COMMISSION MEETING
AGENDA

Thursday, September 20, 2018
9:30 A.M.

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

1. Call to Order
2. Roll Call
3. Public Forum

C O N S E N T  C A L E N D A R

MOTION 4. Commission Meeting Minutes of August 16, 2018
5. List of Disbursements for August 2018
6. Preliminary Treasurer’s Report for August 2018

R E G U L A R  C A L E N D A R

INFORMATION 7. General Manager’s Report
(The General Manager will report on EBDA issues.)

INFORMATION 8. Report From the Managers Advisory Committee
(The General Manager will report on the meeting.)

INFORMATION 9. Report From the Ad Hoc Committee
(The General Manager will report on the meeting.)

MOTION 10. Report From the Financial Management Committee
(The General Manager will report on the meeting.)

MOTION 11. Report From the Regulatory Affairs Committee
(The General Manager will report on the meeting.)

MOTION 12. Report From the Operations & Maintenance Committee
(The General Manager will report on the meeting.)

RESOLUTION 13. Resolution Authorizing the General Manager to Enter Into a Contract
With Carollo Engineers, Inc. in the Amount of $17,800 to Perform a
Cavitation Study and Pump Operation Evaluation at AEPS
(The Commission may adopt the resolution approving a contract with Carollo Engineers,
Inc. to perform a cavitation study and pump operation evaluation at AEPS.)
RESOLUTION 14. Resolution Authorizing the General Manager to Enter Into a Contract With Currie Engineers in an Amount not to Exceed $60,000 for Project Management and Construction Management Services
(The Commission may adopt the resolution approving a contract with Currie Engineers for project management and construction management services.)

MOTION 15. Report From the Personnel Committee
(The General Manager will report on the meeting.)

MOTION 16. Committee Alternate Assignments
(The Commission will approve, by motion, the Committee Alternate assignments commencing in October 2018.)

INFORMATION 17. Items From the Commission and Staff
(The Commission and staff may address items of general interest.)

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

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

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

The next Commission meeting will be held
Thursday, October 18, 2018 at 9:30 a.m.
<table>
<thead>
<tr>
<th>Acronym</th>
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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. 4  Commission Meeting Minutes of August 16, 2018
Item No. 5  List of Disbursements for August 2018
Item No. 6  Preliminary Treasurer’s Report for August 2018

Recommendation

Approve Consent Calendar Items No. 4, 5, and 6.
ITEM NO. 4  COMMISSION MEETING MINUTES OF AUGUST 16, 2018

1. Call to Order
Chair Handley called the meeting to order at 9:30 A.M. on Thursday, August 16, 2018, at the Oro Loma Sanitary District Boardroom, 2655 Grant Avenue, San Lorenzo, CA 94580.

2. Roll Call
PRESENT: Ralph Johnson, Castro Valley Sanitary District; Pauline Russo Cutter, City of San Leandro; Tom Handley, Union Sanitary District; Timothy Becker, Oro Loma Sanitary; Marvin Peixoto, City of Hayward

ABSENT: None

OTHERS
PRESENT: Jackie Zipkin East Bay Dischargers Authority
Eric Casher Legal Counsel
Howard Cin East Bay Dischargers Authority
Maria Buckley East Bay Dischargers Authority
Alex Ameri City of Hayward
Paul Eldredge Union Sanitary District
Roland Williams Castro Valley Sanitary District
Jason Warner Oro Loma Sanitary District
Justin Jenson City of San Leandro
Dan Walters Oro Loma Sanitary District
Fred Simon Resident

3. Public Forum
No member of the public requested to address the Commission at the meeting.

C O N S E N T  C A L E N D A R

4. Commission Meeting Minutes of July 19, 2018
5. List of Disbursements for July 2018
6. Treasurer’s Report for July 2018

Commissioner Peixoto moved to approve the Consent Calendar items. The motion was seconded by Commissioner Becker and carried unanimously, 5-0 (Johnson, Cutter, Handley, Becker, Peixoto; ayes).

R E G U L A R  C A L E N D A R

7. General Manager’s Report
The General Manager noted that she attended the CASA conference along with Commissioners Becker and Johnson and Chair Handley. There was a lapse in EBDA’s membership due to the fee structure. The General Manager thanked the Commission
for their support in re-engaging EBDA in CASA.

8. **Report from the Managers Advisory Committee (MAC)**  
The MAC met with the General Manager on August 15, 2018. The General Manager stated that the MAC discussed the key tenets for the next nutrients watershed permit and the position EBDA will take in negotiating permit terms as part of BACWA.

9. **Report from the Financial Management Committee**  
The Financial Management Committee met with the General Manager on August 15, 2018, and discussed the upcoming financial audit in October and subsequent report-out scheduled for November. The General Manager also explained that LAVWMA has paid off their EBDA buy-in loan and that final one-time payments related to the payoff will be remitted to the member agencies soon. The General Manager noted a correction to one of the tables in the budget that outlines expected fees for each member agency.

Commissioner Johnson moved to approve the report from the Financial Management Committee. The motion was seconded by Commissioner Becker and carried unanimously, 5-0 (Johnson, Cutter, Handley, Becker, Peixoto; ayes).

10. **Report from the Regulatory Affairs Committee**  
In addition to nutrients, the Committee discussed agency wetlands projects and the Water Board’s process to revise its Wetlands Policy.

Commissioner Cutter moved to approve the report from the Regulatory Affairs Committee. The motion was seconded by Commissioner Becker and carried unanimously, 5-0 (Johnson, Cutter, Handley, Becker, Peixoto; ayes).

11. **Report from the Operations & Maintenance Committee**  
The O&M Manager reported out on the status of EBDA facilities including the HEPS MCC project, the AEPS Pump Cavitation project, and the SCADA Upgrade. He answered questions regarding the status of electrical subcontractors on the HEPS MCC project. The Commission expressed appreciation for the graphics included in the packet.

Commissioner Cutter moved to approve the report from the Operations & Maintenance Committee. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 (Johnson, Cutter, Handley, Becker, Peixoto; ayes).

12. **Resolution Authorizing the General Manager to Enter Into a Contract with GHD in the amount of $45,010 for Asset Advisory Services**  
The General Manager explained that the Asset Management Plan is due for a comprehensive review, which will likely consist of two phases – Phase 1 to review and update the existing plan and documentation, and Phase 2 to make it more dynamic and provide recommendations and strategic enhancements. The resolution is for Phase 1.

Commissioner Peixoto moved to approve the resolution. The motion was seconded by
Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Johnson, Cutter, Peixoto, Becker, and Chair Handley
Noes: None
Absent: None
Abstain: None

13. Resolution Authorizing the General Manager to Issue a Purchase Order to Calcon Systems, Inc. in the Amount not to Exceed $42,720 for the Professional Services Required to Implement the SCADA System and PLC Upgrade for the Hayward Effluent Pump Station Motor Control Center Replacement Project

The O&M Manager presented information pertaining to the Calcon scope for HEPS and MCC Replacement projects. There was also a discussion regarding backups to the SCADA system.

Commissioner Cutter moved to approve the resolution. The motion was seconded by Commissioner Becker, and approved unanimously, 5-0.

Ayes: Commissioners Johnson, Cutter, Peixoto, Becker, and Chair Handley
Noes: None
Absent: None
Abstain: None

14. Resolution Allowing the Administrative Assistant to Run Negative Sick and Vacation Leave Balances

The General Manager explained that the Administrative Assistant’s leave balances will soon be exhausted. Due to EBDA’s small size, the agency does not have a leave donation program as in larger organizations. This negative balance approach provides an alternative means for the Administrative Assistant to continue working part time while undergoing medical treatment. The Administrative Assistant will begin accruing sick leave and vacation balances once she is back to work full time. The General Manager mentioned that the topic is a case by case evaluation and clarified that this item will apply to the current fiscal year.

Commissioner Cutter moved to approve the resolution. The motion was seconded by Commissioner Peixoto, and approved unanimously, 5-0.

Ayes: Commissioners Johnson, Cutter, Peixoto, Becker, and Chair Handley
Noes: None
Absent: None
Abstain: None

15. Resolution Establishing Policy for Committee Alternates

The General Manager explained that due to busy schedules, it would be beneficial to have standing Committee Alternates to ensure back-up attendance in the event of a schedule conflict, as suggested by Chair Handley. The Chair has historically been the
automatic alternate for committees. If the alternate cannot attend, attendance will default to the Chair. A form for preferences will be routed to the Commissioners. The alternate schedule will begin with the October meetings. In subsequent years, the alternate will be part of the Committee selection process.

Commissioner Becker moved to approve the resolution. The motion was seconded by Commissioner Johnson, and approved, 5-0.

Ayes: Commissioners Johnson, Cutter, Becker, Peixoto and Chair Handley.
Noes: None
Absent: None
Abstain: None

16. Items From the Commission and Staff
Commissioner Becker noted that the calculation of dues will be discussed at an upcoming CASA Board Meeting. Chair Handley mentioned that he will take the tour of the EBDA facilities on Monday, August 20\textsuperscript{th}, and invited the meeting participants to attend.

17. Adjournment
With no further business, Chairman Handley adjourned the meeting at 10:06 a.m.
ITEM NO. 5 LIST OF DISBURSEMENTS FOR AUGUST 2018

The itemized List of Disbursements for the month of August 2018 totaled $735,360.80.

Approval is recommended.
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## EAST BAY DISCHARGERS AUTHORITY
### Cash Disbursement
#### August 2018

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<td>8/15/2018</td>
<td>9811915334</td>
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<td>CELLULAR PHONE, MESSAGING AND DATA SERVICES THROUGH 8/1/18</td>
<td>264.60</td>
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<tr>
<td>23845</td>
<td>8/15/2018</td>
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<td>VERIZON</td>
<td>MODEM MESSAGING AND DATA SERVICES FOR SCADA THROUGH 7/10/18</td>
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<tr>
<td>23845</td>
<td>8/15/2018</td>
<td>155296</td>
<td>TOWN &amp; COUNTRY</td>
<td>MONTHLY CLEANING SERVICE - AUGUST</td>
<td>165.00</td>
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<tr>
<td>23859</td>
<td>8/31/2018</td>
<td>5104830439</td>
<td>AT&amp;T</td>
<td>LOCAL AND LONG DISTANCE MDF- JUL-AUG</td>
<td>164.58</td>
<td>164.58</td>
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<tr>
<td>23837</td>
<td>8/15/2018</td>
<td>5104830439</td>
<td>AT&amp;T</td>
<td>MDF TELEPHONE SERVICE 7/20/2018 - 8/19/2018</td>
<td>161.51</td>
<td>161.51</td>
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<tr>
<td>23850</td>
<td>8/15/2018</td>
<td>2564611</td>
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<td>KONICA COPIER MONTHLY MAINTENANCE</td>
<td>131.86</td>
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<tr>
<td>23860</td>
<td>8/31/2018</td>
<td>6-278-89048</td>
<td>FEDERAL EXPRESS</td>
<td>AGENDA PACKETS DELIVERED 081018</td>
<td>111.75</td>
<td>111.75</td>
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<td>23869</td>
<td>8/31/2018</td>
<td>2583953</td>
<td>CALTRONICS</td>
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<td>108.98</td>
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<tr>
<td>23841</td>
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<td>6-214-72948</td>
<td>FEDERAL EXPRESS</td>
<td>DOCUMENT TO CALPERS</td>
<td>18.88</td>
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**TOTAL CHECK PAYMENTS** 650,382.65
<table>
<thead>
<tr>
<th>Check #</th>
<th>Check Date</th>
<th>Invoice #</th>
<th>Vendor Name</th>
<th>Description</th>
<th>Itemized Charges</th>
<th>Invoice Amount</th>
<th>Check Amount</th>
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<tbody>
<tr>
<td>8/3/2018</td>
<td>8/3/2018</td>
<td>180803014803</td>
<td>WELLS FARGO BANK</td>
<td>WIRE TRANSFER</td>
<td></td>
<td>15.00</td>
<td>15.00</td>
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<tr>
<td>8/7/2018</td>
<td>8/7/2018</td>
<td>15367730</td>
<td>CALPERS</td>
<td>HEALTH PREMIUMS AUGUST 2018</td>
<td></td>
<td>7,144.62</td>
<td>7,144.62</td>
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<tr>
<td>8/28/2018</td>
<td>8/28/2018</td>
<td>8-2018-1</td>
<td>CALPERS</td>
<td>RETIREMENT CONTRIBUTIONS, PAYROLL PERIOD 8/1-15/2018</td>
<td></td>
<td>3,238.52</td>
<td>3,238.52</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL ELECTRONIC PAYMENTS</td>
<td></td>
<td>47,054.99</td>
<td></td>
</tr>
<tr>
<td>8/15/2018</td>
<td>8/15/2018</td>
<td>8/15/2018</td>
<td>PAYROLL</td>
<td>08/1-15/2018</td>
<td></td>
<td>18,338.96</td>
<td>18,338.96</td>
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<tr>
<td>8/31/2018</td>
<td>8/31/2018</td>
<td>Aug-18</td>
<td>BECKER, TIMOTHY</td>
<td>DIRECT DEPOSIT</td>
<td></td>
<td>702.00</td>
<td>19,584.20</td>
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<tr>
<td>8/31/2018</td>
<td>8/31/2018</td>
<td>Aug-18</td>
<td>CUTTER, PAULINE</td>
<td>DIRECT DEPOSIT</td>
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<td>468.00</td>
<td></td>
</tr>
<tr>
<td>8/31/2018</td>
<td>8/31/2018</td>
<td>Aug-18</td>
<td>HANDLEY, TOM</td>
<td>DIRECT DEPOSIT</td>
<td></td>
<td>468.00</td>
<td></td>
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<tr>
<td>8/31/2018</td>
<td>8/31/2018</td>
<td>Aug-18</td>
<td>JOHNSON, RALPH</td>
<td>DIRECT DEPOSIT</td>
<td></td>
<td>468.00</td>
<td></td>
</tr>
<tr>
<td>8/31/2018</td>
<td>8/31/2018</td>
<td>Aug-18</td>
<td>PEIXOTO, MARVIN</td>
<td>DIRECT DEPOSIT</td>
<td></td>
<td>468.00</td>
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<tr>
<td>8/31/2018</td>
<td>8/31/2018</td>
<td>8/31/2018</td>
<td>PAYROLL</td>
<td>08/16-31/2018</td>
<td></td>
<td>17,010.20</td>
<td></td>
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<td></td>
<td>TOTAL DIRECT DEPOSIT</td>
<td></td>
<td>37,923.16</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL DISBURSEMENTS</td>
<td></td>
<td>735,360.80</td>
<td></td>
</tr>
</tbody>
</table>
ITEM NO. 6 PRELIMINARY TREASURER'S REPORT FOR AUGUST 2018

The beginning cash balance on August 1, 2018 was $5,183,021.62. The ending cash balance on August 31, 2018 was $10,176,053.18. Total receipts for the month were $5,728,392.36 and disbursements were $735,360.80. EBDA has a three-pronged investment approach, as shown in the figure below.

- CD investments total twenty-one laddered Certificates of Deposit with an average coupon rate of 1.78%. In August, one of EBDA's 3-year Certificates of Deposit reached maturity and was redeemed at the coupon rate of 1.75%.
- The LAIF interest rate for the period ending August 31, 2018 was 1.99%.
- Maintaining a higher balance in the State/Local Government account minimizes transfer fees between the two accounts. The interest rate for this period was 0.30%.

Approval is recommended.
<table>
<thead>
<tr>
<th>FUND</th>
<th>DESCRIPTION</th>
<th>BEGINNING CASH BALANCE</th>
<th>DEBITS</th>
<th>CREDITS</th>
<th>ENDING CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>OPERATIONS &amp; MAINTENANCE</td>
<td>662,269.64</td>
<td>693,555.08</td>
<td>451,116.30</td>
<td>904,708.42</td>
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<tr>
<td>13</td>
<td>PLANNING &amp; SPECIAL STUDIES</td>
<td>239,147.29</td>
<td>4,810,350.79</td>
<td>134,060.22</td>
<td>4,915,437.86</td>
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<tr>
<td>14</td>
<td>RECLAMATION O &amp; M</td>
<td>90,066.01</td>
<td>10,000.00</td>
<td>5,562.62</td>
<td>94,503.39</td>
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<tr>
<td>31</td>
<td>REPLACEMENT</td>
<td>4,179,769.18</td>
<td>214,486.49</td>
<td>144,621.66</td>
<td>4,249,634.01</td>
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<tr>
<td>41</td>
<td>CONSTRUCTION</td>
<td>11,769.50</td>
<td></td>
<td></td>
<td>11,769.50</td>
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<tr>
<td></td>
<td>TOTALS</td>
<td>5,183,021.62</td>
<td>5,728,392.36</td>
<td>735,360.80</td>
<td>10,176,053.18</td>
</tr>
</tbody>
</table>
## SUPPLEMENTAL TREASURER'S REPORT

