The East Bay Dischargers Authority Commission, the legislative and governing body of the Authority.
Compensation	The salary, wage, allowances and all forms of valuable consideration paid to any employee by reason of service in any position.
Demotion	A change of an employee from one position to any other position having a lower maximum salary.
Eligible	A person whose name is on an active employment list.
Employment List	A list of persons who may be considered for appointment to a specific position with the Authority.
Employee	A person officially appointed to a position in the adopted Classification Plan.
Examination	The selection procedure used to measure the relative fitness of persons applying for positions with the Authority.
Full-Time Schedule	The Authority considers full-time employment to be forty (40) hours per week.
General Manager	The General Manager of the Authority, as appointed by the Commission or their duly designated representative.
Job Description	A written description of duties, responsibilities and desirable qualifications for employment in a specific position.

Part-time Position	A position to which an employee shall be assigned for less than forty hours per week.
Personnel Committee	A panel advisory to the Commission on personnel matters consisting of two members of the Commission.
Position	A group of current duties and responsibilities designated by the Commission as requiring the employment of one person.
Probationary Appointment	A working test period during which an employee selected from an employment list is required, by actual performance, to demonstrate fitness for the duties of the position to which appointed.
Promotion	A change of an employee from one position to another position that has a higher maximum salary.
Provisional Appointment	Appointment for a period not to exceed six months to a position for which no employment list exists.
Reallocation	Change in the assignment of a position from one existing class to a new class resulting from a change in the Classification Plan.
Regular Appointment	The type of status granted to an employee who has successfully completed a probationary period.
Seniority	The total length of satisfactory service of an employee within each specific class.
Suspension	Temporary separation of employment with or without pay.
Temporary Appointment	Assignment of an employee to a position for a limited duration.
Termination	Permanent separation of an employee from Authority service.
Unclassified Position	Certain management, professional or confidential positions designated by the Commission to fall outside the classified service and to be exempted from certain provisions of these Rules.

## **SECTION II – GENERAL PROVISIONS**

### ***Purpose***

The Personnel Policy is established to provide a comprehensive personnel system and procedure for its administration whereby the Authority may:

1. Establish consistent employment practices.
2. Provide guidelines for recruiting and selection of the best candidates.
3. Establish a fair and equitable compensation system.
4. Provide for the welfare of all employees.
5. Establish guidelines for separation of employment.

Employment under this Personnel Policy shall not constitute an employment contract, and the General Manager may interpret and implement the provisions included in this document as deemed appropriate. Any changes to this document must be in writing and must be adopted by the Commission. Copies shall be provided to employees so that they are aware of all changes to the Personnel Policy. No oral statements shall in any way change or alter the provisions of this Personnel Policy.

### ***Applicability***

This Personnel Policy shall apply to all employees of the Authority. In the case of conflicting language, an employment agreement shall supersede this Personnel Policy. The following list of persons are exempt from this document:

1. Commissioners of the Authority
2. Members of Committees advisory to the Commission
3. Persons engaged under contract to supply expert, professional, technical or other services
4. Volunteer personnel

### ***Administration***

The Commission shall appoint, and may remove, a General Manager who shall have responsibility for and control of the affairs of the Authority and who shall, among other duties, administer the personnel system set forth herein, including preparation and maintenance of the Classification and Compensation Plans, all essential records required for maintenance of the system and application of the rules, and shall enforce the provisions herein and all other pertinent regulations, directives and policies.

The Commission shall appoint a Personnel Committee consisting of two members of the Commission, the function of which is to review and make recommendations on all

personnel matters coming before the Commission for action, including revision to the Classification or Compensation Plans and these Rules, and to hear appeals as indicated herein. Action by the Committee with respect to grievances (Section XVIII) shall be final and shall not require further action by the Commission unless appealed to the full Commission.

### ***Non-Discrimination (Equal Employment Opportunity)***

No person within the service of the Authority, or seeking entry thereto, shall be employed, promoted, demoted, suspended, discharged, in any way favored or discriminated against, or retaliated against for charging acts of discrimination in accordance with Federal Equal Employment Opportunity Laws (EEO) and State of California Department of Fair Employment and Housing Act. This includes but is not limited to the following protected classes and activities:

- Age (40 and over)
- Ancestry
- Citizenship
- Color
- Disability (mental and physical) including HIV and Aids
- Equal Compensation
- Denial of Family and Medical Care Leave
- Gender, Gender Identity, Transgender and Gender Expression
- Genetic Characteristics and Genetic Information
- Marital Status
- Medical Condition
- Military or Veteran Status
- National Origin
- Political Affiliation
- Race
- Religion
- Religious Creed
- Sex (which includes pregnancy, childbirth and medical conditions related to pregnancy or childbirth)
- Sexual Orientation
- Whistleblowing

The Authority is an equal opportunity employer and its personnel policies shall be administered in accordance with applicable state and federal law.

### ***Incompatible Activities***

No officer or employee of the Authority shall:

1. Participate in any political activity during working hours on the Authority premises.

2. Use for private gain or advantage the influence of an Authority position or the facilities, equipment or supplies of the Authority.
3. Solicit or accept any favors or gifts from persons, concerns or corporations who have, or seek to have, business contacts with the Authority.
4. Divulge confidential information to anyone to whom issuance of such information has not been authorized by the General Manager.
5. Participate in any employment or other activity which, will prevent the employee from completing assigned duties in an efficient and capable manner, which brings discredit upon the Authority, or which might result in a conflict of interests between the employee's private interest and official duties and responsibilities, or in any event which has not been approved by the General Manager.
6. Provide information or services to contractors or other persons, which would give a competitive advantage over others dealing with the Authority.

### ***Violation***

Violation of these rules shall be grounds for rejection of application, removal from an eligible list, suspension, demotion, discharge or other discipline of employees deemed appropriate under the circumstances.

### ***Severability***

If any section, subsection, sentence, clause or phrase herein or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Policy.

## **SECTION III – CLASSIFICATION PLAN**

### ***Preparation***

The General Manager may review the duties and responsibilities of all positions within the Authority service. All positions shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities that similar requirements as to training, experience, knowledge, skills, personal qualities, and the same salary range may be made to apply with equity to all positions in the same class.

### ***Content***

The Classification Plan shall have written class specifications, which shall include concise descriptive titles, physical requirements and working conditions as required by the Americans with Disabilities Act, general descriptions of the essential duties and responsibilities of the class including job definitions, and statements of the required and desirable qualifications.

Each class specification outlines the main characteristics and qualification requirements of positions allocated to the class and gives examples of duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind or character or of lesser skills. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment as an aid in the preparation of competitive examination, and for use in determining the relative value of positions in one class with positions in other classes. Such personal characteristics as honesty, sobriety and industry are deemed to be included in all class requirements and need not be specifically mentioned.

Nothing in the class specifications is to be interpreted as restricting a supervisor in assigning an employee of one class to perform the duties of a higher class for limited relief periods. Such assignment to perform the work of a higher class for a limited period comes within the requirements of work in all classes.

### ***Adoption***

Before the Classification Plan or any part thereof shall become effective, it shall be adopted by the Commission upon recommendation of the Personnel Committee.

### ***Revisions***

Each basic revision in the Classification Plan shall be made in the same manner as the Plan was originally established.

The General Manager may review duties of positions and prepare recommendations to the Personnel Committee for action by the Commission to ensure that the Plan is kept current and those changes in existing classes, the establishment of new classes or the abolition of classes is properly reflected in the Classification Plan.

The General Manager may reallocate a position to a different class whenever its duties change materially. Any proposed reallocation to be made shall be made with the knowledge of the employee concerned.

Whenever a new position is proposed, the General Manager shall prepare a comprehensive statement of the circumstances and description of the proposed duties and responsibilities and recommend allocation of the position to an appropriate class in the Classification Plan. No new position shall be filled by an individual until the position has been created by the Commission and until there is an approved class specification describing the work to be performed which has been adopted under the Classification Plan.

Reclassification of a position may not be used to circumvent the procedures concerning demotion, promotion, or compensation.

### ***Incumbents of Reclassified Positions***

When a position is reclassified from one class to another, the employee occupying the position may be retained in the position without further competitive examination provided that:

1. It is determined by the General Manager that the reclassification results from a change in duties and responsibilities that have already occurred.
2. The performance of the duties and responsibilities of the incumbent have been satisfactory.
3. The General Manager certifies that the incumbent possesses the knowledge, skills and abilities necessary to perform the duties of the new class.

The incumbent has regular status in the class to which the position was formerly allocated.

## **SECTION IV – COMPENSATION PLAN**

### ***Content***

The Compensation Plan shall consist of a schedule of monthly salary ranges, the method of computing hourly equivalents of actual salaries, and a summary list of additional benefits provided by the Authority.

### ***Preparation***

At least once annually, prior to the beginning of the fiscal year, the General Manager shall prepare a tentative Compensation Plan and shall present it to the Personnel Committee for review and recommendation to the Commission.

In preparing the tentative plan, the General Manager shall take into consideration class-by-class salary comparisons with Member Agencies and other comparable agencies to be designated by the Personnel Committee and across-the-board compensation adjustments received by Member Agencies since the last EBDA adjustment. 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.



### ***Adoption***

The Compensation Plan for all employees shall be established by the Commission upon recommendation of the Personnel Committee prior to the effective date of any amendments thereto.

### ***Administration***

The Compensation Plan shall be administered by the General Manager. The General Manager, after review by the Personnel Committee and approval by the full Commission, shall determine the actual salary of individual employees, within the ranges established in the compensation plan, based on an evaluation of the employee's qualifications, performance and merit.

Salary step increases shall be earned, shall be subject to satisfactory service, and shall not be considered a right of the employee. After an employee completes twelve (12) months of continuous service in the same position, the employee may be advanced to the next higher rate of compensation as set forth in the Compensation Plan upon approval of the General Manager. Subsequent step increases shall be effective annually on the anniversary of the employee's hire date until the employee reaches the top step of the range. After reaching step 5, the employee shall remain at the same rate provided for at step 5 while continuing to serve in the same position, subject to satisfactory service.

A written performance evaluation shall accompany a recommendation for salary advancement. Performance standards are based on satisfactory achievement of the qualifications outlined in the classification plan in addition to customary employment standards, such as knowledge of the position; quality of work; ability to handle responsibility; acceptable rate of productivity; demonstrated initiative; and an acceptable attendance record. Performance evaluations, which may include employee comments or rebuttals, shall be maintained in the employee's personnel file. A copy shall be provided to the employee.

## **SECTION V – RECRUITMENT AND APPLICATION**

### ***Recruiting***

Public announcement of all employment opportunities shall be made at least three weeks prior to the final filing date of the announcement. The General Manager shall prepare an official announcement for posting in appropriate public places and its publication in appropriate news media or trade journals. The announcement shall contain all information of importance for potential applicants. Suitable and effective methods of distributing information concerning employment opportunities and securing the most qualified candidates available for competition shall be practiced.

### ***Application***

Applications for employment shall be made readily available to potential applicants. Applications filed with the Authority shall be filed at the time, place, and manner prescribed in the job announcement and, once filed, shall become the property of the Authority.

### ***Disqualification of Applicants***

The Authority may reject an application, may disqualify an applicant in an examination, may refuse to place a name on an eligibility list, or may remove a name from an eligibility list for any legitimate reason, including but not limited to the following:

1. Substantive failure to fulfill any of the qualifications for the class or position for which the application is made.
2. Failure to pass written examinations required by the Authority.
3. Failure to pass the appraisal board interview.
4. Failure to pass a pre-offer background check and/or post-offer physical examination.
5. Failure to furnish true statements of material facts.
6. Practice or attempted practice of fraud or deception in connection with filing an application or during examination.
7. Previous dismissal from any public service for cause.
8. Previous resignation from the Authority or a Member Agency without adequate notice or under other prejudicial circumstances.
9. Being under the influence of intoxicant(s) that would impair the applicant's ability to perform in a safe and competent manner.
10. Previous conviction of a crime against person or property of a violent nature.
11. Failure of an applicant, after notification, to present themselves promptly at the time and place designated for any portion of the examination.
12. Obtaining either directly or indirectly, information about an examination that, as an applicant or competitor, would give applicant an unfair advantage or to which applicant was not entitled.
13. Failure to respond to communications concerning the applicant's availability for employment.
14. Request by the applicant that their name be withheld from consideration.

### ***Confidentiality***

The names of applicants and information contained on applications for employment shall not be made public.

### ***Verification***

Information presented on applications may, during the course of the hiring process, be verified, and applicants may be subject to a background check by the Authority. The Authority has the right to conduct a complete and exhaustive background investigation of all applicants seeking employment.

### ***Exemption***

All at-will positions shall be exempted from the foregoing recruitment and application procedure. Recruitment and application for at-will positions shall be conducted in a manner established by the Commission as vacancies occur.

## **SECTION VI – SELECTION PROCEDURE**

The selection procedure shall be impartial, of a practical nature, and shall indicate a good faith effort to fairly measure and evaluate capacities of the applicants to execute the essential duties and responsibilities of the position to which they seek to be appointed. Applicants participating in the recruitment shall compete in the same process and follow the same selection methodology. The selection procedure may include any one or a combination of the following:

- A. Information extracted from the application form, resume and other pertinent documentation submitted;
- B. Written, practical (hands-on), or physical tests or examinations, or any combination thereof;
- C. Oral interview with an appraisal board and/or one-on-one interview with Authority staff; and/or,
- D. Other appropriate means.

Applications shall be screened and evaluated. The most qualified candidates will be selected to participate in the selection process.

The Authority shall notify each applicant in writing of their standing as important steps in the selection process are completed. Once a candidate is selected and a job offer is made, the other candidates on the eligibility list shall be notified of the fact, and informed that their names will remain on the eligibility list for that position for a period of one year.

### ***Medical Examination***

Before any appointment may be made to a regular position, the individual ~~shall~~may be required to satisfactorily pass a medical examination given by a regularly licensed physician designated by the Authority and made at the Authority's expense. No person shall be given a probationary or regular appointment that, at the time of such appointment, is physically unable to satisfactorily fulfill the duties of the position. An eligible candidate may be accepted conditionally when it is the opinion of the examining physician that the individual's physical disqualification may be temporary or when it is deemed that

treatment may satisfactorily correct any impairment. Such impairment shall be corrected no later than one month prior to the completion of the employee's probationary period. Regular employees being appointed to positions involving increased physical effort may also be required to satisfactorily pass an appropriate physical examination.

## **SECTION VII – EMPLOYMENT LISTS**

### ***Establishment***

At the completion of the examination process, an employment list containing the names of all persons who have successfully passed all parts of the selection process shall be prepared by the General Manager.

### ***Order of Names***

The names of successful candidates shall be placed on the employment list in the order of their final ratings. If two or more candidates have final scores that are identical, these candidates shall occupy an identical position on the employment list.

### ***Duration of List***

Each employment list shall normally remain in force for one year from the date of its establishment, except that the General Manager, may extend the list for an additional period of time up to one year.

### ***Removal of Names***

The name of any eligible candidate may be removed or withheld from an employment list for any of the reasons specified in Section V.