### The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.
<table>
<thead>
<tr>
<th>Description</th>
<th>Purchase Date</th>
<th>Maturity Date</th>
<th>Coupon Rate</th>
<th>Face Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMERICAN EXP CENT BK CD SALT LKE CITY UT ACT/365 FDIC INSURED CPN 1.650% DUE 11/05/18 DTD 11/04/15 FC 05/04/16</td>
<td>11/4/2015</td>
<td>11/05/2018</td>
<td>1.650%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>GOLDMAN SACHS BK USA CD NEW YORK NY ACT/365 FDIC INSURED CPN 1.750% DUE 01/07/19 DTD 01/06/16 FC 07/06/16</td>
<td>1/6/2016</td>
<td>01/07/2019</td>
<td>1.750%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>ALLY BANK CD MIDVALE UT ACT/365 FDIC INSURED CPN 1.300% DUE 02/19/19 DTD 02/18/16 FC 08/18/16</td>
<td>2/18/2016</td>
<td>02/19/2019</td>
<td>1.300%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>JP MORGAN CHASE BK NY CD COLUMBUS OH ACT/365 FDIC INSURED CALLABLE CPN 1.200% DUE 04/29/19 DTD 04/29/16 FC 07/29/16 CALL1 04/29/17 @ 100.000</td>
<td>4/29/2016</td>
<td>04/29/2019</td>
<td>1.200%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>BANK HAPOALIM B M CD NEW YORK NY ACT/365 FDIC INSURED CPN 1.200% DUE 06/03/19 DTD 06/01/16 FC 12/01/16</td>
<td>6/1/2016</td>
<td>06/03/2019</td>
<td>1.200%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>JP MORGAN CHASE BK NY CD MULTI STP UP CPN ACT/365 CALLABLE FDIC INSURED CPN 1.000% DUE 06/28/19 DTD 06/28/16 FC 09/28/16 CALL1 09/28/17 @ 100.000</td>
<td>6/28/2016</td>
<td>06/28/2019</td>
<td>1.000%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>BARCLAYS BK DELAWARE CD WILMINGTON DE ACT/365 FDIC INSURED CPN 2.050% DUE 07/16/19 DTD 07/16/14 FC 01/16/15</td>
<td>9/16/2016</td>
<td>07/16/2019</td>
<td>2.050%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>ALLY BANK CD MIDVALE UT ACT/365 FDIC INSURED CPN 1.200% DUE 08/12/19 DTD 08/11/16 FC 02/11/17</td>
<td>8/11/2016</td>
<td>08/12/2019</td>
<td>1.200%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>ALLY BANK CD MIDVALE UT ACT/365 FDIC INSURED CPN 1.350% DUE 11/04/19 DTD 11/03/16 FC 05/03/17</td>
<td>11/3/2016</td>
<td>11/04/2019</td>
<td>1.350%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>ALLY BANK CD MIDVALE UT ACT/365 FDIC INSURED CPN 1.600% DUE 12/16/19 DTD 12/15/16 FC 06/15/17</td>
<td>12/15/2016</td>
<td>12/16/2019</td>
<td>1.600%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>CAPITAL ONE BK USA NA CD GLEN ALLEN VA ACT/365 FDIC INSURED CPN 1.750% DUE 01/13/20 DTD 01/11/17 FC 07/11/17</td>
<td>1/11/2017</td>
<td>1/13/2020</td>
<td>1.750%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>LAKESIDE BANK CD CHICAGO IL ACT/365 FDIC INSURED CPN 1.750% DUE 02/14/20 DTD 02/14/17 FC 08/14/17 CUSIP 51210SNL7</td>
<td>7/12/2017</td>
<td>2/14/2020</td>
<td>1.750%</td>
<td>$47,000.00</td>
</tr>
<tr>
<td>DISCOVER BANK CD GREENWOOD DE ACT/365 FDIC INSURED CPN 1.800% DUE 03/02/20 DTD 03/01/17 FC 09/01/17 CUSIP 2546723K2</td>
<td>3/1/2017</td>
<td>3/2/2020</td>
<td>1.800%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>KEY BANK NA CD CLEVELAND OH ACT/365 FDIC INSURED CPN 1.750% DUE 04/13/20 DTD 04/12/17 FC 10/12/17</td>
<td>4/12/2017</td>
<td>4/13/2020</td>
<td>1.750%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>GOLDMAN SACHS BK USA CD NEW YORK NY ACT/365 FDIC INSURED CPN 1.900% DUE 06/22/20 DTD 06/21/17 FC 12/21/17</td>
<td>6/21/2017</td>
<td>6/20/2020</td>
<td>1.900%</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>COMENITY BANK CD WILMINGTON DE ACT/365 JUMBO CD FDIC INSURED CPN 1.900% DUE 08/31/20 DTD 08/30/17 FC 09/30/17 CUSIP 99000OPTY2</td>
<td>8/30/2017</td>
<td>8/31/2020</td>
<td>1.900%</td>
<td>$100,000.00</td>
</tr>
<tr>
<td>BARCLAYS BANK CD WILMINGTON DE ACT/365 FDIC INSURED CPN 1.950% DUE 09/21/20 DTD 09/20/17 FC 03/20/18 CUSIP 06740KKU0</td>
<td>9/20/2017</td>
<td>9/21/2020</td>
<td>1.950%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>CAPITAL ONE BK USA NA CD GLEN ALLEN VA ACT/365 FDIC INSUD CPN 2.000% DUE 11/02/20 DTD 11/01/17 FC 05/01/18 CUSIP 1404206A3</td>
<td>11/1/2017</td>
<td>11/2/2020</td>
<td>2.000%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>MORGAN STANLEY BK NA CD SAL LAKE CTY UT ACT/365 FDIC INSU CPN 2.500% DUE 02/08/21 DTD 02/08/17 FC 08/08/18 CUSIP 61747MJ93</td>
<td>1/30/2018</td>
<td>2/8/2021</td>
<td>2.500%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>MORGAN STANLEY BK NA CD SAL LAKE CTY UT ACT/365 FDIC INSU CPN 2.800% DUE 04/05/21 DTD 04/05/18 FC 10/05/18 CUSIP 61747MS69</td>
<td>4/5/2018</td>
<td>4/5/2021</td>
<td>2.800%</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>CITIBANK NA CD SIOUX FALLS SD ACT/365 FDIC INSU CPN 2.900% DUE 05/24/21 DTD 05/23/16 FC 11/23/18 CUSIP 17312QM22</td>
<td>5/23/2018</td>
<td>5/24/2021</td>
<td>2.900%</td>
<td>$50,000.00</td>
</tr>
</tbody>
</table>
ITEM NO. 7  GENERAL MANAGER’S REPORT
The General Manager will discuss items of interest concerning EBDA.

ITEM NO. 8  REPORT FROM THE MANAGERS ADVISORY COMMITTEE

MANAGERS ADVISORY COMMITTEE
AGENDA

Monday, September 17, 2018

1:30 P.M.

East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA  94580

Discussion 1  EBDA Board Package
- Finance
- Regulatory
- O&M
- Personnel

Discussion 2  Advanced Quantitative Precipitation Information (AQPI) East Bay site

Discussion 3  JPA Revision Status Update

Discussion 4  EBDA Managers Round Robin
ITEM NO. 9  REPORT FROM THE AD HOC COMMITTEE

AD HOC COMMITTEE
AGENDA

Tuesday, September 18, 2018

8:00 A.M.

East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA

Committee Members: Peixoto (Chair); Johnson

Discussion 1 – JPA Cost Allocation
FM1. Call to Order
FM2. Roll Call
FM3. Public Forum
FM4. List of Disbursements for August 2018
(FM Committee will review the List of Disbursements for the month of August 2018.)
FM5. Preliminary Treasurer's Report for August 2018
(FM Committee will review the Preliminary Treasurer's Report for the month of August 2018.)
FM6. Review of Annual CERBT Fund Statement for Fiscal Year Ending June 30, 2018
(FM Committee will review the CERBT fund statement for fiscal year ending June 30, 2018.)
FM7. CalPERS Actuarial Valuation Report as of June 30, 2017
(FM Committee will discuss the CalPERS June 30, 2017 annual actuarial valuation of the Authority's pension plan.)
FM8. Review of the Authority’s Investment Policy and Strategy
(FM Committee will discuss the investment policy and provide staff with guidance.)
FM9. Adjournment

The next Financial Management Committee meeting is scheduled on Wednesday, October 17, 2018 at 10:00 a.m.
ITEM NO. FM6 REVIEW OF ANNUAL CERBT FUND STATEMENT FOR FISCAL YEAR ENDING JUNE 30, 2018

Recommendation
This report is for the Committee’s information only and no action is required.

Background
On April 21, 2011, the EBDA Commission approved an agreement with CalPERS to participate in its California Employers Retiree Benefit Trust (CERBT) Fund to pre-fund retiree health benefits. The fund operates much like the PERS pension fund in that it is designed to increase the value of employer contributions through investment earnings.

The present value of EBDA’s future benefits is $887,909 with a remaining amortization period of 22 years. As shown in the table below, the estimated funded ratio is 24% of present value of future benefits.

<table>
<thead>
<tr>
<th>CERBT Account Summary as of June 30, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Contributions (Initial contribution made on 6/17/2011)</td>
</tr>
<tr>
<td>Total Disbursements</td>
</tr>
<tr>
<td>Total CERBT Expenses</td>
</tr>
<tr>
<td>Total Investment Earnings</td>
</tr>
<tr>
<td>Ending Balance</td>
</tr>
<tr>
<td>Current Asset Allocation Strategy Selection</td>
</tr>
</tbody>
</table>

On June 30, 2018, the CERBT Fund balance was $207,564.02, which includes a fiscal year end contribution of $47,320. The Authority’s CERBT statement is attached for the Committee’s review.
## Market Value Summary:

<table>
<thead>
<tr>
<th></th>
<th>QTD Current Period</th>
<th>Fiscal Year to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance</td>
<td>$158,929.67</td>
<td>$148,850.05</td>
</tr>
<tr>
<td>Contribution</td>
<td>47,320.00</td>
<td>47,320.00</td>
</tr>
<tr>
<td>Disbursement</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Transfer In</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Transfer Out</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Investment Earnings</td>
<td>1,352.09</td>
<td>11,530.96</td>
</tr>
<tr>
<td>Administrative Expenses</td>
<td>(21.75)</td>
<td>(79.00)</td>
</tr>
<tr>
<td>Investment Expense</td>
<td>(15.99)</td>
<td>(57.99)</td>
</tr>
<tr>
<td>Other</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Ending Balance</strong></td>
<td><strong>$207,564.02</strong></td>
<td><strong>$207,564.02</strong></td>
</tr>
<tr>
<td>FY End Contrib per GASB 74 Para 22</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>FY End Disbursement Accrual</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$207,564.02</strong></td>
<td><strong>$207,564.02</strong></td>
</tr>
</tbody>
</table>

## Unit Value Summary:

<table>
<thead>
<tr>
<th></th>
<th>QTD Current Period</th>
<th>Fiscal Year to Date</th>
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</thead>
<tbody>
<tr>
<td>Beginning Units</td>
<td>10,117.893</td>
<td>10,117.893</td>
</tr>
<tr>
<td>Unit Purchases from Contributions</td>
<td>2,957.251</td>
<td>2,957.251</td>
</tr>
<tr>
<td>Unit Sales for Withdrawals</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Unit Transfer In</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Unit Transfer Out</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Ending Units</strong></td>
<td><strong>13,075.144</strong></td>
<td><strong>13,075.144</strong></td>
</tr>
<tr>
<td>Period Beginning Unit Value</td>
<td>15.707757</td>
<td>14.711547</td>
</tr>
<tr>
<td>Period Ending Unit Value</td>
<td>15.874695</td>
<td>15.874695</td>
</tr>
</tbody>
</table>

Please note the Grand Total is your actual fund account balance at the end of the period, including all contributions per GASB 74 paragraph 22 and accrued disbursements. Please review your statement promptly. All information contained in your statement will be considered true and accurate unless you contact us within 30 days of receipt of this statement. If you have questions about the validity of this information, please contact CERBT40@calpers.ca.gov.
## Statement of Transaction Detail for the Quarter Ending 06/30/2018

East Bay Dischargers Authority  
**Entity #: SKB0-5860828298**

<table>
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<th>Description</th>
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<th>Unit Value</th>
<th>Units</th>
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<td>$16.001349</td>
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ITEM NO. FM7   CALPERS ACTUARIAL VALUATION REPORT AS OF JUNE 30, 2017

Recommendation
This report is for the Committee’s information and no action is required.

Background
While EBDA’s projected payment of unfunded liability will change only modestly next year, the longer term picture will see a high rate of increase in required payments for unfunded liability. Rates are changing due to three major drivers:

1) Changing demographic assumptions – retirees are living longer than assumed.
2) Changing investment returns – the assumed interest earnings have been reduced from 7.5% to 7.0% with a three year phase-in.
3) Reduction of inflation rate assumption – the assumed inflation rate was reduced from 2.625% to 2.5%.

As a result, EBDA’s retirement plan has a funded ratio of 80.9% with an unfunded accrued liability (UAL) of $778,089. CalPERS lays out a 30-year amortization schedule by which agencies could pay off their unfunded liabilities sooner. Table 1 presents CalPERS current estimates of those projected payments assuming a 30-year amortization. Besides the required percentage contribution of payroll, EBDA also pays an annual UAL payment to reduce the unfunded liability over 30 years that will be increasing in the next 7 years. Since last year, the normal cost rate has changed from 10.6% to 11.4%, and the annual UAL payment has increased by $13,959 to $44,901.

Table 1. Projected Employer Contribution Rates at a 30-Year Amortization

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<td>Normal Cost %</td>
<td>11.432%</td>
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<td>UAL Payment</td>
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<td>$54,000</td>
<td>$65,000</td>
<td>$74,000</td>
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Many agencies have begun paying off their accrued liabilities sooner rather than amortize payment over 30 years as now assumed by CalPERS. EBDA pursued this strategy in FY2017/18 by making a lump sum payment. EBDA could continue this strategy of making large lump sum payments when extra funds are available. Alternatively, EBDA could budget for paying off the liability at a 15-year or a 20-year amortization rate rather than the default 30-year rate (Table 2). These strategies would raise annual payments over these next five years, but would produce estimated savings over 30 years of $120,124 for the 20-year payment schedule or $380,718 for the 15-year schedule.
Table 2. 30-Year Amortization Schedule and Alternatives

<table>
<thead>
<tr>
<th>Date</th>
<th>Current Amortization Schedule</th>
<th>Alternate Schedules</th>
<th>20 Year Amortization</th>
<th>15 Year Amortization</th>
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ITEM NO. FM8 REVIEW OF THE AUTHORITY’S INVESTMENT POLICY AND STRATEGY

Recommendation
That the Committee provide guidance to Staff on the Authority’s current investment strategy and next steps for updating the Authority’s Investment Policy and long-term strategy.

Background
On July 17, 2014, the EBDA Commission adopted Resolution 14-16 authorizing an account for investment services for purchasing brokered certificates of deposit (CDs). EBDA currently has $1.1 million invested in laddered CDs which have maturity dates extending through May 2021. The first two CDs have recently matured, one more CD will mature in 2018, and another $450,000 will be redeemed through 2019. Availability of these funds presents an opportunity for EBDA to assess its investment policy and strategy going forward. Staff is recommending a two-phased approach:

Phase 1
As an interim strategy while a more detailed review of EBDA’s investment policy and strategy are evaluated, staff recommends that as CDs mature, the available funds be moved to EBDA’s LAIF account. This recommendation is based on three factors:

- The Staff Report for Resolution 14-16 indicated that EBDA would be able to access all its funds after 2 – 4 years.
- Significant capital project expenses are expected over the next year for the HEPS MCC project. In addition, the pending JPA renewal could necessitate temporarily or permanently liquidating funds and reallocating them to member agencies. For both of these reasons, having funds liquid is desirable.
- As shown in the Preliminary Treasurers Report (Item No. FM 5), interest rates for LAIF have been climbing, and currently exceed those for CDs. In FY 2017/2018, the interest earned in LAIF was $41,400. EBDA’s CDs earned $17,400 in the same period.

Phase 2
Staff recommends that EBDA review and update its Financial Management System Policy and Procedures Manual. The Manual was last reviewed in May 2013 and is therefore due for an update. In particular, the Investment Section (Section X) requires special attention, as regulations and requirements have changed in the last several years. While the Investment Section as written is substantially consistent with Government Finance Officers Association (GFOA) Best Practices (see attached), there are opportunities for improvement. Staff recommends engaging a third party to review compliance, risk, and performance standards, among other items. Concurrently, EBDA staff will review the remainder of the Financial Management System Policy and Procedures Manual and bring recommended changes to the Commission.
Following the review of EBDA’s Investment Policy, staff will seek third party assistance in developing a long-term investment and portfolio management strategy. While EBDA’s total portfolio is relatively small, EBDA desires to maximize its return on investments, while maintaining safety and liquidity. Staff recommends retaining a consultant to work with the staff to assess investment options in the current market which incorporate the Authority’s Investment Policy, expected cash flow requirements, and risk tolerance. A recommended investment strategy would be brought to the Commission for consideration.

Staff has identified consultants that will review and recommend updates to the Authority’s Investment Policy and also provide recommendations on investment strategy, both for under $10,000. With concurrence from the Committee, staff will select a consultant to perform this work.

Attachment: Government Finance Officers Association (GFOA) Best Practice on Investment Policy
BEST PRACTICE

Investment Policy

BACKGROUND:

An investment policy describes the parameters for investing government funds and identifies the investment objectives, preferences or tolerance for risk, constraints on the investment portfolio, and how the investment program will be managed and monitored. The document itself serves as a communication tool for the staff, elected officials, the public, rating agencies, bondholders, and any other stakeholders on investment guidelines and priorities. An investment policy enhances the quality of decision making and demonstrates a commitment to the fiduciary care of public funds, making it the most important element in a public funds investment program.

RECOMMENDATION:

GFOA recommends that all governments establish a comprehensive written investment policy, which should be adopted by the governing body. The investment policy should be reviewed and updated annually and should include statements on the following:

- **Scope and investment objectives** Tailor the scope and investment objectives to the type of investment to which the policy applies (e.g., excess operating funds, bond proceeds, pension fund assets).
- **Roles, responsibilities, and standards of care** Identify the roles of all persons involved in the investment program by title and responsibility. Standards of care should include language on prudence (i.e., the prudent person rule), due diligence, ethics and conflicts of interest, delegation and authority, and knowledge and qualifications.
- **Suitable and authorized investments** Include guidelines on selecting investment types, investment advisors, interest rate risk, maturities, and credit quality, along with any collateralization requirements.
- **Investment diversification** State the government’s approach to investment diversification, identifying the method that will be used to create a mix of assets that will achieve and maintain the government’s investment objectives.
- **Safekeeping, custody, and internal controls** Develop guidelines to enhance the separation of duties and reduce the risk of fraud.
- **Authorized financial institutions, depositaries, and broker/dealers** Establish a process for creating a list of financial institutions, depositaries, and broker/dealers that will provide the primary services necessary for executing the investment program.
- **Risk and performance standards** Establish one or more appropriate benchmarks against which the portfolio should be measured and compared.
- **Reporting and disclosure standards** Define the frequency of reporting to the governing body and the government’s management team.
ITEM NO. 11
REGULATORY AFFAIRS COMMITTEE
AGENDA
Tuesday, September 18, 2018
9:00 A.M.

East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580

Committee Members: Cutter (Chair); Becker

RA1. Call to Order

RA2. Roll Call

RA3. Public Forum

(The Committee will review NPDES Permit compliance data for July 2018.)

RA5. Update on Compliance with Bacteria Requirements
(The Committee will be updated on EBDA’s summer compliance with NPDES bacteria limits.)

RA6. Regional Water Board Wetlands Policy Review Update
(The Committee will be updated on the SF Water Board’s process to review its policy.)

RA7. BACWA Annual Meeting with BAAQMD Staff
(The Committee will review outcomes of a recent meeting between wastewater representatives and air district staff.)

RA8. Adjournment

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

(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 Administrative Assistant at (510) 278-5910 or juanita@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

The next Regulatory Affairs Committee meeting is scheduled on Tuesday, October 16, 2018 at 9:00 a.m.
ITEM NO. RA4 STATUS REPORT – NPDES PERMIT

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

Permit Compliance Issues
There were no NPDES permit violations in July and preliminary data from August are also free of permit exceedances. EBDA’s DMR forms are attached. Member Agency CBOD and TSS performance are included below.

EBDA’s July 2017 permit contains a provision allowing the Authority to reduce acute and chronic toxicity monitoring from bi-monthly to quarterly following one year with no exceedances. Having now completed the first year of monitoring with perfect compliance, staff informed the Water Board in August that we intend to reduce toxicity monitoring frequency to quarterly, consistent with this permit provision. One additional toxicity monitoring event will be conducted in calendar year 2018.
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<th>QUALITY OR CONCENTRATION</th>
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I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

NAME / TITLE PRINCIPAL EXECUTIVE OFFICER
Jacqueline Zipkin
General Manager

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT
510-278-5961
18 | 08 | 20

TELEPHONE DATE
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NOTE: Read instructions before completing this form.

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

NAME / TITLE PRINCIPAL EXECUTIVE OFFICER
Jacqueline Zipkin, General Manager

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE
510-278-5961

D A T E
18 | 08 | 20

COMMENT AND EXPLANATION OF ANY VIOLATIONS

(Reference all attachments here)
**NAME**: East Bay Dischargers Authority; Livermore-Amador  
**ADDRESS**: 2651 Grant Avenue, San Lorenzo, CA 94580  
**FACILITY**: EBDA COMMON OUTFALL  
**LOCATION**: 14150 MONARCH BAY DRIVE, SAN LEANDRO, CA 94577

### MONITORING PERIOD
from 07/01/2018 to 07/31/2018

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>QUANTITY OR LOADING</th>
<th>QUALITY OR CONCENTRATION</th>
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<th>FREQUENCY OF ANALYSIS</th>
<th>SAMPLE TYPE</th>
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<td><strong>MN</strong></td>
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<td>90</td>
<td><strong>MN</strong></td>
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<tr>
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<td><strong>MN</strong></td>
<td><strong>MN</strong></td>
<td>NODI(9)</td>
<td>NODI(9)</td>
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**NAME / TITLE PRINCIPAL EXECUTIVE OFFICER**  
Jacqueline Zipkin, General Mgr  
**TELEPHONE** 708-278-5961  
**DATE** 18 | 08 | 20

**SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT**

Comment and Explanation of Any Violations:

(Reference all attachments here)
**Parameter** | **Quantity or Loading** | **Quality or Concentration** | **No. Ex.** | **Frequency of Analysis** | **Sample Type** |
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<tr>
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<td></td>
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<tr>
<td>00530 1 0 Effluent Gross</td>
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<tr>
<td>Flow, in conduit or thru treatment plant</td>
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<tr>
<td>50050 1 0 Effluent Gross</td>
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<td>Flow, total</td>
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<tr>
<td>51500 1 0 Effluent Gross</td>
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<tr>
<td>BOD, carbonaceous, 05 day, 20 C</td>
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<tr>
<td>80082 1 0 Effluent Gross</td>
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<td>BOD, carb-5 day, 20 deg C, percent removal</td>
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<tr>
<td>80091 K 0 Effluent Gross</td>
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</tr>
<tr>
<td>Solids, suspended percent removal</td>
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<tr>
<td>81011 K 0 Effluent Gross</td>
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</tbody>
</table>

**NAME / TITLE PRINCIPAL EXECUTIVE OFFICER**

Jacqueline Zipkin, General Manager

**TELEPHONE**

510-278-5961

**DATE**

18 | 08 | 20

**SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT**

Page 35 of 144
**PERMITTEE NAME/ADDRESS:**

**NAME:** East Bay Dischargers Authority; Livermore-Amador

**ADDRESS:** 2651 Grant Avenue
San Lorenzo, CA 94580

**FACILITY:** EBDA COMMON OUTFALL

**LOCATION:** 14150 MONARCH BAY DRIVE
SAN LEANDRO, CA 94577

**ATTN:** Jacqueline Zipkin, General Mgr

---

**MONITORING PERIOD**

FROM: 07/01/2018  TO: 07/31/2018

**NOTE:** Read instructions before completing this form.

---

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<tr>
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<td>SAMPLE MEASUREMENT</td>
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</tr>
<tr>
<td></td>
<td>PERMIT REQUIREMENT</td>
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<tr>
<td>Flow, in conduit or thru treatment plant</td>
<td>SAMPLE MEASUREMENT</td>
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<td></td>
<td>PERMIT REQUIREMENT</td>
<td>***** REQ MON DAILY AVG</td>
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<td>SAMPLE MEASUREMENT</td>
<td>****</td>
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<tr>
<td></td>
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<td>***** REQ MON MO TOTAL</td>
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<tr>
<td></td>
<td>PERMIT REQUIREMENT</td>
<td>*****</td>
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</table>

---

**NAME / TITLE PRINCIPAL EXECUTIVE OFFICER**

Jacqueline Zipkin, General Manager

**TELEPHONE**

510-278-5961

**SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT**

510-278-5961

**DATE**

18 | 08 | 20

---

**COMMENT AND EXPLANATION OF ANY VIOLATIONS**

(Reference all attachments here)
### NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) FORM APPROVED NAME: East Bay Dischargers Authority; Livermore-Amador LOCATION: 14150 MONARCH BAY DRIVE SAN LEANDRO, CA 94577 FACILITY: EBDA COMMON OUTFALL PERMIT NUMBER: 002C-A DISCHARGE NUMBER: MAJOR (SUBR U2) DISCHARGE 002C / Monthly DMR Mailing ZIP CODE: 94580 OMB No. 2040-0004

#### DISCHARGE MONITORING REPORT (DMR)

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<tr>
<th>PARAMETER</th>
<th>QUANTITY OR LOADING</th>
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<td>Twice Every Week</td>
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<tr>
<td>00400 1 0</td>
<td>Effluent Gross</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solids, total suspended</td>
<td></td>
<td></td>
<td>(19)</td>
<td>Three Per Week</td>
<td>COMP24</td>
</tr>
<tr>
<td>00530 1 0</td>
<td>Effluent Gross</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Flow, in conduit or thru treatment plant</td>
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<td>Daily</td>
<td>CONTIN</td>
</tr>
<tr>
<td>50050 1 0</td>
<td>Effluent Gross</td>
<td></td>
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<td>Daily</td>
<td>CONTIN</td>
</tr>
<tr>
<td>Flow, total</td>
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<td>CONTIN</td>
</tr>
<tr>
<td>51500 1 0</td>
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<tr>
<td>BOD, carbonaceous, 05 day, 20 C</td>
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<td></td>
<td>(19)</td>
<td>Weekly</td>
<td>COMP24</td>
</tr>
<tr>
<td>80082 1 0</td>
<td>Effluent Gross</td>
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<td>Weekly</td>
<td>COMP24</td>
</tr>
<tr>
<td>BOD, carb-5 day, 20 deg C, percent removal</td>
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<td>CALCTD</td>
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<td>Effluent Gross</td>
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<td>Monthly</td>
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#### NOTE: Read instructions before completing this form.
### PARAMETER

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<td>Two Every Week</td>
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<td>COMP24</td>
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<tr>
<td>00530 1.0</td>
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<tr>
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<td>50050 1.0</td>
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<td>BOD, carbonaceous, 05 day, 20 C</td>
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<td>Weekly</td>
<td>COMP24</td>
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<td>Monthly</td>
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<td>Monthly</td>
<td>CALCTD</td>
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</table>

**NAME / TITLE PRINCIPAL EXECUTIVE OFFICER**

Jacqueline Zipkin, General Manager

**TELEPHONE**

510-278-5961

**DATE**

18 | 08 | 20

**SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT**

510-278-5961

**AREA CODE NUMBER**

18 | 08 | 20

**COMMENT AND EXPLANATION OF ANY VIOLATIONS**

(Reference all attachments here)
**Permittee Name/Address:** National Pollutant Discharge Elimination System (NPDES)

**Name:** East Bay Dischargers Authority; Livermore-Amador

**Address:** 2651 Grant Avenue
San Lorenzo, CA 94580

**Facility:** EBDA Common Outfall

**Location:** 14150 Monarch Bay Drive
San Leandro, CA 94577

---

**Discharge Monitoring Report (DMR)**

**DMR Mailing ZIP Code:** 94580

**Form Approved OMB No.:** 2040-0004

---

**Facility:** EBDA Common Outfall

**Influential Structure:**

**Permit Number:** CA0037869

**Discharge Number:** INFA-A

**Major Subpart:** (SUBR 02)

---

**Monitoring Period:**

**From:** 07/01/2018

**To:** 07/31/2018

**No Discharge**

---

**Parameter**

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<td>Three Per Week</td>
<td>COMP24</td>
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<td>Flow, total</td>
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<td>Daily</td>
<td>CONTIN</td>
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<tr>
<td>BOD, carbonaceous, 05 day, 20 C</td>
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<td>Weekly</td>
<td>COMP24</td>
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**Comment and Explanation of Any Violations**

(Reference all attachments here)

---

**Signature of Principal Executive Officer or Authorized Agent:**

Jacqueline Zipkin
General Manager

**Telephone:** 510-278-5961

**Area Code Number:** 510

**Year:** 18

**Month:** 08

**Day:** 20

---

EPA Form 3320-1 (Rev.01/06) Previous editions may be used.

Page 39 of 144 of 7/1/2017
## Discharge Monitoring Report (DMR)

### Monitoring Period

- **From:** 07/01/2018
- **To:** 07/31/2018
- **Facility:** EBDA Common Outfall
- **Location:** 14150 Monarch Bay Drive, San Leandro, CA 94577

### Permitted Parameters

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<th>Parameter</th>
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<td><strong>MINIMUM</strong></td>
<td><strong>AVERAGE</strong></td>
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<tr>
<td>80082 G 0 Intake</td>
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</tbody>
</table>

### Signature

Jacqueline Zipkin, General Manager

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: Jacqueline Zipkin

Date: 08/18/2018

Area Code: 510

Telephone: 278-5961

Page 40 of 144
**MONITORING PERIOD**

<table>
<thead>
<tr>
<th>Parameter</th>
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<th>Quality or Concentration</th>
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<td>SAMPLE MEASUREMENT</td>
<td>AVERAGE: 228</td>
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</table>

**NOTE:** Read instructions before completing this form.

**SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER**

Jacqueline Zipkin, General Mgr

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED, BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

**TELEPHONE**

510-278-5961

**DATE**

18 | 08 | 20

**AREA CODE NUMBER**

Page 41 of 144
**Parameter** | **Quantity or Loading** | **Quality or Concentration** | **No. EX** | **Frequency of Analysis** | **Sample Type**
---|---|---|---|---|---
Solids, total suspended | SAMPLE MEASUREMENT | ***** | ***** | **** | (19) | Three Per Week
| PERMIT REQUIREMENT | | | | | COMP24
Flow, in conduit or thru treatment plant | SAMPLE MEASUREMENT | | | 22.7 | (03) | Daily
| PERMIT REQUIREMENT | | | | | CONTIN
Flow, total | SAMPLE MEASUREMENT | | | 678.4 | (3R) | Daily
| PERMIT REQUIREMENT | | | | | CONTIN
BOD, carbonaceous, 05 day, 20 C | SAMPLE MEASUREMENT | | | **** | (19) | Weekly
| PERMIT REQUIREMENT | | | | | COMP24
80082 G 0 Intake | SAMPLE MEASUREMENT | | | **** | | Weekly
| PERMIT REQUIREMENT | | | | | COMP24

**Notes:** Read instructions before completing this form.
ITEM NO. RA5 UPDATE ON COMPLIANCE WITH BACTERIA REQUIREMENTS

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

Background
This is the time of year that EBDA has historically experienced high bacterial test results. This year, the results are within the normal parameters.

Discussion
EBDA's NPDES permit bacterial effluent limitations are as follows:

**Enterococcus:** The geometric mean enterococci bacteria concentration of all samples in a calendar month shall not exceed 240 most probable number per 100 milliliters (MPN/100 mL) at Discharge Point No. 001, with compliance measured at Monitoring Location EFF-001D as described in the MRP.

**Fecal Coliform Bacteria:** The discharge at Discharge Point No. 001 shall meet the following fecal coliform bacteria limitations, with compliance measured at Monitoring Location EFF-001D as described in the MRP:

1. The geometric mean value of all fecal coliform bacteria samples in a calendar month shall not exceed 500 most probable number per 100 milliliters (MPN/100 mL), and
2. The 11-sample 90th percentile value of all fecal coliform bacteria samples in a calendar month shall not exceed 1,100 MPN/100 mL.

As shown in the table below, all results this year have been well below these limits. Compliance has been achieved through close coordination between EBDA and member agencies regarding chlorine dosing. EBDA staff has been in regular communication with the member agencies' operations staff and has asked all members to increase their chlorine residual twice so far this year. In addition, on July 20th, EBDA asked the City of Hayward to start adding an additional 100 gallons of Hypo per day at EBDA’s expense, and on August 13th, the additional Hypo was increased to 150 gallons per day.

EBDA staff would like to take this opportunity to thank all the member agencies' staff for their vigilance with regard to chlorine residual. EBDA would also like to thank the City of San Leandro Lab for their diligence and LAVWMA for their willingness to adjust their pumping schedule to ensure that the test results are as representative as possible. Compliance is truly a team effort.
## 2018 Bacterial Testing Results

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| August 2018, Geomean |     |      |        | 17   | 3                |               |
ITEM NO. RA6 REGIONAL WATER BOARD WETLANDS POLICY REVIEW UPDATE

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

Background
As discussed at the August 14, 2018 Regulatory Affairs Committee Meeting, the SF Regional Water Board (RWB) is currently reviewing its Baylands Restoration and Climate Change Policy. The current Policy on the Use of Wastewater to Create, Restore, and/or Enhance Wetlands was adopted in 1994. Review of this policy is timely given the current focus on utilizing wetlands, along with horizontal levees and other shoreline enhancements, to increase resilience to sea level rise and also to reduce nutrient loads to the Bay and remove constituents of emerging concern.

The EBDA General Manager participated in a workshop held by RWB staff on August 14 to solicit feedback on the Policy. RWB staff appears very open to stakeholder suggestions on how to modify the policy to facilitate wetland and horizontal levee projects. A BACWA work group is currently developing a letter to the RWB with the following messages:

1. The Policy should be amended to encourage development of wetlands and use of wastewater in wetlands because:
   - Freshwater/brackish wetlands support more diverse habitat than saltwater wetlands
   - Wetlands can improve water quality by removing nutrients, metals, and CECs
   - Wetlands can be a tool to mitigate the impacts of sea level rise

2. The Policy should add the above benefits (habitat, water quality, shoreline resilience) to support the exceptions to the shallow discharge prohibition in the Basin Plan.
   - A new exception to the shallow discharge prohibition should be added for projects that increase shoreline resilience to sea level rise.
   - If that’s not practical, the definition of “net environmental benefit” should be expanded to recognize the ongoing and increasing benefits from sea level rise protection.

3. The Policy should recognize a combination of treatment credit within the wetlands and allow mixing zones for any constituents of concern to avoid overly conservative permit limits.

4. The Regional Water Board should work with the Resources Agencies and other governmental entities to streamline project permitting.
5. BACWA will work with RWB to present specific case studies (including Oro Loma Sanitary District’s horizontal levee and San Leandro’s treatment wetlands) and find permitting solutions.

Staff will keep the Committee apprised as the Policy revision process proceeds.
ITEM NO. RA7 BACWA ANNUAL MEETING WITH BAAQMD STAFF

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

Background
The BACWA Air Issues and Regulations (AIR) Committee tracks regulations that have the potential to affect wastewater agencies and advocates for the interests of the wastewater community with regulatory agencies. On an annual basis, the AIR Committee meets with key BAAQMD staff to discuss hot topics in emerging regulations of interest to wastewater. The most recent such meeting took place on August 6, 2018. Notes from that meeting are attached.

Discussion
The table below outlines the topics addressed at the recent BACWA AIR – BAAQMD Meeting, and the potential implications for EBDA member agencies.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Potential Implications</th>
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<tbody>
<tr>
<td>Basin-wide Methane Strategy</td>
<td>Rules under development include:</td>
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<tr>
<td></td>
<td>• Rule 13-1: Significant Methane Releases. This rule has the potential to lead to greater restrictions on digester maintenance, cleaning, and/or capital projects that require temporary releases of digester gas.</td>
</tr>
<tr>
<td></td>
<td>• Rule 13-2: Organic Material Handling. This rule also potentially will affect digester operations and biosolids management.</td>
</tr>
<tr>
<td></td>
<td>• Rule 13-3: Composting Operations. This rule could impact the viability of composting as a biosolids management option.</td>
</tr>
<tr>
<td>Rule 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities</td>
<td>Requires facilities to perform a risk assessment, and if risks are above certain thresholds, implement risk reduction measures including emissions controls. To assess the implications, it is recommended that agencies perform initial risk screens to determine the likelihood of exceeding the thresholds. Agencies should also work with their BAAQMD permit engineers to update their influent characteristics in anticipation of BAAQMD risk assessments that are based on influent data.</td>
</tr>
<tr>
<td>Technology Implementation Loan Program</td>
<td>Low interest loans may be available for technologies that reduce greenhouse gas emissions.</td>
</tr>
<tr>
<td>AB 617 Implementation</td>
<td>AB 617 requires the state to select additional communities for monitoring and/or action plans annually, beginning in October 2019. In the first year, BAAQMD plans to focus on Richmond and West Oakland. The Tri-Valley area is identified for years 2-5.</td>
</tr>
<tr>
<td>Permit Conditions for Temporary Pilot Test Projects</td>
<td>Several Bay Area wastewater agencies have identified air permit terms and permitting process as a significant barrier to implementing innovative pilot projects. BACWA has identified this as a priority issue and will be working with BAAQMD on strategies to address it.</td>
</tr>
</tbody>
</table>

In the coming months, the EBDA General Manager will be working with the member agencies to understand their current and upcoming air quality regulatory concerns and will work with agency staff and through BACWA to advocate for practical and implementable regulations and permits.
BACWA - BAAQMD Annual Meeting Summary

Date: August 6, 2018
Time: 10 AM - 2 PM
Location: BAAQMD Office - 375 Beale Street, San Francisco, CA 94105
Attendees: Simrun Dhoot, Idania Zamora, Carol Allen, Brenda Cabral, Flora Chan, Alfonso Borja, Derrick Tang, Brian Butler, Lucian Go, and David Joe (BAAQMD); Dave Williams (BACWA ED); Lorien Fono (BACWA); Laura Pagano and Meei-Lih Ahmad (SFPUC); Lori Schectel, Randy Schmidt, and Rita Cheng (CCCSD); Ron Hipkiss (FSSD); Tim Grillo (USD); Norm Domingo (SVCW); Samantha Engelage and Dan Patten (Palo Alto); Jason Nettleton and Jose Guerrero (San Jose); Chris Dembiczak (EBMUD); Cameron Kostigen-Mumper (Sunnyvale); Heather Johnson (Santa Rosa); Amanda Roa (Delta Diablo); Leah Walker and Jason Beatty (Petaluma); Brian Whitaker (Jacobs); Courtney Mizutani (Mizutani Environmental); Sarah Deslauriers (Carollo)

Each year the Bay Area Clean Water Agencies’ Air Issues and Regulations (BACWA AIR) Committee meets with the Bay Area Air Quality Management District (BAAQMD) to discuss hot topics. Notes provided below are based on the discussion by agenda item.

1) Basin-Wide Methane Strategy
   Idania Zamora (BAAQMD staff) presented an update on the Basin-Wide Methane Strategy (presentation attached). BAAQMD supports the state’s target to reduce methane by 40% by 2030 (relative to 2013 levels) and has the authority to regulate methane (not carbon dioxide, however, due to AB 398). Their inventory shows methane as 10% of the Bay Area’s total greenhouse gas emissions, and wastewater is estimated to account for only 6% of that methane. For comparison, landfills represent 51% of the Bay Area’s methane. BAAQMD also supports the state’s organics diversion goals in effort to achieve methane reductions. While BAAQMD would like to achieve methane reductions, they do not want to see a net increase in greenhouse gas emissions related to projects diverting organic waste from landfills. BAAQMD also does not want to be overly restrictive on stationary sources, causing materials to be transported further away leading to an increase in truck traffic and related emissions. The Methane Expert Panel will reconvene in fall to discuss these items.

   BAAQMD is developing (new) Rule 13-1: Significant Methane Releases. Public workshops are anticipated to be scheduled in late August/September, with the rule anticipated to go to the Board in late 2018. Currently, there is discussion of limited exemptions for repair and/or maintenance events (including digester cleaning operations). BAAQMD would like to meet with POTWs again in the next month. BACWA has submitted summary information on anaerobic digester cleaning procedures to help inform development of this rule. BAAQMD contact for this rule development is William Saltz. Comments may be submitted at any time.

   BAAQMD is planning the development of new Rule 13-2: Organic Material Handling. Public workshops are anticipated to be scheduled in fall, with the rule anticipated to go to the Board in 2019. This rule (includes anaerobic digestion) is expected to have three parts: 1) recordkeeping
and reporting (consistent with AB 901), 2) registration and permitting, and 3) best management practices. Monitoring requirements and methods will be discussed – BAAQMD wants to work jointly with stakeholders. Workshops are anticipated in fall 2018. BAAQMD contact for this rule development is Robert Cave.