### ***Restoration of Names***

An eligible candidate's name shall be reinstated to an employment list in the same relative position as originally held upon showing cause satisfactory to the General Manager.

### ***Termination of List***

An employment list may be terminated prior to its usual expiration date upon recommendation of the General Manager and approval of the Commission when it is considered to be in the best of interest of the Authority.

## **SECTION VIII – APPOINTMENT**

The power to appoint, discipline and dismiss employees of the classified service shall be vested in the General Manager or designee.

The successful candidate will be required to provide proof of identity and authorization to work in the United States. Documentation of eligibility to work in the United States will be required as a condition of employment.

### ***Oath***

In accordance with California Constitution Article 20, Section 3, and as mandated by California Government Code Sections 3100-3109, all public employees are declared to be disaster service workers, and must take and subscribe to an oath of loyalty as a condition of employment.

### ***Regular Appointments***

Regular appointments shall be made by the General Manager or designee from established eligibility lists. Candidates appointed to regular positions shall be considered in a probationary status until successfully completing the probationary period. For employees who are not classified as at-will, regular appointments shall be made upon successful completion of the probationary period.

### ***Provisional Appointments***

The General Manager may make a provisional appointment to a position if there is no eligibility list for the class, and if the needs of the service require that the position be filled before a selection process can be completed. A provisional appointee shall:

- Meet the requirements of training and experience established for the position;
- Not be continued for more than thirty (30) days after an eligibility list for the position has been established, unless there are no candidates on such eligibility list who are available or wish to be considered for appointment to the position;
- Not serve under provisional appointment for longer than a 12-month period except when employed for a specific contract undertaken by the Authority.

### ***Temporary Appointments***

If an employee is needed for a temporary period, certification shall be made from the names of those eligible candidates, if any are available, that have indicated willingness to accept temporary employment and appointment shall be made by the General Manager. The duration of the temporary appointment shall be limited to the period of the need.

The acceptance or refusal of a temporary appointment shall not affect an eligible candidate's standing on an employment list and the period of temporary service shall not constitute a part of a probationary period. Successive temporary appointments to the same position shall not be made nor shall an individual receive continued temporary appointments. If an appropriate employment list does not exist, an offer of temporary appointment may be made to a person who has not qualified under provision of these rules, but through a comparable process.

### ***Part-Time Appointments***

If an employee is needed for less than a total of 40 hours per week, a part-time appointment shall be made by the General Manager from eligible candidates that have indicated willingness to accept part-time employment. The Authority is responsible for following the same recruitment/selection process for part-time employees as for regular, full-time employees.

## **SECTION IX – EMPLOYMENT STATUS**

### ***Probationary Status***

The first six (6) months of employment is a period of evaluation for all regular employees and is called a Probationary Period. This is a time to monitor both work performance and work habits of the newly appointed employee. The probationary period may be extended for an additional period, not to exceed six (6) additional months, if an employee requires additional evaluation. If an employee successfully completes the probationary period, the employee moves from probationary status to regular status.

If, at the sole determination of the Authority, the newly appointed employee is unsuccessful in completing the probationary period, the employee shall be terminated with no right of appeal or hearing.

Regular full-time employees occupying management or supervisory positions are not subject to probationary periods and serve as at-will employees at the pleasure of the Authority; they can be terminated anytime, with or without cause.

### ***Regular Full-Time Status***

Regular full-time employees are not in a temporary status and are regularly scheduled to work the Authority's full-time schedule. Generally, they are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefit program.

Employees in this employment status have completed the probationary period and work a forty (40) hour work week on a regular basis.

### ***At-Will Status***

An at-will employee is one whose employment may be terminated at the discretion of the Commission and/or General Manager at any time with or without cause. At-will positions include managerial employees whose terms of employment are stipulated in a written employment agreement signed by both parties. At-will status also applies to any probationary, provisional, and/or temporary employee.

At-will employees shall enjoy the same statutory protections of regular employees, including laws that prohibit discrimination or harassment based on protected classes such

as those listed in the [Non-Discrimination section](#) of the General Provisions in Section II. At-will employees shall also be entitled to engage in protected activities without fear of retaliation, such as filing a charge of discrimination, whistleblowing or participating in an investigation.

Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees.

### ***Part-Time Employment***

Part-time positions are those that are required on a long-term basis and are scheduled to work less than 40 hours per week. Part-time employees do not serve a probationary period. At the end of each 2080 hours worked, the part-time employee is eligible for a salary step increase based on satisfactory performance. Such employees serve at the discretion of the General Manager, are at-will, and can be terminated any time, with or without cause. The General Manager shall periodically review the part-time positions to determine that there are appropriate staffing levels to meet the needs and requirements of the Authority and make adjustments as necessary.

Part-time employees shall be entitled to participate in the Authority's benefit programs as specified in the Compensation Plan. The Authority's payment toward these insurance programs shall be proportionate to the employee's scheduled work hours.

### ***Temporary Employment***

Temporary employees are hired as interim replacements if regular staff are unavailable, to temporarily supplement the workforce, or to assist in the completion of a specific project or set of projects for a limited duration. Employment beyond any initially-stated period does not in any way imply a change in employment status.

Temporary full-time employees are scheduled to work the Authority's full-time schedule. Temporary part-time employees are scheduled to work less than 40 hours per week. Employees in temporary classes are not eligible for benefits or accrued leaves, with the exception of sick leave.

### ***Resignation***

An employee who resigns shall present notice in writing to the Authority at least 14 calendar days prior to the effective date of the resignation.

### ***Reduction in Force***

The Commission may separate any employee, without prejudice, because of lack of work or funds, or because of material change in duties or organization. No regular employee, however, shall be separated while there are provisional, probationary or temporary employees serving in the same class; provided, however, a regular employee otherwise

subject to separation under this Policy may elect voluntary demotion to a lower class if vacancies exist. The order of separation due to reduction in force shall be based upon seniority. All employees subject to separation under these provisions shall receive written notice at least 14 calendar days prior to the effective date.

A summary of employment types and relevant status and benefits is provided in the following table:

	<b>Status</b>	<b>Benefits</b>
Temporary Part-time	At-will	Sick leave only
Temporary Full-time	At-will	Sick leave only
Regular Part-time	At-will	All proportionate to scheduled work hours
Probationary Full-time	At-will	All
Regular Full-time	Subject to discipline procedures	All

## **SECTION X – DISCIPLINE AND GENERAL RULES OF CONDUCT**

It is expected that all employees shall render the best possible service and reflect credit on the Authority. Therefore, the highest standards of professional conduct are essential and expected of all employees. This Section does not apply to temporary, probationary, and provisional employees, though the Authority holds these employees to the same high standards of professional conduct. Discipline for at-will employees is at the discretion of the General Manager.

### Disciplinary Actions

The Authority may invoke the following types of disciplinary actions:

- a) Verbal Warning
- b) Written Reprimand
- c) Suspension With or Without Pay
- d) Reduction in Pay
- e) Demotion
- f) Disciplinary Probation
- g) Discharge/Termination

### ***Grounds for Discipline***

Disciplinary measures may be taken for any good and sufficient cause. Authority employees who are employed at-will, including temporary, provisional, and probationary employees, are not subject to the requirement of good cause, and are not entitled to pre-



discipline procedures or appeals under these policies and may be separated with or without advance notice.