BAAQMD is planning the development of a new Rule 13-3: Composting Operations. Public workshops are anticipated to be scheduled in fall, with the rule anticipated to go to the Board in 2019. This rule is expected to be process based. It may be developed in conjunction with Rule 13-2. BAAQMD contact for this rule development is Robert Cave.

Stakeholder input early is most helpful.

2) **Rule 11-18 - Reduction of Risk from Air Toxic Emissions at Existing Facilities**

Carol Allen (BAAQMD staff) presented an update on Rule 11-18 (presentation attached). Carol reviewed the flow chart for implementation of the rule and presented the draft Implementation schedule. She also confirmed POTWs are in Phase II. BAAQMD will begin data review in mid-2019 and health risk assessments in 2020. Risk reduction plans would then be due within 2021-2024. Final implementation of risk reduction measures would follow in 2026-2029 (for a 5-year schedule). Best Available Retrofit Technology for Toxics (TBARCT) requirements will be coordinated between Rule 11-18 and AB 617, which requires air districts to adopt an expedited schedule for implementation of BARCT at industrial sources subject to CARB’s Greenhouse Gas Cap-and-Trade requirements. A draft TBARCT workbook document is under development and being review by the Technology Implementation Office. TBARCT has a cost effectiveness consideration that TBACT does not have; there is no cost effectiveness value set yet, especially for government agencies.

Last year, Virginia Lau (BAAQMD) reached out to several POTWs for early participation in data gathering. The BAAQMD planning group is looking to expand this data gathering to all POTWs to review and update data. BAAQMD will send a request out to facilities to verify data prior to screening under Rule 11-18.

Carol recommended that POTWs update their flow characteristics now, in advance of the screening process. This can be done in conjunction with the annual renewal notice associated with the billing from BAAQMD. POTWs should contact their permit engineer to make sure the data for their facility is correct. Some influent data is still very old and does not reflect advances in source control or changes in influent characteristics. Carol stated the toxicity weighting indicated that carbon tetrachloride, perchloroethylene, and chloroform were the primary compounds expected from liquid treatment processes at POTWs that pose a risk.

Randy Schmidt (CCCSD) presented a summary of Central San’s experience performing a recent Health Risk Assessment (presentation attached). Prior to the modelling work required, there was extensive data verification of physical source characteristics, as well as emissions data. The first draft baseline HRA took approximately six (6) months at a cost of approximately $100,000. Central San is currently doing QA/AC on the draft of the baseline HRA.
Meei-Lih Ahmad (SFPUC) discussed SFPUC’s $6.9 billion Capital Improvements Program and expressed concern regarding the timing of necessary program improvements and regulations. For example, the planning of the Southeast Plant started 4 years ago and the design is at 95% now. SFPUC endeavored to select appropriate technologies, but the construction is not expected to be complete until 2024. Changing regulations are challenging and potentially expensive to comply with if they did not exist at the start of the planning horizon.

3) Technology Implementation Loan Program
Derrick Tang (BAAQMD staff) from the Technology Implementation Office (TIO) provided information on low interest loans available for technologies that reduce greenhouse gas emissions. Low interest loans with extended terms and technical assistance with engineering evaluation are available to “MUSH” borrowers (municipalities, universities, schools, and hospitals). As part of the upcoming Global Climate Action Summit (taking place in San Francisco), BAAQMD will host a Climate Tech Marketplace booth on September 13\textsuperscript{th} to connect technology providers with prospective customers.

4) AB 617 Implementation Update
David Joe (BAAQMD staff) presented an overview of AB 617 focused on the Community Air Protection Program and expedited TBARCT. West Oakland (developing an action plan) and Richmond (developing a monitoring plan) have been identified as active (“selected”) communities and will develop their plans over the next year. CARB will approve selected communities statewide in October.

For BARCT Implementation within selected communities, AB 617 requires an expedited schedule be in place by January 1, 2019 and implementation be complete by December 31, 2023. The BARCT requirements do not apply to sources that have implemented BARCT since 2007. BAAQMD is focused on Cap-and-Trade facilities that have not updated control technology. There are 19 Cap-and-Trade facilities in BAAQMD and they are primarily petroleum refineries. Carol noted BAAQMD is looking to harmonize reporting requirements. BAAQMD planning (Virginia Lau and Phil Martin) is working directly with CARB on reporting, and is making changes to BAAQMD internal processes, so that all reporting can go through BAAQMD.

5) Standard Permit Conditions and Temporary Pilot Test Projects
Alfonso Borja (BAAQMD staff) presented a summary on temporary permits for pilot projects. Under current rules, the application process for a pilot project is the same as the process for a permanent installation, but the temporary permit is only valid for 3 months. Randy Schmidt noted that SCAQMD has a shortened process for temporary projects. Carol Allen suggested that the next time Rule 2-1 (General Requirements) is opened, this topic could be pursued, but current rules do not allow for an expedited process or longer time frame.

Leah Walker (Petaluma) summarized recent experiences where standardized permit conditions would have been helpful. Leah reviewed the public bidding process, and noted that public contracting law requires competitive bidding, which means the applicant does not know precisely what equipment will be selected until after the bid award. For a recent boiler project, when special permission to sole source equipment was obtained from the lawyers, it still took ten months to obtain an authority to construct (ATC) permit. Additionally, once the ATC was
issued, there was no provision to allow for releases of small amounts of digester gas during construction. During construction, it was necessary for a piping connection to be made taking approximately two hours to complete. Petaluma checked in with BAAQMD and determined it was acceptable to make the connection. Subsequently, the plant received a notice of violation and was also notified the two-hour release would needed to be permitted. However, the length of time it would take to go through the permitting process would result in construction delays and cost overruns. Two key points from this experience: 1) There is a need to streamline the permitting process; and 2) public contracting rules must be considered – equipment is not specified at the time the permit application process begins. Brenda Cabral noted that BAAQMD is willing to evaluate up to three different engines during the permit process.

Following the official end of the meeting (after 2 pm), there was discussion of standard permit conditions for POTWs. Santa Rosa noted that they have a monitoring condition that is not based on a limited emission that needs to be changed. Brenda agreed and offered that the permit engineer make the change. Carol Allen suggested that “alternate operating scenarios” (such as construction and maintenance) be included in the permit discussion, rather than focusing solely on “typical operations.” Brenda stated staff is open to considering “construction only” conditions, as well as offered to consider updates to the permit handbook by BACWA members.

6) **Action Item:** POTWs need to update influent characteristics (influent concentrations and flow rates) as part of their annual update to BAAQMD.
ITEM NO. 12

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Monday, September 17, 2018
10:00 A.M.

East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580

Committee Members: Becker (Chair), Handley

OM1. Call to Order

OM2. Roll Call

OM3. Public Forum

OM4. EBDA Performance
(The Committee will be updated on EBDA’s NPDES report.)

OM5. Status Report
(The Committee will be updated on EBDA’s O&M activities.)

OM6. Resolution Authorizing the General Manager to Enter Into a Contract With Carollo Engineers, Inc. in the Amount of $17,800 to Perform a Cavitation Study and Pump Operation Evaluation at AEPS
(The Committee will consider a resolution approving a contract with Carollo Engineers, Inc. to perform a cavitation study and pump operation evaluation at AEPS.)

OM7. Resolution Authorizing the General Manager to Enter Into a Contract With Currie Engineers in an Amount not to Exceed $60,000 for Project Management and Construction Management Services
(The Committee will consider a resolution approving a contract with Currie Engineers for project management and construction management services.)

OM8. Adjournment
Agenda Explanation  
East Bay Dischargers Authority  
O&M Agenda  
September 17, 2018  

(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 Administrative Assistant at (510) 278-5910 or juanita@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

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

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

The next O&M Committee meeting is scheduled on  
Monday, October 15, 2018 at 10:00 a.m.
ITEM NO. OM4 EBDA PERFORMANCE

The detailed package is included in the Regulatory Affairs Committee agenda. The NPDES report shows that EBDA continues to operate within the normal compliance range.

Please see the Regulatory Affairs Committee agenda, Item Nos. RA4 for the July permit compliance data and RA5 for an update on efforts to manage bacteria within permit limits.

ITEM NO. OM5 STATUS REPORT

Alvarado Effluent Pump Station (AEPS)

Pump Cavitation Study & Station Optimization
Staff is recommending approval of a resolution authorizing the General Manager to enter into a contract with Carollo Engineers, Inc. (Carollo) to perform a cavitation study and pump operation evaluation at AEPS. See Item No. OM6.

Hayward Effluent Pump Station (HEPS)

Motor Control Center (MCC) Replacement Project
GSE Construction, Inc. (GSE) completed the foundation of the new pond influent flow dissipater structure (IFDS). This structure will help reduce the energy of water being diverted from HEPS to the ponds, thus preventing the water from scouring the surrounding soil.

Pond Influent Flow Dissipater Structure Foundation
GSE also installed a new storm drain catch basin that will collect water from the area north of the pump station that will be paved at a later date in this project. The contractor installed an 8-inch storm drain pipe from the catch basin to the pond.

![8-Inch Storm Drain Line](image1)

8-Inch Storm Drain Line

![Catch Basin](image2)

Catch Basin

Staff held a meeting with PG&E and Beecher Engineering, Inc. to discuss the timeline for completion of planning documents. These documents are needed to install a new transformer and complete the new PG&E service connection. PG&E could not commit to a completion date for the planning documents.

In the absence of PG&E planning documents, EBDA has decided to move forward with a portion of the underground electrical work that will allow GSE to place the concrete slab under the new MCC building. The building will need to be offloaded upon arrival to the site; therefore it is important to complete the slab prior to the scheduled delivery date. Waiting for PG&E planning documents would risk significant delay and added cost for the project.

EBDA is taking steps to mitigate the risk involved with proceeding with the underground conduit installation prior to PG&E approval. The installation will be performed per PG&E’s Greenbook Manual, and PG&E will send an inspector to review the underground conduit installation before the excavation is backfilled. The inspector cannot provide formal acceptance of the installation but will confirm that the installation appears to be in accordance with PG&E standards. PG&E will also review the precast concrete pad for the new transformer to confirm that it is also standard.
Central Sierra Electric, GSE’s new electrical subcontractor, is expected to be on site starting September 17. Electrical work will start with excavation of underground duct banks and installation of conduits for the new PG&E service. Underground conduits will also be installed from the new MCC to the pump station.

Staff is recommending approval of a resolution authorizing the General Manager to enter into a contract with Currie Engineers for project management and construction management services for the HEPS MCC Replacement Project and other upcoming EBDA projects. See Item No. OM7.

Oro Loma Effluent Pump Station (OLEPS)

No. 1 & 4 Effluent Pump Discharge Valve Actuator Replacement Project
On July 19, 2018, the new discharge valve actuators and gear drives for the No. 1 & 4 Effluent Pumps were ordered. Staff is waiting for an updated lead time from the manufacturer.

San Leandro Effluent Pump Station (SLEPS)
No change; all equipment is operational.

Skywest Pump Station

Data Collection & System Upgrade
On August 31, 2018, Calcon started the installation of the new Skywest electric meter. A small electrical shutdown is necessary to complete the installation. Some PLC programming will be required to allow the data from the meter to be transmitted automatically to the EBDA and OLSD SCADA systems.

8-Inch Force Main Repair
On August 7, 2018, DMZ Builders (DMZ) notified EBDA staff that water was leaking in the area of their construction project at the Bockman Canal. EBDA staff immediately turned off the Skywest pumps and went to the location of the leak. DMZ is working for the Alameda County Flood Control & Water Conservation District (ACFCD) on a project that calls for the dredging and widening of the canal. DMZ informed EBDA that the water leaking under and on the access road next to the canal would delay their work and that they needed to address the issue immediately. DMZ was transporting dirt and dredging material in large hauling trucks on the access road and the water was making the road unstable. DMZ exposed the 8-inch line and used a temporary repair coupling that EBDA keeps on hand to stop the leak. EBDA asked the OLSD Collections staff to assist with a Vactor truck to help dewater the area.
On August 10, 2018, D.W. Nicholson made the permanent repair to the line under an as-needed EBDA contract for emergency repairs. Once again, OLSD Collections staff were on hand to assist in keeping the work area dewatered. DMZ backfilled the hole due to its proximity to their work on the access road. Due to the widening of the canal, the access road is being moved closer to the 8-inch line.

The ACFCD sent EBDA a request for payment in the amount of $8,714.49 for DMZ’s work on the repair. EBDA staff is in communication with the ACFCD to work out a cost share.

EBDA would like to thank the OLSD staff for their willingness to assist on very short notice and DMZ for their professionalism.

**Marina Dechlorination Facility (MDF)**

**Broken Water Line**
On August 21, 2018, the potable water line at MDF developed a leak between the backflow preventer and the station. The CSL staff installed a temporary bypass water hose until the leak can be repaired. The leak appears to be under MDF’s asphalt driveway. The CSL Maintenance staff has scheduled the repair for mid-September.

**Force Main**
No change; all equipment is operational.

**Operations Center**

**SCADA System Upgrade Project**
The new SCADA server continues to operate side by side with the old server for testing. Calcon resolved the issue with the alarm generation component. TopView technical support is currently working on importing alarm data from EBDA’s old Win911 software into the new TopView alarm notification software. Once this is completed, Calcon will install and configure the new Wonderware Historian and Dream Reports software.

**Miscellaneous Items:**

**Underground Service Alerts**
EBDA received one hundred four (104) Underground Service Alert (USA) tickets during the month of August 2018. Five required field verification.
Special Projects:

Transport Pipe Condition Assessment Project
On August 29, 2018, Brown & Caldwell (B&C) completed the inspections of the above-ground piping at SLEPS & HEPS and the exposed piping inside OLEPS & AEPS. B&C is in the process of incorporating the data into the Transport System Interim Condition Assessment Draft Technical Memorandum. Excerpts of the information from the inspections will be included in next month’s agenda packet.

Asset Management Advisory Services
EBDA staff is working with GHD to develop a project schedule.
1. Summary sheets from the NPDES Report submitted to the RWQCB and EPA are attached for the month of: Jul-18
2. Number of violations reported in the above NPDES Report: None to Report
3. The violations included the following: None Noted
4. Preventive Maintenance for the month of: Jul-18

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<th>NO. TASKS UNFINISHED</th>
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5. Unscheduled Maintenance for the month of: Aug-18

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<tr>
<td>Skywest Pump Station</td>
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</tr>
<tr>
<td>Force Main</td>
<td>0</td>
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</table>

6. Other Items of significance: Aug-18

a. FM: Pump Station Piping Inspections Completed
b. AEPS: No Items
c. OLEPS: Effluent Pumps No. 1 & 4 Discharge Valve Actuators & Gear Drives Ordered
d. MDF: Broken Potable Water Line
e. HEPS: MCC Replacement Project
f. SLEPS: No Items
ITEM NO. 13  RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A CONTRACT WITH CAROLLO ENGINEERS, INC. IN THE AMOUNT OF $17,800 TO PERFORM A CAVITATION STUDY AND PUMP OPERATION EVALUATION AT AEPS

Recommendation
That the Commission adopt a resolution authorizing the General Manager to enter into a contract with Carollo Engineers, Inc. (Carollo) to perform a cavitation study and pump operation evaluation at AEPS in the amount of $17,800.

Background
Several of the AEPS effluent pumps experience cavitation. Cavitation is the formation of air bubbles or cavities inside the pump around the impeller. The imploding or collapsing of the air bubbles triggers shockwaves inside the pump that can cause significant damage to the impeller and the pump housing. During the AEPS No. 6 Effluent Pump refurbishment in late 2017, an additional $13,970 in damage was found that was due in part to cavitation. Staff worked with Carollo to develop a scope of work to investigate the cause of and possible corrective actions to address the cavitation issue and to evaluate pump sequencing. Carollo has performed several studies for EBDA that involved AEPS such as the 2017 Hydraulic Study and the 2016 AEPS No. 1 Effluent Pump Replacement Evaluation Study.
September 7, 2018

Mr. Howard Cin  
East Bay Dischargers Authority  
2651 Grant Avenue  
San Lorenzo, CA 94580

Subject: AEPS Pump Operation Evaluation

Dear Mr. Cin:

Per your request, Carollo is submitting the following proposed scope of services for the subject project.

SCOPE OF SERVICES

EBDA staff has reported cavitation and insufficient turndown on a few (if not all) of the six Effluent Pumps (noting that one pump is new, and another has recently been refurbished). To remedy the turndown issue at low flows, the pump station discharge valve is currently operating under a partially closed or throttled condition. In the past, it was reported that the pump discharge valves were throttled to address the cavitation issue. To better understand what is being observed, Carollo will investigate performance issues associated with the pumps to identify the potential cause. Carollo will then review the suitability of EBDA's current operational strategy with respect to the findings of the investigation, and identify any improvements and/or limitations that could be implemented to better operate the pumps.

Carollo will also make recommendations with regards to pump sequencing. The current pump sequencing is as follows:

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<tr>
<th>Pump</th>
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<tbody>
<tr>
<td>Lead Pump</td>
<td>125</td>
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<tr>
<td>Lag #1 Pump</td>
<td>200</td>
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<tr>
<td>Lag #2 Pump</td>
<td>200</td>
</tr>
<tr>
<td>Lag #3 Pump</td>
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<tr>
<td>Lag #4 Pump</td>
<td>200</td>
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<tr>
<td>Lag #5 Pump</td>
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Currently, the lead pump operates at low flow and when the flows increase, the lead pump stops and the Lag #1 pump starts. Almost immediately, the Lag #2 pump starts. Two 200 HP pumps operate most of the day. Testing was conducted recently operating one 125 HP pump and one 200 HP pump for the majority of the day.
Work will include the following tasks:

- **Task 1 – Kickoff Meeting and Site Inspection**
  Conduct a kick-off meeting with EBDA staff to establish the preferred operational strategy and identify the reported performance issues (cavitation, limited turndown, etc.). Following the meeting, a visual inspection of the pumps will be conducted, and the pumps will be operated to facilitate witnessing of the performance issues.

- **Task 2 - Performance Analysis**
  Evaluate pump hydraulics, as it relates to the problems reported and/or observed under Task 1. Analysis will be based on the pumping conditions identified in the Draft Project Memorandum dated May 5, 2016 entitled Alvarado Effluent Pump Station - Pump No. 1 Replacement Evaluation. Pump field testing (beyond what can reasonably be conducted under Task 1) is not included in this task.

- **Task 3 - Document Findings**
  Prepare a brief Project Memorandum (PM) to summarize key findings and recommendations. Conduct teleconference with EBDA staff to review the draft PM and respond to questions. Following receipt of EBDA staff comments on the draft PM, a final PM will be prepared and submitted to EBDA.

- **Task 4 - Supplemental Engineering Services**
  Upon request of EBDA, Carollo will provide additional engineering services required for the Project. For any such work, Carollo will first submit a written scope and cost estimate to EBDA for approval prior to proceeding with the services.

  Such services may include development of a Computational Fluid Dynamic (CFD) Model. In recent years, CFD modeling has proven to be a cost effective tool for analysis of intake hydraulics, and overall optimization of pumping facilities. In the event that the investigations associated with Tasks 1 through 3 are inconclusive as to the cause of the observed performance issues, Carollo will prepare a CFD model to evaluate potential for poor approach hydraulics. Based on the results of initial testing, a recommend set of modifications will be developed and tested to verify the pump intake conditions meet the desired intake criteria (and/or performance metrics). Potential modifications may include a baffle wall, turning and guide vanes, anti-rotation vanes, and fillets.
SCHEDULE

Carollo will prepare a revised Draft TM within 12 weeks after receiving notice to proceed from EBDA.

PROPOSED ENGINEERING COST

Carollo’s proposed engineering cost to complete the above scope is $17,800 and a breakdown is shown in the attached table as Exhibit A.

We appreciate your consideration on this effort and look forward to our continued work with EBDA staff. Please do not hesitate to contact Mike Zappone, project manager, at 206-684-6532 if you have any questions.

Sincerely,

CAROLLO ENGINEERS, INC.

[Signature]

Rick L. Chan, P.E.
Senior Vice President

Cc: Mike Zappone – Carollo Engineers
## EXHIBIT A - LABOR AND COST ESTIMATE

**EAST BAY DISCHARGERS AUTHORITY**

**ALVARADO EFFLUENT PUMP STATION - PUMP OPERATION EVALUATION**

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<th>Mike Zappone (PM)</th>
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**Legend:**

- PIC: Principal-in-Charge
- PM: Project Manager
- PE: Project Engineer
- CAD: CAD Technician
- Support: Support Staff
- PECE: Project Equipment and Communication Expense
- ODC: Other Direct Cost

AEPS Pump Operation Evaluation Budget_180907.xlsx

Page 64 of 144
RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A CONTRACT WITH CAROLLO ENGINEERS, INC. IN THE AMOUNT OF $17,800 TO PERFORM A CAVITATION STUDY AND PUMP OPERATION EVALUATION AT AEPS

WHEREAS, the East Bay Dischargers Authority requested a proposal for a Cavitation Study and Pump Operation Evaluation at AEPS; and

WHEREAS, Carollo Engineers, Inc. has unique qualifications and experience performing several studies for EBDA that involved AEPS such as the 2017 Hydraulic Study and the 2016 AEPS No. 1 Effluent Pump Replacement Evaluation Study; and

WHEREAS, it has been determined by staff that the proposal from Carollo Engineers, Inc. is a qualified, responsive and responsible proposal; and

WHEREAS, the Operations & Maintenance Committee has recommended approval of a contract with Carollo Engineers, Inc.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby accepts the proposal from Carollo Engineers, Inc.

BE IT FURTHER RESOLVED, the General Manager is hereby authorized to enter into a contract on behalf of the Authority in the amount of $17,800 with Carollo Engineers, Inc. in accordance with the accepted proposal.

SAN LORENZO, CALIFORNIA, SEPTEMBER 20, 2018, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________________ ATTEST: ____________________________________
CHAIR    GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION                              EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. 14  RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A CONTRACT WITH CURRIE ENGINEERS IN AN AMOUNT NOT TO EXCEED $60,000 FOR PROJECT MANAGEMENT AND CONSTRUCTION MANAGEMENT SERVICES

Recommendation
That the Commission adopt a resolution authorizing the General Manager to enter into a contract with Currie Engineers for project management and construction management services in an amount not to exceed $60,000.

Background
EBDA's retired annuitant employee, David Stoops, was committed to being the HEPS MCC Project Manager as long as his services were required, but he requested that EBDA transition to a new project manager as expeditiously as possible. As an interim solution, Beecher Engineering, Inc. has provided an engineer to act as the project manager until EBDA could contract with a qualified firm to provide project management services.

On July 24, 2018, EBDA issued a request for proposal (RFP) for project management and construction management (PM/CM) services for the HEPS MCC Replacement Project as well as other upcoming EBDA projects. The scope of services also includes professional engineering, project development, bidding assistance, and engineering services during construction, all on an as-needed basis. The contract will be issued for this fiscal year with one year renewal options. The RFP was emailed to eleven firms and was posted on the EBDA website. The proposals were due back to EBDA on August 10, 2018, at 2:00 p.m. EBDA received one proposal.

The one proposal received was from Currie Engineers. Evan Currie from Currie Engineers is currently performing the PM/CM duties as a subcontractor of Beecher Engineering, Inc. Mr. Currie has been doing an excellent job for the past several months. Mr. Currie’s knowledge, skills, and abilities make him a good fit for this position. Mr. Currie has worked collaboratively with EBDA staff, the COH, and GSE, and his attention to detail has proven to be an asset to the project. Staff therefore recommends awarding the contract to Currie Engineers.
August 10, 2018

Ms. Jacqueline Zipkin
General Manager
East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580-1841

Subject: East Bay Dischargers Authority
Proposal for Project Management and Construction Management Services

Dear Ms. Zipkin,

I am pleased to submit this proposal to East Bay Dischargers Authority (EBDA) for Project and Construction Management consulting services. EBDA seeks a qualified and experienced consultant to provide these services for the ongoing HEPS MCC replacement project and to support the planning, design, and management of several smaller upcoming improvement projects. Currie Engineers proposes Evan Currie to provide the services described in this proposal. Mr. Currie brings a wealth of experience and has delivered many successful wastewater infrastructure projects. Mr. Currie is a registered Professional Civil Engineer in California and has eight years of experience in the industry. The Consultant Qualification section of the proposal provides additional detail on Mr. Currie’s qualifications and experience, and includes references who will attest to his professionalism and work record.

Currie Engineers recognizes the need for effective Project and Construction Management that conforms to the budget allowed for improvements. Mr. Currie will work hard to provide value and flexibility in serving the Authority and its member agencies’ interests.

Thank you for the opportunity. I look forward to working with you on these important projects. Please feel free to call or email me if you have any questions or if you would like to discuss the details of the proposal.

Sincerely,

Evan Currie, PE
Currie Engineers
CURRIE ENGINEERS

Currie Engineers was established in March 2018 as a professional corporation providing engineering and construction project management services. Evan Currie is the sole owner and employee of the company, and is being proposed to provide all services from Currie Engineers described in this proposal.

GENERAL INFORMATION

Name, address, and contact numbers:

Currie Engineers
274 Redwood Shores Pkwy #236
Redwood City, CA 94065

Main: (650) 339-7150
Fax: (650) 332-4812

Consultant contact information:

Evan Currie
Cell: (925) 360-7156
Email: evan@currieengineers.com

Evan Currie is authorized to negotiate contract terms and make binding agreements on behalf of Currie Engineers.

SERVICES

Currie Engineers is a professional services company providing project and construction management consulting for clean water and potable water agencies.

OFFICE LOCATIONS

Work will be conducted from the Currie Engineers home office in Redwood City and from a temporary office at or immediately near the address below:

2655 Grant Ave
San Lorenzo, CA 94580
EBDA has started a capital improvements program to complete several improvements to its facilities. Existing EBDA facilities include pump stations, force main piping, a dechlorination facility and an outfall. EBDA accepts treated wastewater effluent from member agencies including the City of Hayward, Castro Valley Sanitary District, Oro Loma Sanitary District, and Union Sanitary District and discharges effluent to the San Francisco Bay.

The first and most substantial project currently planned is underway for replacement of the motor control center at the Hayward Effluent Pump Station. This project includes several key challenges, and the project would benefit from the services of a project / construction manager. Some key challenges specific to this project include:

- Installation of new underground utilities in proximity to existing utilities.
- Coordination with PG&E to install a new service.
- Abatement and removal of existing asbestos-lined pipe.
- Replacement of valves and piping in an active system.
- Replacement of the existing motor control center while maintaining the ability to normally operate pump station equipment.
- Installation of a new energy dissipator structure in a clayey pond subgrade.
- Removal of existing PG&E equipment and conduits to allow for new pond discharge piping.
- Coordinating cutover of pumps from an existing to a new motor control center.
- Coordinating sample pump replacement and instrumentation work to be performed by EBDA staff with the contractor.
- Coordinating work to be performed by EBDA’s designated programmer.
- Maintaining the ability to use existing ponds while protecting the project work.

A detailed list of specific sequence and constraints has been provided in the specifications that will help with the planning and execution of the work. This will also help with evaluation of the contractor’s proposed schedule and will mitigate risks of delay and additional cost associated with sequencing this work.

Mr. Currie is familiar with the project and will be able to provide effective services immediately after award and Commission Resolution.
ROLE OF PROJECT MANAGER

The project manager will lead the effort to deliver successful projects through all stages of planning, design, and construction. EBDA is seeking a project manager to efficiently move projects forward. The work plan below provides additional detail on how this will be accomplished.

PROPOSED WORK PLAN

Project Planning and Pre-Design
- Work with EBDA to specify the needs and objectives for future projects.
- Schedule milestones and deliverables for planning and design to manage the overall program schedule.
- Report schedule progress and monitoring for potential delays.
- Manage the project team including EBDA staff, consultants, and contractors, and facilitating effective communications.
- Analyze alternatives for upcoming projects, including comparison of estimated cost and schedule.
- Assist with negotiation of professional services for design.
- Coordinate necessary investigations and research.
- Provide input on permits and easements as needed to complete proposed projects.
- Assist with preparation of anticipated budget and schedule.

Design and Bid Phase
- Provide input on design budget.
- Collaborate with design firms in development of plans and specifications.
- Work with EBDA and design consultants to write project sequence and constraints, bid item descriptions, and project summary.
- Assist with preparation of the front-end specifications and review of technical specifications provided by design consultants.
- Conduct biddability and constructability review of plans and specifications.
- Assist with preparation of a Commission agenda item for award of projects.

Post-Bid Preconstruction
- Confirm EBDA has received required documents, and that documents are acceptable.
- Conduct preconstruction meetings for all projects.
- Document preconstruction conditions with the Contractor.
- Negotiate agreements with external firms for special inspection and other such services during construction.
- Coordinate printing and distribution of conformed contract documents.

Construction
- Assemble a required submittal list and distribute to the contractor and EBDA team.
- Review the baseline schedule and update the program schedule.

Other services to be provided during the construction phase of projects are described in detail under the “Scope of Services” section.
MANAGING DESIGN AND CONSTRUCTION COST AND SCHEDULE

Delivering projects within budget and on schedule is a high priority to EBDA and Currie Engineers. The tracking of schedule and costs must be done on a regular basis throughout planning, design, and construction phases to allow EBDA to monitor the budget and progress of its projects. Mr. Currie has effectively negotiated with designers, contractors, and other consultants to work within project budgets. Independent estimation and negotiation skills facilitate this process and will be used to mitigate excessive design and construction bid costs. Costs for changes during construction will be similarly negotiated, and independent cost estimations will be made when appropriate.

Mr. Currie will work with EBDA to establish planning, design, and construction milestones and deliverables necessary to keep the program on schedule. The progress toward these milestones will be monitored and reported to EBDA through regular check-ins with design firms and EBDA staff involved in the project. Progress meetings will be conducted during construction and contractors will be required to submit a baseline schedule and schedule updates that conform with the project specifications. Progress reports will be used to update an overall program schedule. The program schedule will provide an overview of the status of project milestones. These updates will be sent to and discussed with EBDA management. Progress reports will be prepared monthly to update the Commission on work completed.
CONSTRUCTION AND PROJECT MANAGEMENT SERVICES

The services in this Exhibit are expected to be included in the scope of work provided by Currie Engineers:

SERVICES LISTED IN THE RFP

1. Provide Consulting and/or Professional services upon the request of EBDA for RRF projects. Requested services may involve any one, or a combination of, the following Professional Service areas:
   - Review EBDA’s requested project and/or task to be accomplished and provide preliminary consultation, research and evaluation of same
   - Engineering services related to project development
   - Assist EBDA staff with presentations and/or recommendations to the Commission
   - Professional services related to overall project management
   - Provide services for cost estimates and/or specifications necessary to bid and accomplish projects
   - Professional services during the bid process
   - Construction management services, including the following:
     - Coordinate design clarifications
     - Assist with contract change orders and provide recommendation for owner’s action of potential change orders
     - Maintain notes and documents to support Owner and Design Engineer during claims proceedings
   - Engineering Services During Construction (ESDC), including the following:
     - Facilitate the pre-construction meetings
     - Prepare conformed drawings and specifications, and print hard copies for EBDA, EBDA’s member agency, Consultant/Construction Manager, and Contractor’s use
     - Facilitate construction progress meetings
     - Responsibility for submittal and shop drawing review
     - Respond to Requests for Information (RFI), in coordination with the construction manager
     - Schedule specialty structural, electrical, process, and instrumentation inspections as needed

2. Conduct and document periodic progress meetings with the project team

3. Prepare monthly progress reports with narrative and photographic documentation of major work items completed and work to be pursued in the upcoming month

OTHER AVAILABLE SERVICES

In addition to the above scope of services, Currie Engineers offers to provide the following services at the Authority’s discretion:

- Document management.
- Submittal pre-review.
• Routine correspondence and coordination with the Owner, Contractor, Design Engineer, and others.
• Document preconstruction conditions with the Contractor using photographs and video.
• Review baseline schedules and monthly schedule updates.
• Issue Field Orders and Field Directives as needed to direct the contractor to proceed with extra work.
• Review the Contractor’s Schedule of Values.
• Review periodic progress payment requests.
• Review upcoming work schedules and System Outage Requests (SORs) for coordination with EBDA operations.
• Coordinate startup and training activities.
• Periodic review of as-built documents.
• Periodic site observations and reports.

Additional details and explanation for each of the items above are included the “Scope of Services Detail” section.
CONSTRUCTION MANAGEMENT SERVICES
The descriptions below provide further detail on the construction and project management services listed in the previous section:

SERVICES LISTED IN THE RFP

1. Provide Consulting and/or Professional services upon the request of EBDA for RRF projects. Requested services may involve any one, or a combination of, the following Professional Service areas:
   - Review EBDA’s requested project and/or task to be accomplished and provide preliminary consultation, research and evaluation of same
     - Currie Engineers will review projects in various stages of planning. Mr. Currie will provide preliminary consultation, research and reporting, alternative analysis and recommendations to efficiently move projects forward.
   - Engineering services related to project development
     - Mr. Currie will provide engineering services to assist with development of project documents. Currie Engineers will work closely with EBDA and project design consultants in the review and progression of these documents from concept to final design.
   - Assist EBDA staff with presentations and/or recommendations to the Commission
     - Mr. Currie will assist with preparing information for the Commission by drafting agenda items and presentations, reviewing with EBDA staff, and making any requested revisions.
   - Professional services related to overall project management
     - Please see sections “Role of the Project Manager” and “Proposed Work Plan” for details on overall project management.
   - Provide services for cost estimates and/or specifications necessary to bid and accomplish projects
     - Currie Engineers will provide detailed cost estimation and analysis services during design and construction. These can include independent estimates during design and for changes during construction. Currie Engineers will assist with preparation of the front-end specifications and review of technical specifications provided by design consultants.
   - Professional services during the bid process
     - Mr. Currie will conduct a prebid conference and site walk, manage bid RFIs, and prepare addenda and conformed documents.
   - Construction management services, including the following:
     - Coordinate design clarifications
       - Currie Engineers will provide CM clarification letters when appropriate, such as when the clarification does not require designer or owner input. Input will be elicited from EBDA and design consultants when needed. Mr. Currie will review design clarifications from the design consultant for constructability, and potential changes to the Contract included in the clarification.
     - Assist with contract change orders and provide recommendation for owner’s action of potential change orders.
Mr. Currie will review potential change orders and provide recommendations based on interpretation of the contract documents and evaluation of the cost proposal. At the Authority’s request, an independent cost estimation for the extra work will be provided. Potential Change Orders (PCOs) will be reviewed to determine if the scope includes extra work. If the PCO includes extra work an RFQ will be issued. Mr. Currie will review the cost proposal and discuss with EBDA management. Once an agreement on the cost is complete, a Contract Change Order will be written.

- Maintain notes and documents to support Owner and Design Engineer during claims proceedings.
  - Notes, correspondence, observation reports, and other documents will be organized and retained for records in case a claim is made.

- Engineering Services During Construction (ESDC), including the following:
  - Facilitate the pre-construction meetings
    - An agenda for the preconstruction meeting will be distributed before the meeting to provide time for attendees to review. Mr. Currie will conduct the preconstruction meeting and take notes of discussions. Meeting minutes will be sent to attendees for review and comment. The preconstruction meeting will provide an introduction to the project team and a project overview, highlight some important specification requirements, review project sequence and constraints, and describe lines of communication. A preconstruction site walk will follow.
  - Prepare conformed drawings and specifications, and print hard copies for EBDA, EBDA’s member agency, Consultant/Construction Manager, and Contractor’s use.
    - Currie Engineers will incorporate addenda issued during the bid process into the conformed drawings and specifications. Mr. Currie will coordinate printing and distribution of the Contract Documents for all parties listed through a third-party printing service.
  - Facilitate construction progress meetings
    - Mr. Currie will prepare and print agendas for each meeting and will conduct the meetings in person. Minutes will be taken and electronically distributed for comments. Agendas are written to be efficient and respect the time of attendees. Agendas includes a safety moment that is discussed with the group at the beginning of each meeting.
  - Responsibility for submittal and shop drawing review
    - Submittals will be reviewed for completeness and general conformance with specification requirements. Submittal responses by design consultants will be reviewed by Currie Engineers for constructability and changes to Contract requirements.
  - Respond to Requests for Information (RFI), in coordination with the construction manager
    - RFIs will be reviewed expeditiously by Mr. Currie for clarity and completeness. If appropriate Currie Engineers will respond directly to the RFI with a CM Clarification Letter or a Request for Quote. If the RFI requires the attention of the Authority or design consultant, the RFI will be forwarded for review.
Schedule specialty structural, electrical, process, and instrumentation inspections as needed
  • Currie Engineers will assist with identification of construction activities that require special inspection. Testing will be coordinated with the design consultant or special inspection company.

2. Conduct and document periodic progress meetings with the project team
   • Mr. Currie will prepare and print agendas for each meeting and will conduct the meetings in person. Minutes will be taken and electronically distributed for comments.

3. Prepare monthly progress reports with narrative and photographic documentation of major work items completed and work to be pursued in the upcoming month
   • Mr. Currie will prepare the monthly progress reports as described for review by EBDA management. Any comments or requested revisions will be made in a timely manner.

OTHER SERVICES
In addition to the scope of services listed in the RFP, Currie Engineers offers to provide the following services at the Authority’s discretion:

• Document management
  o Currie Engineers will assist with organizing and tracking documents related to administration of the project.

• Routine correspondence and coordination with the Owner, Contractor, Design Engineer, and others.
  o A timely response will be provided for project-related correspondence. All communications between the Contractor, the Authority, and Design Consultants will be routed through Currie Engineers. Relevant project-related correspondence will be documented and filed.

• Document preconstruction conditions with the Contractor using photographs and video.
  o Currie Engineers will conduct a preconstruction walk with the Contractor and provide independent documentation of preconstruction conditions.

• Review baseline schedules and monthly schedule updates.
  o At the beginning of each new project, Currie Engineers will review the baseline schedule. This review can include meetings during schedule development to help with timely submittal of an acceptable baseline schedule. Contractors are also required to submit monthly schedule updates which will be reviewed by Currie Engineers.

• Issue Field Orders as needed.
  o Currie Engineers will create and send Field Directives or Field Orders to direct the Contractor to proceed with work that the Contractor contends is not included in the Contract scope or to proceed with extra work without an agreed-upon price.

• Review the Contractor’s Schedule of Values.
  o Currie Engineers will provide a detailed review of the Schedule of Values provided by the Contractor.