Good cause exists not only when there has been an improper act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the Authority, affects the employee's ability to perform their duties, causes other employees to be unable to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. Rules requiring good cause do not apply to at-will employees. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

- a) Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the Authority.
- b) Furnishing knowingly false information in the course of the employee's duties and responsibilities.
- c) Inefficiency, incompetence, carelessness or negligence in the performance of duties.
- d) Violation of safety rules.
- e) Violation of any of the provisions of these personnel rules and regulations or Authority policies.
- f) Inattention to duty.
- g) Tardiness, or overstaying lunch periods.
- h) Being under the influence of an intoxicating beverage or non-prescription drug, or prescription drugs not authorized by the employee's physician, while on duty or on Authority property, or when called in for emergency duty.
- i) Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor.
- j) Any violation of the Authority's No Harassment Policy.
- k) Unauthorized soliciting on Authority property.
- l) Unauthorized absence without leave; failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked or canceled; or any other unauthorized absence from work.
- m) Conviction of a felony, or a misdemeanor involving moral turpitude, or a violation of a federal, state or local law which negatively impacts the employee's ability to effectively perform assigned job or brings discredit to the Authority.
- n) Offensive treatment of the public or other employees.
- o) Falsifying any Authority document or record.

- p) Misuse of Authority property; improper or unauthorized use of Authority equipment or supplies, damage to or negligence in the care and handling of Authority property.
- q) Fighting, assault, and/or battery.
- r) Theft or sabotage of Authority property.
- s) Sleeping on the job, except as specifically authorized for 24-hour duty personnel.
- t) Accepting bribes or kickbacks.
- u) Intimidation or interference with the rights of any employee.
- v) Outside work or any other activity or conduct which creates a conflict of interest with Authority work, which causes discredit to the Authority, negatively impacts the effective performance of Authority functions or is not compatible with good public service.
- w) Failure to maintain the minimum qualifications, including necessary licenses or certifications specified for the position.
- x) Abusive or intemperate language toward or in the presence of others in the workplace.
- y) Any other conduct of equal gravity to the reasons enumerated above as determined by the Authority.

### ***Procedure for Disciplinary Action***

Regular employees covered by this policy shall be governed by the following provisions:

#### **Written Notice**

The General Manager shall issue a written notice of discipline, describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The affected employee may respond by submitting a rebuttal to be lodged in the employee's personnel file, and in the case of a suspension of one to four days, shall have the ability to present their side of the story by responding orally or in writing before the discipline becomes final within five working days of the notice being issued. Any such response to a proposed suspension of one to four days shall be considered before a final decision is made. For minor discipline—any action up to and including a suspension of four (4) working days—no further appeal shall be permitted. For disciplinary actions of suspensions of more than four (4) working days, a reduction in pay resulting in loss of pay equal to or exceeding a suspension of more than four (4) days, demotion or termination (serious discipline), employees shall retain pre-discipline meeting and post-discipline appeal rights as described below.

#### **Pre-Discipline Meeting**

For serious discipline, the employee shall receive written notice of the charges upon which the disciplinary action is based, the materials upon which the charges are based,

and the employee's rights under *Skelly vs. State Personnel Board*, 15 Cal.3d 194 (1975.) The employee then has an opportunity to respond, either orally or in writing.

The General Manager shall designate an individual to convene a meeting to review the employee's response and position before imposing discipline. As soon as practical following the meeting, the designated individual shall present their written opinion for consideration by the General Manager. If the General Manager is not the direct supervisor of the employee, the General Manager may convene the meeting.

The employee shall be entitled to a representative of their choice; provided, however, that the inability of a particular representative to attend the meeting shall not cause a continuance of the meeting. At the meeting, the employee shall be provided the opportunity to respond to the charges and to present any new information for consideration by the General Manager or their designee.

#### Final Action

After the employee responds to the charges, they shall be given by the General Manager a final notice of discipline to be imposed and an opportunity to appeal the discipline after it is imposed, in accordance with the rules contained herein. The notice shall include the final decision, the effective date of the discipline, and the facts upon which the discipline is based.

#### Appeal

For serious discipline, employees shall have the right to appeal the final decision. The notice of appeal must be received within seven (7) calendar days from the date of the final notice of discipline, or the right to appeal is waived and the discipline shall become final.

The appeal shall be heard by an independent hearing officer from the Office of Administrative Hearings of the State of California; a neutral mediator from another recognized organization; or a neutral mediator selected by mutual agreement of the employee and the Authority.

The costs of the hearing officer shall be borne by the Authority. Either party may request that the matter be transcribed. The requesting party shall bear the expense of the transcript.

The hearing officer shall have the authority to convene the hearing, receive evidence through testimony and documents, and to make findings of fact and conclusions about the discipline. The hearing officer may recommend an outcome, but the final authority rests with the Commission. The hearing officer shall serve a recommended decision on the Authority and the employee. The Commission shall issue a final decision. The Commission's decision is reviewable by administrative writ of mandamus.

## **SECTION XI – HOURS OF WORK**

### ***Hours of Work***

A full-time employee shall be scheduled to work a forty (40) hour work week within a seven (7) day work period. Employees may vary their starting and ending times with management approval, and provided there is sufficient coverage during the hours the Authority is open to the public.

The General Manager may vary the working hours of any employee within the limits of State Law or other labor regulations should the need arise. Daily attendance records shall be kept and certified for payroll purposes. Any employee absent without leave, who fails to return to work within 24 hours after notice to return, shall be subject to disciplinary action.

### ***Overtime***

Authorized or required work performed by non-exempt employees in excess of forty (40) hours per week shall be deemed overtime.

### ***Overtime Rate***

Overtime shall be paid at the rate of one and one-half (1.5) times the straight-time hourly rate. Overtime hours may be paid on the next regular pay check. With the approval of the General Manager prior to performance of the overtime work, employees may choose to receive compensatory time off rather than overtime pay. Compensatory time shall be used or paid to the employee within a 12-month period from the date earned.

### ***Call Back***

When an employee is required to return to work following a lapse of at least one hour after their normal working hours, a minimum of two hours shall be recorded.

### ***Exception***

Exempt positions shall not accrue overtime but may adjust their working hours in lieu thereof as approved by the General Manager.

## **SECTION XII – HOLIDAYS**

### ***Authority Holidays***

The following days shall be holidays for all full-time Authority employees:

New Year's Eve

December 31

New Year's Day	January 1
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. A part-time employee's holiday leave shall be proportionate to their scheduled work hours.

### ***Floating Holidays***

Full-time employees are allotted twenty (20) hours of floating holiday to be used within the fiscal year, July 1 – June 30. Use of the allotted hours shall be approved by the General Manager. Floating holiday leave hours do not accrue and employees will not be compensated for unused hours.

A person hired after July 1, or a temporary full-time employee hired to work for less than 12 months, shall be provided the pro rata share of floating holiday hours for the number of months of work in the fiscal year compared to the annual allotment of floating holiday hours.

Floating holiday hours shall be reconciled upon an employee's permanent separation from the Authority. Hours used in excess of those earned shall be deducted from the employee's final pay.

### ***Compensation for Holidays Worked***

Holidays shall be worked only on order and authorization of the General Manager. Work performed by a non-exempt employee on a holiday shall be compensated at the rate of one and one-half (1.5) times the straight-time hourly rate.

## **SECTION XIII – LEAVES AND VACATIONS**

### ***Vacation Leave***

Vacation leave is an earned benefit of eligible employees and its use shall be approved by the General Manager. Employees shall take vacation leave in increments of one (1)

hour. Leave begins to accrue upon date of hire, but shall not be granted to the employee for use during the first six (6) months of employment. Vacation is accrued for all regular hours worked and shall continue to be earned during other authorized leaves with pay.

#### Vacation Leave Allowance

All full-time employees, shall earn vacation leave at the rate of 80 working hours per year from the date of employment. Full-time employees shall earn an additional eight (8) hours vacation leave allowance for each full year of continuous employment thereafter, up to a maximum of 200 working hours per year. With the exception of the General Manager, whose maximum annual accrual is governed by their agreement, all full-time employees that were earning the maximum vacation leave prior to January 18, 2024, shall receive the maximum of 200 working hours per year. Part-time employees shall earn vacation leave proportionate to their scheduled work hours.

All eligible employees shall be permitted to accumulate unused vacation at a rate of 2-1/2 times their annual vacation allowance. Vacation accruals will be reviewed at the end of each fiscal year. If the accrual exceeds 2-1/2 times the annual allowance, the value of the excess accrual shall be paid to the employee at the end of that fiscal year and those hours shall be subtracted from the balance.

#### Vacation Leave Cash-Out

Prior to the beginning of each calendar year, a full-time employee wishing to cash out vacation leave may make an irrevocable election to cash-out up to eighty (80) hours of unused accrued vacation leave before the end of the following calendar year. The irrevocable vacation election must be completed annually. The employee may request to have up to two (2) payments made per calendar year. If the requested cash-out hours are not available at the time of the payment, only the available hours will be cashed out.

Approval of a cash-out request is subject to the following conditions:

- a. The employee must have taken at least forty (40) hours of vacation leave in the previous 12 months; and
- b. The employee must maintain a minimum balance of eighty (80) hours of vacation leave after the cash out is processed.

#### Computing and Recording Vacation Leave

Vacation leave credits shall be computed and recorded in increments of one hour. When periods of less than one full month have been worked, vacation leave credits shall be based on service computed to the nearest half month.

On July 1st of each year, employees who have completed at least six months of satisfactory full-time continuous service shall be credited in advance with vacation leave allowance for the entire fiscal year. Vacation leave shall be earned during authorized

leave with pay. When a holiday falls during an employee's absence on vacation leave, it shall not be deducted from the employee's accrued leave.

Vacation leave shall be reconciled upon an employee's permanent separation from the Authority. Unused vacation leave is not transferable to retirement service credit. Leave used in excess of earned leave shall be deducted from the employee's final pay. Leave that is earned but unused at the time of separation shall be added to employee's final pay.

### ***Administrative Leave***

Exempt employees are expected to observe their regular work schedules and perform any further hours needed to satisfactorily execute the duties and responsibilities of their positions without receiving overtime pay. In recognition of the additional time they spend, all full-time exempt employees shall be granted ten (10) days at the start of each fiscal year. Any unused hours shall expire at the end of the fiscal year.

### ***Sick Leave***

The Authority's sick leave policy complies with the Healthy Workplaces/Healthy Families Act of 2014. Sick leave shall be allowed in case of actual sickness of the employee. Sick leave shall be granted only on approval of the General Manager in increments of not less than one hour. If an employee will not be at work as scheduled, they must notify the supervisor within one-half hour of the time to report for work or at the first practical opportunity.

An employee may use a maximum of five (5) days of sick leave each fiscal year for absences caused by the illness or injury of a *family member*. A family member is defined as a child, parent, spouse or registered domestic partner, grandparent, grandchild, sibling, or designated person. A "designated person" under the Healthy Workplaces/Healthy Families Act means a person identified by the employee at the time the employee requests paid sick leave. This definition does not require the person be related by blood, or even a family-equivalent relationship. Use of sick leave for this purpose is intended to apply in serious and unforeseen conditions where the presence of the employee in the home or hospital is required for the care, legal requirement, or health of the family member. Authorization to use additional sick leave beyond the five-day maximum may be granted by the General Manager when exceptional circumstances warrant.

### ***Sick Leave Accrual***

Employees who work thirty (30) days or more within a year shall receive sick leave in accordance with the Healthy Workplace, Healthy Families Act of 2014.

Regular and Temporary Full-time employees accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year. Part-time employees shall accrue

sick leave proportionate to their scheduled work hours, with a minimum of 40 hours per year. Sick leave shall be cumulative without limit.

#### *Computing and Recording Sick Leave*

Initial crediting of sick leave shall be based on service computed to the nearest half month. Sick leave records shall be maintained on an hourly basis. On July 1st each year, an employee shall be credited in advance with the annual allowance. After an absence is approved as sick leave, it shall be deducted from the employee's leave balance. If at time of separation an employee owes the Authority for unearned sick leave, the actual time shall be deducted from their final pay.

#### *Medical and Dental Appointments*

Sick leave may be used for medical, dental, therapy or similar purposes for a minimum period of one (1) hour and should not exceed four (4) hours except in unusual circumstances. A maximum of forty (40) hours of sick leave per year may be used for medical, dental or therapy appointments for a family member when the employee's presence is required.

#### *Payment for Unused Sick Leave*

CalPERS' sick leave credit benefit is included in the Authority's pension contract. An employee whose effective date of retirement is within four months of separation from employment shall be credited with 0.004 year of service credit for each unused day of sick leave.

Upon the death of an employee prior to separation from employment, the employee's heir(s) or beneficiary(ies) shall receive compensation for sick leave earned but unused by the employee equal to 0.167% of the number of hours of sick leave, times the number of whole months of continuous employment, times the employee's hourly rate of pay at the time of death.

#### ***Bereavement Leave***

Full-time regular employees shall be granted bereavement leave with pay not to exceed twenty-four (24) hours, as necessary, upon the occasion of the death of a family member. A family member is defined as a spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent, or grandchild. An employee may also use other available paid time off such as vacation pay, personal leave, sick leave, or compensatory time off during their leave. The General Manager may grant bereavement leave for other relatives on a case-by-case basis. Additional leave for travel purposes not to exceed five (5) calendar days may be granted by the General Manager when circumstances warrant.

#### ***Catastrophic Leave***

Full-time regular employees (i.e., excludes temporary, probational, and part-time employees), are eligible to receive catastrophic leave donations in the following circumstances:



- The employee must have exhausted all available leave (i.e., vacation and sick leave, floating holidays).
- The absence must be due to the employee's or their spouse, domestic partner, or child's life threatening or debilitating illness, injury, or condition.
- Use of catastrophic leave must be approved by the General Manager.

Employees may donate vacation leave on a voluntary basis. The employee making the donation must authorize in writing that a designated portion of their accrued vacation may be transferred from their leave account to the recipient employee's vacation account. Once made, donations are irrevocable.

All donated hours shall be converted to the donor's hourly rate, and the equivalent dollar amount shall be deposited and converted to hours at the recipient's hourly rate. Donors must retain a minimum of eighty (80) hours of their own vacation leave.

### ***Family Leave***

The California Family Rights Act (CFRA) and Family Medical Leave Act (FMLA) entitle eligible employees of covered employers to take unpaid, job-protected leave for certain specified reasons. While EBDA is a covered employer under the CFRA and FMLA, only leave benefits under the CFRA are available for eligible employees. The maximum amount of leave employees may use under this policy is twelve (12) weeks within a 12-month period.

Employees that meet the following conditions are eligible for CFRA leave:

- the employee has worked for EBDA for at least twelve (12) months; and
- the employee worked at least 1,250 hours in the 12 months prior to their leave.

Eligible employees may take CFRA leave for any of the following reasons:

- For the employee's own serious health condition.
- To care for or bond with a newborn child.
- To care for or bond with a child placed with the employee and/or the employee's registered domestic partner for adoption or foster care.
- To care for an immediate family member (spouse, parent, parent-in-law, registered domestic partner, child or registered domestic partner's child of any age, sibling, grandparent, grandchild, or designated person) with a serious health condition. A "designated person" under CFRA means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave.