• Review periodic progress payment requests.
  o Currie Engineers will review payment requests to verify the progress of the work to date and materials on hand. The review will also verify withholdings including retention and check for mathematical errors. After review, Mr. Currie will route the payment request for signature.
- Review upcoming work schedules and System Outage Requests (SORs) for coordination with EBDA operations.
  - Mr. Currie will review SORs with the owner and will assist with coordination to confirm that the shutdown requirements are clear to both the Owner and the Contractor. Currie Engineers will work with both parties to identify potential means to reduce the impact on normal owner operations and provide appropriate contingency plans.
- Coordinate startup and training activities.
  - Currie Engineers will assist with planning and coordination of startup activities. This will include reviewing the startup plan and schedule with the Owner and working closely with the Owner and the Contractor to ensure new systems are ready and personnel are prepared for operation before equipment is put into service.
- Periodic review of as-built documents.
  - The Contractor is typically required to maintain record drawings on the jobsite. Currie Engineers would recommend periodic review of these documents with the Contractor.
- Periodic observations
  - Mr. Currie will visit the site as requested by the Authority to observe the progress of the work and discuss field items with the Contractor. Construction activities will be observed and documented in observation reports.
CONSULTANT EXPERIENCE

Mr. Currie has worked on a variety of projects in construction project management since June 2010. A sampling of that experience is described in detail in this section. Additional project experience can be found in Appendix A.

SVCW CAPITAL IMPROVEMENTS PROGRAM

The projects listed below were performed by Mr. Currie under a previous employer with a Master Services Agreement with Silicon Valley Clean Water. Currie Engineers does not have record of the consultant fee for individual projects, but Mr. Currie assisted these companies in keeping the consulting fees for Construction Management within budget, at or below 10% of the construction cost. The firm provided additional services that made the total fee approximately 13% of construction costs. Subconsultants used on these projects include Bay Area Coating Consultants and Smith-Emery, who provided special inspection services.

WET SIDE REDUNDANT POWER IMPROVEMENTS

*Silicon Valley Clean Water*

Job Title: Construction Manager
Firm: The Covello Group / Tanner Pacific

Mr. Currie provided construction management services for this $3.7 million project, which involved the installation and testing of two new 2 MW diesel standby generators, subbase fuel tanks, 1 MW load bank, cable tray installation and structural modifications to existing facilities. Mr. Currie also provided assistance with design and project management services, which involved management and participation in the planning and design process and procurement of pre-purchased equipment. Procurement effort included assisting with specification of equipment, negotiation of procurement costs, establishment of services to be provided by the supplier, facilitation of factory and site acceptance testing, and scheduling pre- and post-delivery inspections. Mr. Currie was also responsible for planning, preparation, and oversight of startup services for the new generators. This successful startup required coordinating acceptance, installation, and testing of the new equipment with the supplier, Authority, and the installation contractor.

*Completion Date: June 9, 2017*

Bill Bryan
Project Manager / Senior Engineer
Office Phone: (650) 832-6256 1400 Radio Road
Mobile Phone: (650) 339-9956 Redwood City, CA 94065

POWER RELIABILITY IMPROVEMENTS PROJECT

*Silicon Valley Clean Water*

Job Title: Project Engineer
Firm: The Covello Group
Mr. Currie provided project engineering and construction management services for this $10.9 million project, which involved the replacement of a 12kV primary switchgear, enhancements to cogeneration system equipment, replacement of four motor control centers, replacement of existing power distribution switchboards with new, and replacement of existing standby generators. This scope was completed in an active wastewater treatment plant that was required to maintain operations at all times. Cutover of existing plant process and electrical equipment to the new electrical systems was a critical concern, and required working closely with the contractor, plant staff, PG&E, and others. The project also required a substantial sequencing effort to limit interruptions to normal plant operation, and to mitigate additional costs and delays to the project.

Completion Date: March 12, 2014

Kim Hackett
Engineering Director
Office Phone: (650) 832-6217
1400 Radio Road
Redwood City, CA 94065

STAGE 1 INFLUENT SCREENING

Silicon Valley Clean Water
Job Title: Construction Manager
Firm: The Covello Group

Mr. Currie provided construction management services for this $2.8 million project for construction of a new primary screening structure and the installation of two new automatic bar screens. The screening structure was built on sixteen 109-ft long concrete piles. Modifications were made to the existing influent lift station piping and influent mix box to connect the new structure. Keeping the work on track required thorough troubleshooting of problems with existing facilities that prevented the contractor from connecting new piping to existing influent piping and mixing structure. Shutdowns and bypasses required coordination with plant O&M staff and the City of Redwood City.

Completion Date: February 12, 2016

Bill Bryan
Project Manager / Senior Engineer
Office Phone: (650) 832-6256
Mobile Phone: (650) 339-9956
1400 Radio Road
Redwood City, CA 94065

SITE STABILIZATION, GRADING AND DRAINAGE

Silicon Valley Clean Water
Job Title: Construction Manager
Firm: Tanner Pacific

Mr. Currie provided construction management services for this $4.2 million project, which included soil stabilization of a previously drained ornamental pond for future construction work. The work included lime treatment of existing Bay Mud soil and import of fill material, installation
of storm drain basins and piping; installation of utility corridors and pipe crossings; paving of new roadways and electrical and street lighting installation.

Completion Date: 3/9/2018

Bill Bryan
Project Manager / Senior Engineer
Office Phone: (650) 832-6256  1400 Radio Road
Mobile Phone: (650) 339-9956   Redwood City, CA 94065

CONTROL BUILDING HVAC IMPROVEMENTS PROJECT

Silicon Valley Clean Water
Job Title: Construction Manager
Firm: Tanner Pacific

Mr. Currie provided prebid construction project management services for this estimated $750,000 project. Mr. Currie assisted with planning and development of the scope and design of the project. This involved coordination and negotiation with vendors and design consultants to prepare for bidding of the project.

Project Dates: TBD

Eric Hansen
Project Manager  1400 Radio Road
Office Phone: (650) 832-6228  Redwood City, CA 94065

OTHER COMMITMENTS

Evan Currie is not currently committed to any other projects.

During the course of the upcoming EBDA projects, Mr. Currie will be committed to the following other project, which is expected to be completed around September 24, 2020:
  Oro Loma Sanitary District
  Nutrient Optimization Project
  Construction Management and Project Observation

CLAIMS

Neither Evan Currie nor Currie Engineers have been involved in any claims or litigation within the last five (5) years.
PROPOSED COMPENSATION

Table 1 - The following hourly rates are proposed for EBDA's FY2018-2019:

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evan Currie</td>
<td>Project / Construction Manager</td>
<td>$125.00</td>
</tr>
</tbody>
</table>

Notes:

1. Currie Engineers has provided additional detail on the anticipated quantity of hours for work in FY2018-2019 in Attachment B.1. The hours shown in Attachment B.1 are an approximation of the amount of work to be performed based on Currie Engineers’ understanding of the level of effort EBDA is currently seeking for Project Management and Construction Management services. The budget amount may need to be revised if the number of hours required to complete requested tasks is expected to exceed the hours listed. The scope of services requested will be at the discretion of the Authority.

2. The hourly rates above include expenses such as standard software, internal printing and photocopying, and travel to and from the jobsite.

3. No subconsultants are currently being proposed to provide services.

Other Expenses

Expenses not included in the hourly rates listed above will be added at cost plus ten percent (10%). Other expenses include items such as: special and proprietary software; equipment rental; third party printing; travel and subsistence for attendance at factory testing, meetings, etc. located outside of the immediate project area; subconsultants; and special fees related to the Project.
ATTACHMENT B.1 - LEVEL OF EFFORT

HOURLY BREAKDOWN AND BUDGET RECOMMENDATIONS

The level of effort below is an approximation of the hours anticipated for each task for FY 2018-2019, with an anticipated start date of September 20, 2018.

<table>
<thead>
<tr>
<th>Service</th>
<th>Qty</th>
<th>Unit</th>
<th>Hr/Unit</th>
<th>Hours</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Projects (not including HEPS MCC replacement)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review new projects / Preliminary consultation</td>
<td>2</td>
<td>EA</td>
<td>6.0</td>
<td>12</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Engineering services for project development</td>
<td>2</td>
<td>EA</td>
<td>6.0</td>
<td>12</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Overall project / program management</td>
<td>1</td>
<td>EA</td>
<td>16.0</td>
<td>16</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Bid cost estimation</td>
<td>2</td>
<td>EA</td>
<td>4.0</td>
<td>8</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Prepare front-end specifications</td>
<td>2</td>
<td>EA</td>
<td>10.0</td>
<td>20</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Technical specification review</td>
<td>2</td>
<td>EA</td>
<td>3.0</td>
<td>6</td>
<td>$750.00</td>
</tr>
<tr>
<td>Prebid meeting, addenda, conformed documents</td>
<td>2</td>
<td>EA</td>
<td>6.0</td>
<td>12</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Preconstruction meetings</td>
<td>2</td>
<td>EA</td>
<td>3.5</td>
<td>7</td>
<td>$875.00</td>
</tr>
<tr>
<td>Preconstruction photos</td>
<td>2</td>
<td>EA</td>
<td>1.0</td>
<td>2</td>
<td>$250.00</td>
</tr>
<tr>
<td>Document management</td>
<td>40</td>
<td>WK</td>
<td>0.4</td>
<td>15</td>
<td>$1,875.00</td>
</tr>
<tr>
<td>Submittal pre-review</td>
<td>20</td>
<td>EA</td>
<td>0.7</td>
<td>13</td>
<td>$1,625.00</td>
</tr>
<tr>
<td>Routine correspondence</td>
<td>40</td>
<td>WK</td>
<td>0.5</td>
<td>20</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Periodic construction meetings</td>
<td>20</td>
<td>EA</td>
<td>1.5</td>
<td>30</td>
<td>$3,750.00</td>
</tr>
<tr>
<td>Project team meetings</td>
<td>10</td>
<td>EA</td>
<td>1.0</td>
<td>10</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Baseline schedule review</td>
<td>2</td>
<td>EA</td>
<td>3.0</td>
<td>6</td>
<td>$750.00</td>
</tr>
<tr>
<td>Monthly schedule update review</td>
<td>4</td>
<td>EA</td>
<td>1.0</td>
<td>4</td>
<td>$500.00</td>
</tr>
<tr>
<td>RFI and Design Clarifications</td>
<td>10</td>
<td>EA</td>
<td>1.0</td>
<td>10</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Review PCOs and issue Work Directives</td>
<td>8</td>
<td>EA</td>
<td>1.3</td>
<td>10</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Write Contract Change Orders</td>
<td>6</td>
<td>EA</td>
<td>1.5</td>
<td>9</td>
<td>$1,125.00</td>
</tr>
<tr>
<td>Schedule of values</td>
<td>2</td>
<td>EA</td>
<td>3.0</td>
<td>6</td>
<td>$750.00</td>
</tr>
<tr>
<td>Progress payment requests</td>
<td>6</td>
<td>EA</td>
<td>1.3</td>
<td>7.5</td>
<td>$937.50</td>
</tr>
<tr>
<td>System Outage Requests (SORs)</td>
<td>4</td>
<td>EA</td>
<td>1.3</td>
<td>5</td>
<td>$625.00</td>
</tr>
<tr>
<td>Coordinate special inspections</td>
<td>5</td>
<td>EA</td>
<td>1.0</td>
<td>5</td>
<td>$625.00</td>
</tr>
<tr>
<td>Coordinate startup and training</td>
<td>2</td>
<td>EA</td>
<td>2.0</td>
<td>4</td>
<td>$500.00</td>
</tr>
<tr>
<td>Review of as-built documents</td>
<td>6</td>
<td>EA</td>
<td>0.8</td>
<td>4.5</td>
<td>$562.50</td>
</tr>
<tr>
<td>Periodic observations</td>
<td>24</td>
<td>EA</td>
<td>1.5</td>
<td>36</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>Periodic observation reports</td>
<td>24</td>
<td>EA</td>
<td>0.8</td>
<td>19.2</td>
<td>$2,400.00</td>
</tr>
</tbody>
</table>

309.2 $38,650.00
The actual scope of work to be provided will be at the discretion of the Authority. The number of hours to be included in the budget for FY2018-2019 can be increased or decreased by the Authority as needed.
PROFESSIONAL SUMMARY
Mr. Currie has worked in the engineering profession with an emphasis in construction since 2010. His construction experience includes pipelines, water and wastewater treatment facilities, recycled water treatment facilities, concrete structures and building renovations for public agencies. He is properly licensed to practice engineering in the State of California.

EXPERIENCE
CURRIE ENGINEERS
APRIL 2018 – PRESENT
Construction Project Management Consultant

TANNER PACIFIC
APRIL 2016 – APRIL 2018
Construction Manager

THE COVELLO GROUP
JULY 2010 – APRIL 2018
Project Engineer and Construction Manager

RELEVANT PROJECT EXPERIENCE
The projects and descriptions in this section were included in the Background section of the proposal and are again listed here for convenience. Additional project experience can be found in Appendix A.

WET SIDE REDUNDANT POWER IMPROVEMENTS
Silicon Valley Clean Water
Mr. Currie provided construction management services for this $3.7 million project, which involved the installation and testing of two new 2 MW diesel standby generators, subbase fuel tanks, 1 MW load bank, cable tray installation and structural modifications to existing facilities. Mr. Currie also provided assistance with design and project management services, which involved management and participation in the planning and design process, and procurement of pre-purchased equipment. Procurement effort included assisting with specification of equipment, negotiation of procurement costs, establishment of services to be provided by the supplier, facilitation of factory and site acceptance testing, and scheduling pre- and post-delivery inspections. Mr. Currie was also responsible for planning, preparation, and oversight of startup services for the new generators. This successful startup
required coordinating acceptance, installation, and testing of the new equipment with the supplier, Authority, and the installation contractor.

*Completion Date: June 9, 2017*

**POWER RELIABILITY IMPROVEMENTS PROJECT**

*Silicon Valley Clean Water*

Mr. Currie provided project engineering services for this $10.9 million project, which involved the replacement of a 12kV primary switchgear, enhancements to cogeneration system equipment, replacement of four motor control centers, replacement of existing power distribution switchboards with new, and replacement of existing standby generators. This scope was completed in an active wastewater treatment plant that needed to maintain operations at all times. Cutover of existing plant process and electrical equipment to the new electrical systems was a critical concern, and required working closely with the contractor, plant staff, PG&E, and others. The project also required a substantial sequencing effort to limit interruptions to normal plant operation, and to mitigate additional costs and delays to the project.

*Completion Date: March 12, 2014*

**STAGE 1 INFLUENT SCREENING**

*Silicon Valley Clean Water*

Mr. Currie provided construction management services this $2.8 million project for construction of a new primary screening structure and the installation of two new automatic bar screens. The screening structure was built on sixteen 109-ft long piles. Modifications were made to the existing influent lift station piping and influent mix box to connect the new structure. Keeping the work on track required thorough troubleshooting of problems with existing facilities that prevented the contractor from connecting new piping to existing influent piping and mixing structure. Shutdowns and bypasses required coordination with plant O&M staff and the City of Redwood City.

*Completion Date: February 12, 2016*

**SITE STABILIZATION, GRADING AND DRAINAGE**

*Silicon Valley Clean Water*

Mr. Currie provided construction management services for this $4.2 million project, which included soil stabilization of a previously drained ornamental pond for future construction work. The work included lime treatment of existing Bay Mud soil and import of fill material, installation of storm drain basins and piping; installation of utility corridors and pipe crossings; paving of new roadways and electrical and street lighting installation.

*Completion Date: 3/9/2018*

**CONTROL BUILDING HVAC IMPROVEMENTS PROJECT**

*Silicon Valley Clean Water*

Mr. Currie provided prebid construction project management services for this estimated $750,000 project. Mr. Currie assisted with planning and development of the scope and design of the project. This involved coordination and negotiation with vendors and design consultants to prepare for bidding of the project.

*Project Dates: TBD*
PROFESSIONAL REFERENCES

WILLIAM BRYAN
SILICON VALLEY CLEAN WATER
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PHONE: (650) 832-6256
EMAIL: bbryan@svcw.org

MONTE HAMAMOTO
SILICON VALLEY CLEAN WATER
O&M DIRECTOR
PHONE: (650) 832-6266
EMAIL: mhamamoto@svcw.org

TODD BEECHER
BEECHER ENGINEERING
PRESIDENT
PHONE: (209) 785-8300
EMAIL: todd@beecherengineering.com

JOE COVELLO
THE COVELLO GROUP (FORMERLY)
RETIRED
PHONE: (925) 766-1126
EMAIL: jcovello@covellogroup.com
FORCE MAIN LEAK REPAIR AT INFLUENT LIFT STATION

_Silicon Valley Clean Water_

Mr. Currie served as the construction manager for this project. Work included the repair of an existing 60-inch force main that required construction of welded steel bypass piping with a support structure to divert flow upstream of the leak to Primary Sedimentation Tanks. A 48-inch pipe was required for diverting the main influent and an 18-inch pipe was required for a separate, smaller influent line. Connection of the bypass piping required close coordination with SVCW staff to control the main influent flow while a hot tap of the pipe was performed. To make the repair a fabricated steel repair coupling was installed on the outside of the pipe and anchored to the wall of the Influent Lift Station. The coupling was then filled with a hydrophobic polyurethane product to seal the leak.

_Project Dates:_ 2014-2015

DUAL MEDIA FILTER MODIFICATIONS

_Silicon Valley Clean Water_

Mr. Currie provided project engineering services for this project involving converting six existing filters for use as dedicated recycled water filters. The project included extensive structural modifications, new piping, new conduit, and some control system changes to provide the required filtration prior to tank storage of the recycled water and required close coordination with plant operations and maintenance staff during a complicated start-up process.

_Project Dates:_ 2010-2014

BILGE PIT PIPING MANIFOLD AND FLOW REROUTING

_Silicon Valley Clean Water_

Mr. Currie served as Project Engineer for this project consisting of installation of submersible pumps for the Bilge Pit and Primary Sedimentation Drain Pumping system along with all associated piping, valves, fittings, electrical, instrumentation and structural work. Additionally, storm water piping in the Influent Lift Station area was replaced. The Bilge Pit work took place under rigorous operational constraints that required the Bilge Pit to remain operational at all times. There was heavy coordination with Facility Operations during multiple short period night-time shutdowns.

_Project Dates:_ 2011-2012

GREASE RECEIVING STATION

_Silicon Valley Clean Water_

Mr. Currie provided Engineering services for this project which consisted of the demolition of facilities at an existing grease receiving station, cleaning and rehabilitation of the existing grease receiving tank. Work included construction of an improved grease receiving station, as well as a new parking area for trucks, new tipping pit, new pumps, and new odor control unit and associated piping, electrical and structural modifications. This work also included the construction of a temporary grease receiving station until the improved receiving station was commissioned and available to receive grease delivery from off-site haulers.

_Project Dates:_ 2011-2012
NATURAL GAS TO FACILITY

*Silicon Valley Clean Water*

Mr. Currie provided Engineering services for this project consisting of the installation of multiple 3-inch and 4-inch HDPE natural gas line piping throughout the facility. Work also included trenching and placement of piping around critical existing electrical utilities.

*Project Dates: 2012*

SOLIDS PROCESS AUTOMATION PROJECT

*Silicon Valley Clean Water*

Mr. Currie provided project engineering services for this $11.2 million project which involved replacing equipment, modifying existing facilities, upgrading electrical systems and adding automation capabilities for the primary sedimentation, gravity sludge thickening, digestion, and dewatering process. All of this work was performed while maintaining active facility processes through extensive coordination with operational staff and the use of detailed system outage requests (SORs).

*Project Dates: 2011-2013*

MAINTENANCE SHOP RECONFIGURATION

*Silicon Valley Clean Water*

Mr. Currie provided construction management services for the design and construction of a pre-engineered metal building expansion. The project included retaining wall installation, site work including utilities, grading and paving, foundation work, structural work, mechanical, plumbing, and electrical work, interior finishes and painting.