### **Reproductive Loss Leave**

Employees who have worked for the Authority for at least 30 days before taking leave are eligible to take up to five (5) unpaid days of leave from work following a reproductive loss

event under California Government Code Section 12945.6. Employees may use accrued and available vacation or sick leave for a reproductive loss event. An employee can take leave following their own reproductive loss event or that of another person, such as a spouse or partner, if the employee would have been the parent of the child born or adopted.

For purposes of this policy, a reproductive loss event is any of the following:

- Miscarriage
- Stillbirth
- Failed adoption – for example, if a birth mother or legal guardian breaches or dissolves an adoption agreement, or if an adoption is not finalized for another reason
- Failed surrogacy – for example, if a surrogate breaches or dissolves a surrogacy agreement, or if an embryo transfer fails
- Unsuccessful assisted reproduction – a failed intrauterine insemination or embryo transfer

Employees are not required to take the five days consecutively, but the leave must be completed within three (3) months of the reproductive loss event. Employees can take up to five (5) days for each qualifying reproductive loss. If an employee experiences more than one reproductive loss event in a year, they are entitled to no more than twenty (20) days of reproductive loss leave in that one year.

Reproductive loss leave is separate from, and in addition to, other types of leave to which employees are entitled, such as the California Family Rights Act (CFRA) and Family and Medical Leave Act (FMLA), or leave for disabilities related to pregnancy or childbirth available under the Fair Employment and Housing Act (FEHA). If an employee is on another type of leave during the reproductive loss event, they can take reproductive loss leave within three (3) months of finishing the other form of leave.

### ***Time Off to Vote***

An employee may take time off to vote at the beginning or the end of the shift, whichever provides the most time to vote. The employee may take off no more than two (2) hours without loss of pay, providing that reasonable notice is given to their supervisor.

### ***Jury and Witness Duty***

Leave is provided for employees who are called to serve jury duty or who are summoned to appear as a witness in a judicial proceeding, pursuant to a subpoena or other court order. Employees must notify the Authority as soon as practicable of the need for leave under this policy. Employees will receive time off with regular base pay for the length of service. If an employee does not have to attend court, the employee is expected to report to work. Any jury fees received by an employee shall be remitted to the Authority. Reimbursements for mileage or food may be retained by the employee.

### ***Military Leave***

Any employee who is a member of the Reserve Corps of the Armed Forces of the United States, the National Guard or the National Militia is entitled to a temporary leave while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, and special duty or like activity. Such temporary leave does not have to exceed seventeen (17) calendar days including travel time and does not have to be compensated. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the General Manager an opportunity, within the limits of military requirements, to determine when such leave shall be taken. Military leave may be granted with pay provided employees reimburse the Authority for the amount of compensation, excluding travel and sustenance, which may be earned during the leave period.

### ***Time Off To Appear At School When Required By the School***

All employers must allow a parent or guardian of a pupil to appear at the school when the school has given advance notice. It is not a requirement that the employee be compensated for the time. The employee is required to give reasonable notice to the employer. An employee may take vacation or personal leave.

### ***Disability Leave***

For employee injury or disability falling within the provision of the State Workers' Compensation Disability Act, disability compensation at the rate allowed under said Act shall be basic remuneration during the employee's period of disability. In the case of full-time employees, additional compensation equal to the difference between said employee's regular pay and disability compensation allowance shall be granted not to exceed one year for any one period of incapacity. In the event a waiting period is required before an employee's disability compensation allowance is payable, the employee's regular pay shall be provided during said waiting period.

Compensation for short- and long-term disability leave resulting from employee injury or disability not related to Workers' Compensation is addressed in the Compensation Plan. Authority employees do not pay into the California State Disability Insurance (SDI) Program.

### ***Voluntary Leave of Absence***

The Commission, upon written request of a full-time regular employee (i.e. excludes temporary, probational, and part-time employees), may grant a voluntary leave of absence, without pay, for a period up to six (6) months. Upon written request of the employee, accompanied by justification and assurance of intent to return to duty, such leave of absence may be extended by the Commission another six (6) months, for a total continuous leave not to exceed a period of one (1) year. Leaves hereby authorized shall include educational leave, maternity leave, and leave for any other purpose promoting the good of the service. Upon expiration of such a leave, the employee shall be reinstated

to the position held at the time leave was granted. Failure of the employee to report promptly at its expiration, or within 24 hours after notice to return to duty, shall terminate their right to be reinstated. During such leave an employee shall not earn sick leave or vacation leave, but shall maintain seniority at the time leave was first granted.

If the employee elects to maintain benefits during a voluntary leave of absence, prior to the start of the leave period, the employee shall pay to the Authority an amount equal to 100% of medical, dental, vision and disability insurance premium costs that are due and payable during the scheduled leave period. If the employee elects to suspend or discontinue benefits during a voluntary leave of absence, they may re-enroll during the Open Enrollment period upon return to work.

## **SECTION XIV – EMPLOYEE EDUCATION OR TRAINING**

An employee may be authorized to attend special training courses, seminars or conferences which are determined to be job-related or will enhance the employee's work performance. In addition to receiving leave with pay, the employee may be reimbursed for the cost of registration, tuition, books, supplies or other expenses incurred in attending special training courses, seminars or conferences which are job-related or will enhance work performance.

## **SECTION XV – EMPLOYEE HEALTH AND SAFETY**

### ***Accident Reports***

Any employee involved in an accident (whether involving injury or not) while on the job, must notify their supervisor and complete the required accident report forms within 24 hours of occurrence.

### ***Work Injury or Illness***

If an employee is unable to work as a result of what is believed to be an injury or illness arising out of or in the course of employment, the employee must visit a doctor for examination and the necessary forms shall be prepared for compliance with State laws and compensation insurance. If it is determined that the injury or illness is job-related, no deduction will be made from the employee's sick leave.

Filing a false or fraudulent workers' compensation claim is a violation of Authority policy, and will result in disciplinary action, up to and including immediate termination.

### ***Employee Health***

When, in the judgment of the General Manager, an employee's health or physical condition may have an adverse effect on the performance of the employee's duties, or

affect safety or health of fellow employees, the employee may be required to undergo a medical or psychological examination at the expense of the Authority.

On the basis of authoritative medical advice, the General Manager shall determine whether an employee is physically and psychologically incapacitated for the duties of their position and may take whatever action deemed appropriate.

### ***Safety Rules***

All employees shall be expected to comply with all safety rules which may be adopted by the Authority as an integral part of their job duties. Failure to comply with adopted safety rules shall be grounds for disciplinary action.

### ***Safety Equipment***

The Authority shall determine the need for protective clothing and safety equipment for all employees and shall require its use where necessary for the protection of the employee. The Authority will furnish, at no expense to the employee, all protective clothing and safety equipment required for the employee's performance of duties.

## **SECTION XVI – ANTI-HARASSMENT POLICY**

The Authority does not tolerate harassment of any of our employees, customers or clients. Any form of harassment which violates federal, state or local law, including, but not limited to the items listed in the [Non-Discrimination](#) section of the General Provisions in Section II is a violation of this policy and will be treated as a disciplinary matter. For these purposes the term harassment includes slurs and any other offensive remarks or jokes, and other verbal, graphic, or physical conduct. Harassment also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature.

Questions about what constitutes harassing behavior shall be directed to the General Manager or to the Commission Chair.

Harassment shall be immediately reported to the General Manager or to the Commission Chair. The Authority strictly prohibits retaliation of any kind and will not tolerate employees' attempts to hinder internal investigations and/or corrective actions. All complaints of harassment that are reported to management will be looked into as promptly as possible and may be investigated. All complaints of harassment that are reported to management will be treated to the extent allowable by law.

Harassment of our employees in connection with their work by non-employees is also strictly prohibited. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non-employee should report such harassment to the General Manager or Commission Chair. Harassment of our customers

or clients by our employees is also strictly prohibited. Any violation of this policy will result in appropriate disciplinary action, up to and including termination.

Authority employees are required to complete sexual harassment prevention training and education that meet all requirements outlined by Government Code §12950.1.

## **SECTION XVII – LACTATION ACCOMMODATION POLICY**

Per California Senate Bill (SB) 142, the Authority will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. The employer shall make reasonable efforts to provide the employee with the use of a room, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room may include the place where the employee normally works.

Employees requesting an accommodation under this policy are responsible for communicating their needs to the General Manager. The General Manager will work with the employee to make the appropriate accommodations needed, including allowing for flexible break periods if necessary.

Management will not discriminate or retaliate against any employee for exercising or attempting to exercise their rights under this policy.

If an employee feels that their rights, as described in this Policy, have been violated, they may file a complaint with the California Labor Commissioner.

## **SECTION XVIII – GRIEVANCES**

### ***Definition***

A grievance is any dispute between the Authority and an employee or employees with respect to the meaning, interpretation, application or enforcement of Authority rules and regulations or other terms or conditions of employment. Grievance shall not include actions taken by the Authority in accordance with [Section X](#), Discipline and General Rules of Conduct, hereof.

### ***Policy***

It is the intent of the Authority to anticipate and diminish causes of grievances and to settle any which arise, at the lowest practicable level of supervision and as fairly and promptly as possible. Therefore, time limits have been established between initiation of a grievance and its occurrence and between steps of the procedure. Any grievance not initiated or pursued within these limits will be considered settled on the basis of the last timely

demand or answer, unless the time is extended to a definite date by agreement of the Authority and the employee.

Any regular employee (i.e. excludes temporary, probationary, and part-time employees) shall have the right to use this grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee or officer of the Authority. Each employee shall have the right to present the grievance individually or through a designated representative at any step of the procedure. Employees shall have the right to withdraw the grievance at any step in the procedure

### ***Procedure***

If an employee has a grievance which cannot be settled by informal discussion with their immediate supervisor, the employee shall proceed in the following manner:

- Step 1. Present the grievance, in writing, to the General Manager, within ten (10) working days following occurrence of the event on which the grievance is based. The General Manager shall make a thorough investigation of the reported grievance and circumstances surrounding it and render a decision, in writing, to the employee within three (3) working days.
- Step 2. If the employee is not satisfied with the decision in Step 1, they may appeal to the Personnel Committee. Such appeal must be made within five (5) working days after the General Manager's decision is received. The Personnel Committee shall make a thorough investigation and shall arrange for a hearing of the grievance at which both the employee and the Authority shall have the right to call witnesses. The Personnel Committee shall render its decision in writing within five (5) days after close of the hearing.
- Step 3. If the employee is not satisfied with the decision of the Personnel Committee in Step 2, they may appeal to the Commission. Such appeal must be made within five (5) working days after the Personnel Committee's decision is given. The Commission or its appointed representative shall conduct an investigation and hearing within twenty (20) days and shall render a decision in writing. The decision of the Commission shall be final in all grievance proceedings.

## **SECTION XIX – PERSONNEL RECORDS**

Personnel records are maintained in accordance with State and Federal guidelines. The personnel file shall contain, but not be limited to, performance evaluations, as well as other forms, letters, and memoranda addressed to or pertaining to an employee. If an employee refuses to sign a form, letter, or document, the supervisor shall indicate "REFUSED TO SIGN" on the document and shall sign their name as witness to the fact, and the document shall then be placed in the employee's personnel file.

The personnel employment records are confidential. Only administrative staff specifically designated by the General Manager and those persons who are in a supervisory capacity to an employee may review an employee's file. Employees may review their own file upon request by scheduling an appointment with the administrative staff.

## **SECTION XX – WHAT THE AUTHORITY EXPECTS OF YOU**

### ***Attitude***

Every employee should display a positive attitude toward their job. A negative attitude creates a difficult working environment and prevents the Authority from providing quality service.

### ***Business Ethics and Conflict Of Interest***

The Authority requires its personnel to conduct Authority business with integrity and to maintain a high standard of personal conduct in outside activities.

Employees are expected to recognize and avoid activities or investments which involve, or might appear to involve, a conflict of interest. While it is impossible to list in this policy statement every circumstance which may suggest a possibility of conflict of interest, the standards for evaluating such activities or investments set forth in the paragraph below are suggested for use by employees in deciding whether a conflict may exist.

No employee may engage in any outside business activity, pursuit, action or investment which could by its nature or scope (with or without personal gain): be objectively construed as preventing or potentially preventing an impartial discharge of duties; or interfere with the satisfactory performance of assigned duties within the Authority; or reflect a compromise or misuse of Authority information; or adversely affect the interests or reputation of the Authority.

Commissioners and the General Manager are required to attend ethics training classes that meet all requirements outlined by Government Code Section 53234-53235.

### ***Electronic Systems and Media***

East Bay Dischargers Authority's electronic media is provided for employees to perform job functions. Electronic media includes but is not limited to: computers, software, laptops, telephones, cellular phones, electronic mail (e-mail) and internet access. Personal use of the Authority's electronic media shall be kept to a minimum. The Authority reserves the right to access these items at any time with or without prior notice, and the employees should have no expectation of privacy when storing or exchanging information on these devices or system.

All files and records stored on Authority computers are the property of the Authority. Authority computers are for business purposes only. No personal information or personal



advertising or soliciting is permitted on our computer system. Use of Authority computers for unauthorized purposes is prohibited.

Authority e-mail is to be used for business purposes only and is considered Authority property. The Authority maintains the right to access these items at any time with or without prior notice, and the employees should not assume that such messages are confidential. Inappropriate or offensive messages are prohibited. Passwords are assigned in complete confidence. Employees are not to share their passwords with anyone. Upon suspecting that someone has learned their password, the employee shall contact the General Manager immediately.

Employees shall conduct Authority business only on their Authority e-mail account, not on personal e-mail accounts.

### ***Telephone, Voice Mail, and Cell Phone Use***

The Authority has a limited number of telephone lines. It is essential that we keep those lines open for business calls. Therefore, employees are to minimize use of the Authority's telephone lines for personal calls. Use of the Authority's voice mail system for personal reasons shall also be kept to a minimum.

The Authority may provide managers with cellular phones to facilitate Authority business. Personal use of the employer-provided cell phone is excludable from the employee's income as a working condition de minimus fringe benefit.

Employees who prefer to use their personal cell phones for business reasons shall be entitled to a tax-free reimbursement in an amount equal to the monthly cost per line for Authority provided cell phones, or the employee's actual cost for their cell phone plan, whichever is lower. The reimbursement shall be paid with the first payroll of every month. The reimbursement amount shall be reviewed every January and updated as needed, to reflect the then in-effect monthly cost per line under the Authority's cellular service plan. The Authority's cellular service plan will also be reviewed periodically to ensure that it is the most cost-effective available.

Employees must comply with submitting data from personal cell phones used for Authority business in the event of a public records request for such information.

### ***Confidentiality***

All records and files of the Authority are property of the Authority and considered confidential. No employee is authorized to copy or disclose any file or record.

Notwithstanding the confidentiality provision, requests for information are subject to the California Public Records Act, Government Code §7920, et seq., and shall be responded to in the manner permitted by law.

### ***Copy Machines and Facsimile***

The facsimile and copy machines are for legitimate business purposes only and should not be used for personal use. Employees are prohibited from using these machines for the purpose of transmitting, receiving or copying materials which may be deemed offensive or insulting. Any employee who receives such materials via facsimile transmission, the mail, or from any other source, should report the transmission immediately to the General Manager.