*Project Dates: 2014-2015*

FIXED FILM REACTOR DEMOLITION

*Silicon Valley Clean Water*

Mr. Currie provided Engineering services for the removal of FFR media, distributor arm, siding, ventilation and odor control equipment. All structural steel framework was protected in place. The project included disposal of media with lead concentrations that were non-hazardous but that restricted disposal of the media to sites that accepted contaminated materials.

*Project Dates: 2012*

PLANT CONTROL / ADMINISTRATION BUILDING

*Silicon Valley Clean Water*

Mr. Currie provided Engineering support services on this $6 million project. The project included the removal of equipment, decking, steel framing, elevator, stairs and ramp to existing lab, and portions of the paved ramps, stairs, parking lots, and curbs. The conduit and piping was maintained and facility utilities, data systems, and life-safety systems was not interrupted. The project also included the construction of a two-story steel-framed structure on existing primary deck. First level consisted of mechanical and equipment spaces and unenclosed space. Second level consisted of administration facilities occupancy. Facility complied with CBC requirements for an essential facility for structural and non-structural design and anchorage. The construction also included a 3-level vertical circulation tower consisting of stair, elevator, and lobbies with foundation on concrete piles and a second 3-stop elevator, hoist-way, machine room and associated access at location of existing elevator. The project provided utilities for fire protection, chilled water, natural gas, domestic water, recycled water, electrical power, telephone and data. There was successful coordination for the transfer and connection of Owner data and SCADA systems.
Project Dates: 2012

RECYCLED WATER PIPELINE
Silicon Valley Clean Water
Mr. Currie provided Engineering services for this project that installed 12-inch steel piping and accessories for the transmission of recycled water throughout the facility. Work included the installation of seismic bracing and pipe supports in overhead locations around critical process equipment. The project also required coordination and testing of new piping and connections to existing services.

Project Dates: 2011

GLENWOOD PUMP STATION
City of Redwood City
Mr. Currie provided Engineering support services for this improvement project, which consisted of the construction of a pre-engineered building to house the existing potable water pump station. The project included a concrete foundation, installation of mechanical and electrical equipment, traffic control, materials testing, dewatering, excavation and bypass pumping. This project also required close coordination with the contractor, SFPUC and the City to perform the work while maintaining a bypass of SFPUC’s Hetch Hetchy system on a 24/7 basis. Additionally, there was close coordination with PG&E for an electrical service upgrade to the facility.

Project Dates: 2010

PUMP STATION & RESERVOIR 4A
Dublin San Ramon Services District
Mr. Currie provided Engineering support services on this $2.2 million project which constructed a new 800 gpm pump station with three vertical pumps and a new 0.74 million gallon welded steel reservoir, as well as site work, inlet/outlet piping and all necessary appurtenant facilities.

Project Dates: 2008

WATER TREATMENT PLANT EXPANSION
Modesto Irrigation District
Mr. Currie provided Engineering support services on the District’s $58 million 34 mgd low pressure membrane water treatment plant expansion project. This project is adding a new parallel treatment process to the existing conventional side. The new processes include Siemens low-pressure membranes, Ozonia Ozone disinfection system, a new Leopold Dissolved Air Flotation thickener (DAF) and new SCADA system. The plant will provide an alternative quality drinking water supply for Modesto area residents, supplementing the City’s groundwater supply.

Project Dates: 2010

EXTERIOR LEVEE SEGMENT III
Silicon Valley Clean Water
Mr. Currie provided Engineering support services for a portion of this project which included tracking productivity during installation of approximately 2000LF of vinyl sheet piles along the levee surrounding the SVCW Property. This levee improvement created a sea wall to satisfies a FEMA mandate set to increase levee stability and freeboard throughout the Country.

Project Dates: 2010
NEWARK BRACKISH WATER DESALINATION FACILITY EXPANSION

*Silicon Valley Clean Water*

Mr. Currie provided Office/Field Engineering support services for this $8 million project. The project expanded the existing water treatment plant by adding two reverse osmosis skids which doubled the plant's treatment process. In addition this project expanded the existing electrical equipment, modified the existing chemical systems and site, installed a second de-carbonation tower, a new blended product water pump station using four new vertical turbine pumps and installed additional instrumentation and programming.

*Project Dates: 2009*

WELLFIELD DEMINERALIZATION

*Zone 7 Water Agency*

Mr. Currie provided Engineering support services on this $24 million project, which constructed the Mocho Groundwater Demineralization Plant. The new reverse osmosis (RO) membrane demineralization plant is capable of producing 6.1 mgd of permeate. The work included constructing a building with cartridge filters, RO membrane feed pumps, RO membrane skids, decarbonation towers, chlorine contact basin, high service pumps, concentrate disposal pumps, chemical feed systems, membrane clean-in-place system, electrical room, storage room, control room and a water quality station.

*Project Dates: 2008*

VETERANS MEMORIAL BUILDING

*Town of Danville*

Mr. Currie provided Engineering support services for this project. Work included protecting and restoring the two-story portion of an existing building, and removing and replacing the existing community hall. Work also included additions with a larger community hall, event kitchen, and support spaces as well as a senior service wing to the east of the community hall. New terraces and a new courtyard were also developed around the building. Mr. Currie was responsible for inspection and office work. The construction site was in a busy area of downtown Danville, and required frequent contact with nearby businesses to mitigate the impacts of construction.

*Project Dates: 2010*
REQUESTED CHANGES TO CONSULTING SERVICES AGREEMENT

Item 4.1: Workers Compensation

Evan Currie is the sole employee of Currie Engineers. I request that the following be added to the first sentence of this item: “if required by California Labor Code.”

Item 4.2.2: Minimum Scope of Coverage (Commercial General and Automobile Liability Insurance)

Evan Currie is the sole employee of Currie Engineers. This item requires coverage be provided at least as broad as Insurance Services Office Automobile Liability form CA 0001, Code 1 (any auto). I request that hired and non-owned auto coverage be allowed to satisfy commercial and non-owned auto coverage requirements.
RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A CONTRACT WITH CURRIE ENGINEERS IN THE AMOUNT NOT TO EXCEED $60,000 FOR PROJECT MANAGEMENT AND CONSTRUCTION MANAGEMENT SERVICES

WHEREAS, the East Bay Dischargers Authority requires the services of a qualified firm for project management and construction management (PM/CM) services; and

WHEREAS, EBDA issued a request for proposal for PM/CM services and the proposal from Currie Engineers was the only proposal received; and

WHEREAS, Evan Currie from Currie Engineers has been successfully performing the PM/CM duties as a subcontractor of Beecher Engineering, Inc.; and

WHEREAS, it has been determined by staff that the proposal from Currie Engineers is a qualified, responsive and responsible proposal; and

WHEREAS, the Operation & Maintenance Committee has recommended acceptance of the proposal from Currie Engineers.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby accepts the proposal from Currie Engineers.

BE IT FURTHER RESOLVED, the General Manager is hereby authorized to enter into a contract on behalf of the Authority in the amount not to exceed $60,000 with Currie Engineers for the period of October 1, 2018 through June 30, 2019 in accordance with the accepted proposal.
ITEM NO. 15
PERSONNEL COMMITTEE
AGENDA
Tuesday, September 18, 2018
11:00 a.m.
East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580
Committee Members: Handley (Chair), Cutter

P1. Call to Order
P2. Roll Call
P3. Public Forum
P4. Biennial review of the Authority’s Conflict of Interest Code
(The Committee will review the conflict of interest code.)
P5. General Manager’s Travel Report
(The Committee will review the General Manager’s annual travel report.)
P6. Review of the Authority’s Personnel Policy (Attachment)
(The Committee will review the Authority’s Personnel Policy.)
P7. Discussion of the Authority’s Employee Benefits
(The Committee will review the Authority’s employee benefits and associated legal advice.)
P8. Adjournment

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

(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 Administrative Assistant at (510) 278-5910 or juanita@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

The next Personnel Committee meeting is scheduled on
Tuesday, November 13, 2018 at 11:00 a.m.
ITEM NO. P4  BIENNIAL REVIEW OF THE AUTHORITY’S CONFLICT OF INTEREST CODE

Recommendation:
For the Committee’s review only, no action needed.

Background
The Political Reform Act requires every local government agency to review its Conflict of Interest Code (Code) for accuracy biennially and to notify the County Board of Supervisors whether it does or does not need to be amended. The Biennial Notice must be submitted to the County Board of Supervisors no later than October 1, 2018.

Updates to the Authority’s Code were approved by the Alameda County Board of Supervisors on November 22, 2016. Since the 2016 review, EBDA has not had any changes to its positions or organizational structure. EBDA’s legal counsel has also reviewed and notes that the code properly incorporates by reference CA Code of Regulations section 18730, and any related amendments. Therefore, staff advises that no amendment is required during this review period.

CONFLICT OF INTEREST CODE
OF EAST BAY DISCHARGERS AUTHORITY OF ALAMEDA COUNTY

SECTION 1. Purpose. Pursuant to the provisions of Government Code sections 87300 et seq., EAST BAY DISCHARGERS AUTHORITY OF ALAMEDA COUNTY (the “EBDA”) hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the California Political Reform Act of 1974.

SECTION 2. Incorporation of Regulation.

The California Fair Political Practices Commission adopted a regulation (Title 2 California Code of Regulations section 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency’s code. Therefore, the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the California Fair Political Practices Commission are hereby incorporated herein by this reference. The provisions of Title 2 California Code of Regulations section 18730 and the provisions below, designating officials and employees and establishing disclosure categories, along with the applicable sections of the California Political Reform Act, shall constitute the Conflict of Interest Code of EBDA.
**SECTION 3. Designated Positions and Disclosure Categories.** The positions listed in this Section 3 are designated positions. Officers and employees holding these positions are designated public officials, and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on an economic interest of the designated public official. Each designated public official shall file an annual statement disclosing that public official’s interests in investments, interests in real property, and business positions held or received during the previous calendar year, as required by the disclosure category applicable to that public official.

<table>
<thead>
<tr>
<th>Designated Position</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission Member</td>
<td>1</td>
</tr>
<tr>
<td>General Manager</td>
<td>1</td>
</tr>
<tr>
<td>Treasurer/Controller</td>
<td>2</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
</tbody>
</table>

**Category 1:** Persons in this category shall disclose all of the following interests: investments, interests in real property within EBDA’s jurisdiction*, business positions held or received during the previous calendar year and income—including loans, gifts and travel payments—from all sources.

**Disclosure Category 2:** Persons in this category shall disclose all of the following interests: investments, business positions held or received during the previous calendar year, interests in real property within EBDA’s jurisdiction*, and income—including loans, gifts and travel payments—from all sources.

**Consultant Disclosure Category 3:** Consultants shall disclose all of the interests required to be disclosed pursuant to Disclosure Category 1, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.
*EBDA's jurisdiction is Alameda County. For the purposes of this Conflict of Interest Code, an interest in real property is located within the jurisdiction of EBDA if any part of the property is located in, or within two miles of, the County, or if the property is located within two miles of any land owned or used by EBDA.

SECTION 4. Place, Manner and Time of Filing.

(a) All designated public officials shall file statements of economic interests with the EBDA's Administrative Assistant. Upon receipt of the statements, the Administrative Assistant shall make and retain a copy and forward the original of the statements to the Alameda County Clerk of the Board of Supervisors. Statements of Economic Interests are public records available for public inspection.

(b) All designated public officials shall comply with the provisions of Title 2 California Code of Regulations section 18730 along with the applicable sections of the California Political Reform Act, (and as that section may be amended), which contains detailed instructions regarding the scope and types of interests to be reported as well as the manner of reporting them. The regulation can be found online at: http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf.

(c) Within 30 days after the effective date of this Code, all designated public officials shall submit an initial statement disclosing all reportable investments, business positions held or received during the previous calendar year, interests in real property, and income received during the 12 months before the effective date of this Code.

(d) Employees assuming any designated position shall submit an initial statement disclosing all reportable investments, business positions held on the date of assuming office, interests in real property, and income received during the 12 months before assuming office, within 30 days of assuming said designated position.

(e) Employees leaving any designated position shall submit an initial statement disclosing all reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office, within 30 days of leaving said designated position.

(f) All designated public officials shall submit an annual statement. Such
statements shall cover the period of the preceding calendar year. Annual
statements shall be filed no later than April 1 following the end of the
preceding calendar year.

SECTION 5. Disqualification. Designated public officials must disqualify
themselves from making, participating in the making, or in any way attempting to
use his or her official position to influence the making of any governmental decision
which he or she knows or has a reason to know will have a reasonably foreseeable
material financial effect, distinguishable from its effect on the public generally, on
the official or a member of his or her immediate family or on any reportable interest
of the public official as defined in Title 2 California Code of Regulations section
18730(b)(9).
ITEM NO. P5 GENERAL MANAGER’S TRAVEL REPORT

Recommendation
For Committee information only, annual travel review.

Background
The General Manager (GM) has been travelling locally as part of the ongoing negotiations between the Water Board and BACWA/CASA on nutrients, toxics, and climate change adaptation. The GM also plans to represent BACWA and EBDA at the upcoming meeting of the Industrial Advisory Board to the ReNUWIt (Re-Inventing the Nation’s Urban Water Infrastructure) engineering research center in Orange County, and to attend the CASA Conference next January. Long distance travel is not anticipated this fiscal year.

Local Travel – Ongoing

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>EBDA Member Facilities</td>
<td>Within District</td>
<td>Coordination/Problem Solving</td>
<td>1-5x per month</td>
</tr>
<tr>
<td>BACWA Board, Committees, Work Groups (permit, air)</td>
<td>Oakland</td>
<td>Strategize on permitting, training, service issues for EBDA</td>
<td>2-5x per month</td>
</tr>
<tr>
<td>Nutrient Management Steering Committee</td>
<td>Oakland</td>
<td>Engage as a BACWA Board Member on Bay nutrient science and policy issues with Water Board and other regional agencies</td>
<td>Monthly</td>
</tr>
<tr>
<td>Regional Water Board</td>
<td>Oakland</td>
<td>Represent EBDA at informational or permit-relevant meetings</td>
<td>1-3x/month</td>
</tr>
<tr>
<td>State Water Board</td>
<td>Sacramento</td>
<td>Represent EBDA/BACWA interests at Board hearings/workshops</td>
<td>1-2x/quarter</td>
</tr>
</tbody>
</table>

Long-Distance Travel Spring/Summer 2019
None anticipated.

Planned Travel for 2018-19

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>ReNUWIt</td>
<td>Orange County</td>
<td>Represent BACWA and identify opportunities for continued partnership on pilots at EBDA facilities</td>
<td>Oct. 18-19</td>
<td>$800</td>
</tr>
<tr>
<td>CASA</td>
<td>Indian Wells</td>
<td>Gather info on utility management trends, serve as member of Program Committee</td>
<td>Jan. 23-25</td>
<td>$1000</td>
</tr>
</tbody>
</table>
ITEM NO. P6 REVIEW OF THE AUTHORITY’S PERSONNEL POLICY (ATTACHMENT)

Recommendation
That the Personnel Committee review the Authority’s Personnel Policy and recommend adoption by the Commission in October.

Background
EBDA’s Personnel Policy provides direction for employee-related actions by the Board and Management. Draft revisions to the Personnel Policy were reviewed with the Personnel Committee on April 16 and July 17, 2018. Based on the Committee’s feedback, an updated draft is attached for review in redline/strikeout format as compared to the current adopted Policy (September 2016).

As discussed at the July Committee meeting, the following changes were made previously based on consultation with Meyers Nave’s labor attorney:
- Add language to the Discipline section laying out a review process for suspensions
- Remove benefits language that is duplicative with the Compensation Plan

Meyers Nave engaged an attorney with tax law expertise to review the vacation sell-back provision in the current Policy. The attorney concluded that the current provision does not raise any constructive receipt issues and therefore no changes are necessary.

In April and July, the Committee also discussed potential changes to the time-in-step requirements for the salaries in the Compensation Plan and to the personal holiday leave allowance. A survey of the time-in-step requirements and holiday/vacation leave allowances of peer agencies was included in the July staff report. With respect to time in step, all agencies surveyed, including the Authority’s member agencies, without exception use 12 months as the standard for time in step. On this basis, staff recommends changing the last time-in-step requirement to 12 months. For simplicity, staff has replaced the time-in-step table with a statement that following satisfactory reviews, step increases will occur on the anniversary of the employee’s last increase.

Results of the survey of leave allowances are summarized for EBDA member as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Total Leave* for a New Employee (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castro Valley Sanitary District</td>
<td>28.75</td>
</tr>
<tr>
<td>Union Sanitary District</td>
<td>28</td>
</tr>
<tr>
<td>Oro Loma Sanitary District</td>
<td>27</td>
</tr>
<tr>
<td>City of San Leandro</td>
<td>26</td>
</tr>
<tr>
<td>City of Hayward</td>
<td>24.5</td>
</tr>
<tr>
<td>East Bay Dischargers Authority</td>
<td>24.5</td>
</tr>
</tbody>
</table>
*Total leave includes administrative leave (where applicable), floating/personal holidays, agency holidays, and vacation.