### ***Gambling***

Gambling is strictly prohibited during work hours and on Authority property, including all facilities, vehicles, and remote worksites operated by the Authority.

### ***Personal Mail***

Employees shall minimize personal mail deliveries to the Authority premises. Mail sent to an employee at the Authority will be opened by office personnel.

Authority postage meters and letterhead may not be used for personal correspondence.

### ***Searches and Inspections***

Employees do not hold any privacy rights in any Authority property. The Authority reserves the right, at all times and without prior notice, to inspect and search any and all of its property for the purpose of determining whether any policy, rule, or directive has been violated, or when the Authority determines an inspection is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or after business hours and in the presence or absence of the employee. These searches may include, without limitation, workspaces, desks, electronic devices and equipment, cabinets, motor vehicles, and where appropriate non-Authority belongings that are brought onto District property.

All files and records stored on Authority computers are the property of the Authority and may be inspected at any time. Electronic mail and voice mail messages are to be used for business purposes only and are considered Authority property. The Authority may access these items at any time with or without prior notice, and the employee should not assume that such messages are confidential.

### ***Unauthorized Interviews***

From time to time, Authority employees may be contacted by outside parties to discuss Authority business. As a means of protecting employees and the Authority, no unauthorized interviews are permitted to be conducted by individuals representing themselves as attorneys, peace officers, investigators, reporters, or someone who wants to *ask a few questions* regarding Authority business. If an employee is asked questions about the Authority or its current or former employees, the employee is to refer that

individual(s) to their supervisor. A decision will then be made as to whether that individual may conduct any interview. Similarly, an employee becomes aware of an unauthorized interview occurring at the Authority, they must immediately notify the General Manager.

This provision is not intended to, nor does it interfere with any employee's ability to speak on matters of public concern; to report suspected harassment, discrimination, retaliation, fraud, misuse of public funds/resources and/or suspected criminal activity; or to engage in any lawful whistleblowing activities.

### ***Whistleblowing***

Notwithstanding the provisions of unauthorized interviews, the Authority will not prevent an employee from disclosing information to a government agency or law enforcement agency when the employee has reasonable cause to believe the information discloses a violation of a state or federal statute or a violation or noncompliance with a state or federal rule or regulation. Furthermore, the Authority will not retaliate against an employee for making such a disclosure or for refusing to participate in an activity that would result in a violation of state or federal statute, or violation or noncompliance with a state or federal rule or regulation. Employees who believe they have been retaliated against shall promptly report such retaliation to the General Manager or Commission Chair.

## **ITEM NO. P9 DRAFT UPDATE TO THE RULES OF THE COMMISSION**

### **Recommendation**

Provide guidance to staff on proposed Rules revisions.

### **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.

### **Background**

Following adoption of the Amended and Restated Joint Powers Agreement in 2020, the Authority adopted Rules of the Commission to govern Commission operations and conduct. The Rules were last amended in March 2024 and are reviewed in even years.

### **Discussion**

Staff is recommending updates to Rule VI, which concerns remote participation in 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 were set to expire on January 1, 2026. In anticipation of the expiration of the temporary remote meeting provisions enacted during and after the pandemic, the California Legislature 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 and goes into effect July 1, 2026.

SB 707 makes permanent the remote attendance provisions of AB 2449. It also 1) consolidates the two categories for remote appearances, just cause and emergency circumstances, by incorporating the bases for emergency circumstances into the single definition of just cause, and 2) expands the definition of "just cause" exception, which now includes illness, caregiving needs, or being immunocompromised.

The attached draft revisions to the Rules of the Commission incorporate these changes stemming from SB 707. Staff is not proposing any other revisions to the Rules at this time. Pending feedback from the Committee, staff will bring the revised Rules to the Commission for approval.

# **EAST BAY DISCHARGERS AUTHORITY**

## **RULES OF THE COMMISSION**

~~March 2024~~ February 2026

# EAST BAY DISCHARGERS AUTHORITY

## RULES OF THE COMMISSION

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## **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 Commission<sup>1</sup>. 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

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

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 meeting 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 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. 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. 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 for just cause pursuant to AB 2449 (Govt. Code § 54953.8.3), 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~~twice within a calendar year; and
- At least a quorum is present at the ~~Regular Meeting Location~~noticed agenda location; and
- ~~Either “Just cause” or “emergency circumstances”~~ exists as defined by ~~AB 2449 (See Govt. Code Government Code Section § 54953(i)).~~ 54953.8.3, as either:

~~(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.
- (v) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely.
- (vi) A physical or family medical emergency that prevents a member from attending in person.
- (vii) Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the

member to be at least 50 miles outside the boundaries of the local agency.

- ~~"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. The Commissioner shall notify the Commission at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting.~~

The minutes for the meeting shall identify the specific just cause provision above which the Commissioner relied upon to participate remotely.

- The Commissioner shall disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the Commissioner, and the general nature of the Commissioner's relationship with any of those individuals.

- 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*
<b>MEETING CONDUCT (PRIVILEGED) MOTIONS</b>				
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
<b>DISPOSITION (SUBSIDIARY) MOTIONS</b>				
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
<b>MAIN MOTIONS</b>				
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**

<b><u>Name of Agency</u></b>	<b><u>No. of Votes</u></b>
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. P10 MOTION DESIGNATING AUTHORITY REPRESENTATIVES TO THE ALAMEDA COUNTY SPECIAL DISTRICTS ASSOCIATION**

### **Recommendation**

Approve the motion designating Shelia Young as the Authority's representative to the Alameda County Special Districts Association and Angela Andrews as the Authority's alternate.

### **Strategic Plan Linkage**

7. **External Collaboration:** Collaborate with external stakeholders to build strong relationships for joint problem-solving and to expand EBDA's and its Member Agencies' reach.
  - c. Represent wastewater through participation in regional associations such as East Bay Leadership Council, Bay Planning Coalition, Bay Area Climate Adaptation Network (BayCAN), San Francisco Estuary Partnership (SFEP), and Coastal Hazards Adaptation Resiliency Group (CHARG).

### **Background**

For many years, the Authority has been a member of the [California Special Districts Association \(CSDA\)](#). CSDA provides support and advocacy for special districts, including on Brown Act legislation and other issues that affect the Authority. In 2025, EBDA joined the [Alameda County Special Districts Association \(ACSDA\)](#), the Alameda County chapter of CSDA. ACSDA meets monthly, hosted by special districts across Alameda County, and it provides a helpful forum for collaboration across the County on issues of mutual interest to local government agencies. EBDA's special district Member Agencies are also members of ACSDA.

### **Discussion**

The bylaws of ACSDA provide that each member agency shall be entitled to one vote, and state the following:

The vote of a district shall be cast by the designated representative of the member district present at the meeting in person, which may include a member of a Board of Directors or an administrator from a member district. Each member district shall provide, in writing, the name of the designated representative and one alternate representative at the beginning of each Fiscal Year (July 1<sup>st</sup> to June 30<sup>th</sup>). (Article IV, Section 4A & 4B.)

As a new member, EBDA has been asked to designate one agency representative and one alternate for the remaining 2025/26 Fiscal Year (FY) and for the upcoming 2026/27 FY. The Commission discussed this at its January 2025 meeting and recommended that Shelia Young serve as EBDA's representative and Angela Andrews serve as the alternate. Staff is recommending that the Commission formalize these appointments through approval of a motion. Pending approval, staff will transmit the designee information to ACSDA.

**ITEM NO. 15 ITEMS FROM THE COMMISSION AND STAFF**

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

**ITEM NO. 16 ADJOURNMENT**