Given that EBDA is at the low end of total leave relative to member agencies, staff recommends not making changes to the Authority’s personal holiday allowance of 28 hours.
Personnel Policy

Reviewed February 17, 2005
Reviewed March 16, 2006
Revised March 15, 2007
Revised March 19, 2009
Revised July 16, 2009
Revised November 23, 2009
Revised April 21, 2011
Revised March 22, 2012
Revised March 21, 2013
Revised November 21, 2013
Revised May 15, 2014
Revised May 19, 2016
Revised September 22, 2016
Markup September 12, 2018
# Table of Contents

**Table of Contents** ........................................................................................................... ii

**SECTION I – DEFINITIONS** ........................................................................................................ 1

**SECTION II – GENERAL PROVISIONS** ................................................................................. 3

- Purpose ........................................................................................................................................ 3
- Application ...................................................................................................................................... 3
- Administration ............................................................................................................................... 4
- Non-Discrimination (Equal Employment Opportunity) .............................................................. 4
- Incompatible Activities .................................................................................................................... 5
- Violation .......................................................................................................................................... 5
- Severability ...................................................................................................................................... 5

**SECTION III – CLASSIFICATION PLAN** ............................................................................... 6

- Preparation ................................................................................................................................... 6
- Content ........................................................................................................................................... 6
- Adoption ......................................................................................................................................... 6
- Revisions ......................................................................................................................................... 6
- Incumbents of Reclassified Positions ............................................................................................. 7

**SECTION IV – COMPENSATION PLAN** ............................................................................... 8

- Content ......................................................................................................................................... 8
- Preparation .................................................................................................................................... 8
- Deferred Compensation ................................................................................................................ 8
- Benefit Schedule ............................................................................................................................ 8
- Adoption ......................................................................................................................................... 9
- Administration ............................................................................................................................... 9

**SECTION V – RECRUITMENT AND APPLICATION** ................................................................. 10

- Recruiting ..................................................................................................................................... 10
- Application ..................................................................................................................................... 10
- Disqualification of Applicants ........................................................................................................ 11
- Confidentiality ............................................................................................................................... 11
- Verification ...................................................................................................................................... 12
- Exemption ..................................................................................................................................... 12
SECTION VI – SELECTION PROCEDURE

Medical Examination

SECTION VII – EMPLOYMENT LISTS

Establishment
Order of Names
Duration of List
Removal of Names
Restoration of Names
Termination of List

SECTION VIII – APPOINTMENT

Oath
Regular Appointments
At-Will Appointment
Temporary Appointments
Provisional Appointments
Part-Time Appointment

SECTION IX – EMPLOYMENT STATUS

Probationary Status
Regular Status
Part-Time Employment
Temporary Employment
Resignation
Reduction in Force

SECTION X – DISCIPLINE AND GENERAL RULES OF CONDUCT

Grounds for Discipline
Procedure for Disciplinary Action
Written Notice
Pre-Discipline Meeting
Final Action
Appeal

SECTION XI – HOURS OF WORK

Office Hours
Attendance
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accident Reports</td>
<td>28</td>
</tr>
<tr>
<td>Work Injury or Illness</td>
<td>28</td>
</tr>
<tr>
<td>Employee Health</td>
<td>28</td>
</tr>
<tr>
<td>Safety Rules</td>
<td>29</td>
</tr>
<tr>
<td>Safety Equipment</td>
<td>29</td>
</tr>
<tr>
<td>SECTION XVI – NO HARASSMENT POLICY</td>
<td>29</td>
</tr>
<tr>
<td>SECTION XVII – GRIEVANCES</td>
<td>30</td>
</tr>
<tr>
<td>Definition</td>
<td>30</td>
</tr>
<tr>
<td>Policy</td>
<td>30</td>
</tr>
<tr>
<td>Procedure</td>
<td>30</td>
</tr>
<tr>
<td>SECTION XVIII – PERSONNEL RECORDS</td>
<td>31</td>
</tr>
<tr>
<td>SECTION XIX – WHAT THE AUTHORITY EXPECTS OF YOU</td>
<td>31</td>
</tr>
<tr>
<td>Attitude</td>
<td>31</td>
</tr>
<tr>
<td>Business Ethics and Conflict Of Interest</td>
<td>31</td>
</tr>
<tr>
<td>Electronic Systems and Media</td>
<td>32</td>
</tr>
<tr>
<td>Computers and E-Mail</td>
<td>32</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>32</td>
</tr>
<tr>
<td>Copy Machines and Facsimile</td>
<td>33</td>
</tr>
<tr>
<td>Gambling</td>
<td>33</td>
</tr>
<tr>
<td>Personal Mail</td>
<td>33</td>
</tr>
<tr>
<td>Telephone, Voice Mail, and Cell Phone Use</td>
<td>33</td>
</tr>
<tr>
<td>Searches and Inspections</td>
<td>33</td>
</tr>
<tr>
<td>Unauthorized Interviews</td>
<td>34</td>
</tr>
<tr>
<td>Whistleblowing</td>
<td>34</td>
</tr>
</tbody>
</table>
### SECTION I – DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocation</td>
<td>The assignment of a position to an appropriate class on the basis of the nature, difficulty and responsibility of duties actually performed.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Any person who has made application for a position.</td>
</tr>
<tr>
<td>Authority</td>
<td>The East Bay Dischargers Authority.</td>
</tr>
<tr>
<td>Candidate</td>
<td>A qualified applicant who has been selected to participate in the selection process.</td>
</tr>
<tr>
<td>Class or Classification</td>
<td>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.</td>
</tr>
<tr>
<td>Class Specification</td>
<td>A written description of duties, responsibilities and desirable qualifications for employment in a classification.</td>
</tr>
<tr>
<td>Commission</td>
<td>The East Bay Dischargers Authority Commission, the legislative and governing body of the Authority.</td>
</tr>
<tr>
<td>Compensation</td>
<td>The salary, wage, allowances and all forms of valuable consideration paid to any employee by reason of service in any position.</td>
</tr>
<tr>
<td>Demotion</td>
<td>A change of an employee from one position to any other position having a lower maximum salary.</td>
</tr>
<tr>
<td>Eligible</td>
<td>A person whose name is on an active employment list.</td>
</tr>
<tr>
<td>Employment List</td>
<td>A list of persons who may be considered for appointment to a specific position with the Authority.</td>
</tr>
<tr>
<td>Employee</td>
<td>A person officially appointed to a position in the adopted Classification Plan.</td>
</tr>
<tr>
<td>Examination</td>
<td>The selection procedure used to measure the relative fitness of persons applying for positions with the Authority.</td>
</tr>
<tr>
<td>General Manager</td>
<td>The General Manager of the Authority, as appointed by the Commission or his/hers duly designated representative.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Job Description</td>
<td>A written description of duties, responsibilities and desirable qualifications for employment in a specific position.</td>
</tr>
<tr>
<td>Part-time Position</td>
<td>A position to which an employee shall be assigned for less than forty hours per week.</td>
</tr>
<tr>
<td>Personnel Committee</td>
<td>A panel advisory to the Commission on personnel matters consisting of two members of the Commission.</td>
</tr>
<tr>
<td>Position</td>
<td>A group of current duties and responsibilities designated by the Commission as requiring the employment of one person.</td>
</tr>
<tr>
<td>Probationary Appointment</td>
<td>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.</td>
</tr>
<tr>
<td>Promotion</td>
<td>A change of an employee from one position to another position that has a higher maximum salary.</td>
</tr>
<tr>
<td>Provisional Appointment</td>
<td>Appointment for a period not to exceed six months to a position for which no employment list exists.</td>
</tr>
<tr>
<td>Reallocation</td>
<td>Change in the assignment of a position from one existing class to a new class resulting from a change in the Classification Plan.</td>
</tr>
<tr>
<td>Regular Appointment</td>
<td>The type of status granted to an employee who has successfully completed a probationary period.</td>
</tr>
<tr>
<td>Seniority</td>
<td>The total length of satisfactory service of an employee within each specific class.</td>
</tr>
<tr>
<td>Suspension</td>
<td>Temporary separation of employment with or without pay.</td>
</tr>
<tr>
<td>Temporary Appointment</td>
<td>Assignment of an employee to a position for a period of up to one year.</td>
</tr>
<tr>
<td>Termination</td>
<td>Permanent separation of an employee from Authority service.</td>
</tr>
</tbody>
</table>
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.

In cases of conflicting language, an employment agreement shall supersede the language in this document.

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 he/she deems appropriate. Any changes to this document must be in writing and must be adopted by resolution of 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.

Application

The Merit System and Applicability

This Personnel Rules Policy shall apply to all employees of, or positions established within the service of, the Authority except, 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, 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 that would interfere with efficient business operations or would create a hostile work environment.
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 him/her from doing his/her Authority job 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 his/her 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 Rules.
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 insure 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 National Consumer Price Index Pacific Cities, the base figure for comparison shall be the SF-Oakland-SJ city 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 approved salary adjustments shall be applied to all of the classifications, effective the following July 1, to the current salary of each employee on that date and the salary ranges for each classification shall be adjusted a like amount by adoption of an amended Compensation Plan.

Deferred Compensation

The Authority contributes 2.32% of each full-time employee’s base salary to a deferred compensation plan determined by the Authority provided that the employee also contributes 0.32% of his/her base salary. The Authority contributes an additional $0.50 for each $1.00 voluntarily contributed by the employee up to a maximum additional Authority contribution of $500.00 per calendar year per full-time employee.

Benefit Schedule

The Authority shall contribute 50% of the required 2.9% Medicare tax.

The Authority contracts with the California Public Employees Retirement System (CalPERS) to provide a retirement plan for employees. For eligible employees hired before January 1, 2013, and eligible employees hired on or after January 1, 2013 that are not “new members” as defined in Government Code Section 7522.04, the pension benefit formula is 2.5% @ age 55, based on an average final 12-months compensation.
The employee is required to contribute the full CalPERS employee contribution (currently 8%) each pay period, as established by law.

New members, as defined in Government Code Section 7522.04, that are hired after January 1, 2013 are eligible for a 2% @ age 62 benefit formula, based on an average final 36-months compensation. The employee shall be subject to the contribution requirements in Government Code Section 7522.30(a) and (c). Accordingly, new members shall pay at least 50% of the normal costs of their pension benefits.

The Authority shall pay 100% of medical, dental & vision insurance premiums. The maximum premium paid for medical shall not exceed the premium for Kaiser California Bay Area Employee and 2+ Dependents. No recompense will be made for employees who enroll as Employee Only or Employee and 1 Dependent. Dental and vision insurance premiums are paid up to date of permanent separation from EBDA.

Post-Retirement Medical — The Authority shall pay up to $460 per month directly to CalPERS on behalf of those who retire from EBDA. Any medical premium costs that exceed $460 per month shall be borne by the retiree.

The Authority shall pay 100% of life insurance premiums paid up to the date of permanent separation from EBDA for a maximum policy value of $100,000.

The Authority shall pay 100% of long-term disability insurance premiums up to the date of permanent separation from EBDA for a maximum policy value of 66.67% of base salary (reduced by any other income benefits, such as Workers Compensation) paid until the age of 65. Benefits begin once all accumulated, unused leave is taken.

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 his/her evaluation of the employee 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. Employees whose work performance meets or exceeds the standards of conduct and performance outlined in the classification plan shall be eligible for advancement to a higher step within the range established in the Compensation Plan. After an employee satisfactorily completes the required
probationary period, which is six (6) months of continuous service in the same position unless extended, an employee is eligible for his/her first step increase upon approval of the General Manager. Subsequent step increases shall be effective annually on the anniversary date of the employee’s last merit increase until the employee reaches the top step of the range. The following time-in-step requirements shall normally apply for an employee to be eligible for advancement in pay.

<table>
<thead>
<tr>
<th>Step</th>
<th>Time-in-Step</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6 months</td>
</tr>
<tr>
<td>2</td>
<td>12 months after Step 1 increase</td>
</tr>
<tr>
<td>3</td>
<td>12 months after Step 2 increase</td>
</tr>
<tr>
<td>4</td>
<td>24 months after Step 3 increase</td>
</tr>
<tr>
<td>5</td>
<td>----</td>
</tr>
</tbody>
</table>

After reaching step 5 (upon approval of the General Manager), the employee shall remain at the same rate provided for at step 5 while he/she continues 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 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. Applicant has failed to respond to communications concerning his/her availability for employment.
14. Applicant has made him/herself unavailable for employment by requesting that his/her 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 forth 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 his/her 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 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 his/her 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, after these ratings have been converted to percentage figures. 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, at his/her discretion, 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

Every new employee shall be required to sign a loyalty oath as prescribed in the California Government Code.

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.

At-Will Appointment

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. Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees. 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 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 race, national origin, ancestry, sex, age, physical or mental disability, sexual orientation, marital status, medical condition or religion. 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.

Temporary Appointments

If an employee is needed for a temporary period, certification shall be made from the names of those eligible candidates 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 and in no event shall continue for more than one year.

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.

**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.

**Part-Time Appointment**

If an employee is needed for less than a total of 30 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. Part-time employees serve at the discretion of the General Manager. Candidates appointed to part-time positions do not serve probation and can be dismissed any time with or without cause. Part-time employees shall work no more than 1000 hours in a fiscal year.

**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 Status**

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

**Part-Time Employment**

Part-time positions are those that are required on a long-term basis. Incumbents in these positions can expect to work less than 30 hours per week and will not be eligible for benefits, except sick leave. 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. The Authority is responsible for following the same recruitment/selection process as for regular, full-time employees. Part-time employees do not serve a probationary period. Part-time employees are “at will” and can be terminated any time, with or without cause. At the end of each 2080 hours worked, the part-time employee is eligible for a salary step increase based on satisfactory performance.

**Temporary Employment**

Temporary full-time and part-time positions may be required to complete a one-time project or set of projects. Temporary, part-time employees will not be eligible for benefits.

**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 these Rules 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.

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.

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,” or who are temporary or probationary, are not subject to the requirement of good cause, and are not entitled to pre-discipline procedures or appeals under these policies.

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 his or her 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, department 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 his/her 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) Engaging in outside employment which conflicts with an employee’s responsibilities.

v) Intimidation or interference with the rights of any employee.

w) 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.
x) Failure to maintain the minimum qualifications, including necessary licenses or certifications specified for the position.

y) Abusive or intemperate language toward or in the presence of others in the workplace.

z) 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. If, 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 greater in severity than five (5) working days, employees shall retain pre-discipline meeting and post-discipline appeal rights as described below.

**Pre-Discipline Meeting**

For discipline that is greater in severity than a suspension of five (5) working days, 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 his or her written opinion for consideration by the General Manager. If the General Manager is not the direct supervisor of the employee, the General Manager him/herself may convene the meeting.

The employee shall be entitled to a representative of his/her 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 his/her designee.

Final Action

After the employee responds to the charges, he/she 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 discipline that is greater in severity than a suspension of five (5) working days, employees shall have the right to appeal from 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 from another recognized organization; or a neutral 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

Office Hours

Normal hours on all days of the year, except Saturdays, Sundays and holidays, shall be 8:00 a.m. to 12 noon and 1:00 p.m. to 5:00 p.m.

Attendance

Employees, other than part-time employees, shall be required to be on duty for 40 hours during each seven-day work week, notwithstanding authorized leaves as hereinafter
defined. When the needs of the Authority require, the General Manager may vary the working hours of any employee within the limits of State Law or other labor regulations. 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 immediate discharge.

**Overtime**

Overtime is ordered and authorized working time in excess of the employee’s regular forty-hour week. Overtime work shall be recognized only for employees occupying non-exempt positions.

**Overtime Rate**

Overtime for non-exempt employees shall accrue at the rate of one and one-half times the hours actually worked. Overtime hours may be paid on the next regular pay check or accrued as compensatory time at the discretion of the employee and with the approval of the General Manager prior to performance of the work. Compensatory time shall be used 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 his/her normal working hours, a minimum of two hours shall be recorded.

**Exception**

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

**SECTION XII – HOLIDAYS**

**Definition**

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 Birthday: 3rd Monday in January
- President’s Day: 3rd Monday in February
Memorial Day  Last Monday in May  
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.

Twenty-eight hours of personal holiday may be taken anytime in the fiscal year with the approval of the General Manager. (The Authority’s fiscal year is July 1 through June 30.) If the personal holidays are not taken during the fiscal year, they are lost and there shall be no compensation for them.

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 by pay at time and one-half the regular rate.

SECTION XIII – LEAVES AND VACATIONS

Vacation Leave Policy

Vacation leave is an earned right of the employee; however, the use of it shall be approved by the General Manager. Vacation leave shall be taken in increments of not less than one hour.

Vacation Leave Allowance

All full-time regular employees other than temporary, provisional, or part-time employees shall earn vacation leave at the rate of 80 working hours per year from the date of employment. Employees shall not be permitted to take any vacation during the first six months 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 160 working hours per year.
All part-time employees shall earn vacation leave at the rate of 8 working hours for each 200 hours worked from the date of employment, up to a maximum of 40 working hours per year.

All employees shall be permitted to accumulate unused vacation at a rate of 2-1/2 times his or her annual vacation allotment based on length of service. Vacation accruals will be reviewed the end of each fiscal year. If the accrual exceeds 2-1/2 times the annual allotment, no further accumulation will be earned until the balance returns to within its permitted limit. In years that the accrual exceeds the annual allotment, 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.

**Method of Computing Credits**

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.

**Recording Credits**

On July 1st of each year, employees who have completed at least six months of satisfactory full-time continuous services 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 his/her accrued leave. If an employee leaves the Authority service prior to the end of the fiscal year, reconciliation of vacation leave earned and taken to date of termination shall be made. If the vacation leave taken exceeds leave earned, the excess shall be deducted from the employee's final pay. If vacation leave earned exceeds leave used at date of termination, the excess shall be added to employee's final pay.

**Payment for Unused Vacation Leave**

Unused vacation leave is not transferable to retirement service credit. Upon termination or death of an employee, the employee or the employee's heir(s) or beneficiary(ies) shall receive compensation for vacation leave earned but unused at the time of separation. Payment shall be equal to the number of hours of vacation earned but unused at the time of separation times the employee’s hourly rate of pay at the time of separation.

**Sick Leave Policy**

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. 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 or sibling. 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.

If an employee will not be at work as scheduled, he/she must notify the supervisor within one-half hour of the time to report for work or at the first practical opportunity.

**Sick Leave Allowance**

Regular employees accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year. Sick leave shall be cumulative without limit.

Part-time and Temporary Employees who work thirty (30) or more days within a year from the beginning of employment are entitled to paid sick leave. The Authority will grant three days of paid sick leave upon hire, and on January 1 of each calendar year. An employee may use paid sick leave beginning on the 90th day of employment.

**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 his/her 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 five (5) days 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**

The Authority’s contract for retirement benefits provides that sick leave earned but unused upon the termination or death of any employee enrolled in the pension plan shall be applied to the employee’s total service credit subject to the following specifications.
Pursuant to GC§20965, the employee whose effective date of retirement is within four months of separation from employment shall receive credit toward his or her retirement equal to 0.004 years of service credit for each unused day (8 hours) 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**

All full-time regular employees, except temporary, provisional and part-time employees, shall be granted bereavement leave with pay not to exceed three (3) working days, as necessary, upon the occasion of the death of a close relative. When additional time is desired, employees may be allowed to take accumulated vacation leave or compensatory time off. Close relatives are defined as the employees mother, father, brother, sister, wife, husband, domestic partner, child, grandparent, current mother-in-law or current father-in-law of the employee. 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.

**Personal Leaves of Absence**

Personal leaves of absence are legally required in the following situations:

**Family Leave**

**California Family Rights Act (CFRA) And Family Medical Leave Act (FMLA)**

The CFRA and FMLA were established to ensure secure leave rights for the following:

- Birth of a child for purposes of bonding
- Placement of a child in the employee’s family for adoption or foster care
- For the serious health condition of the employee’s child, parent or spouse
- For the employee’s own serious health condition

**Employers covered under CFRA/FMLA**

Employers subject to CFRA/FMLA are those who do business in California and employ 50 or more employees. EBDA does not have a workforce of 50 or more employees, and therefore, CFRA and FMLA do not apply to EBDA employees.
**Time Off to Vote**

If an employee does not have sufficient time to vote outside of working hours, he or she may take off time to vote at the beginning or the end of the shift, whichever provides the most free time to vote. The employee may take off no more than two hours without loss of pay, providing he or she has given at least two working days' notice that time off is desired.

**Jury Leave**

All employers must provide leaves of absence for employees who serve on inquest or trial juries or who appear in court as a witness as required by law. The employee must give reasonable notice to the employer. It is not a requirement to compensate employees for time off to serve on juries or to appear as a witness.

An employee summoned to jury duty shall inform his/her supervisor, and if required to serve, may be absent from duty with full pay. Any jury fees received by an employee shall be remitted to the Authority. Reimbursement fees such as mileage shall not be remitted to the Authority.

**Witness Duty**

If an employee receives a subpoena to appear in court, he/she must notify his/her supervisor immediately. The employee is expected to return to work as soon as their service as a witness is complete.

**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 Worker's 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, other than temporary, provisional or part-time employees, additional compensation equal to the difference between said employee's regular pay and his/hers 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, his/her 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 Worker's 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 employee, other than a temporary, provisional or part-time employee, 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 his/hers 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, he/she shall pay to the Authority an amount equal to 100% of medical, dental, vision and long-term 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, he/she may re-enroll during the Open Enrollment period upon return to work.
SECTION XIV – EMPLOYEE EDUCATION OR TRAINING

Education

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.

Reimbursement

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 his/her 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 he/she believes to be an injury or illness arising out of or in the course of employment, he/she 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 his/her duties, or affect safety or health of fellow employees, he/she 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 his/her 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 – NO 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 harassment related to an individual's race, religion, color, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap or disability 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 management and supervisory employees are required to attend sexual harassment prevention training and education that meet all requirements outlined by Government Code §12950.1.
SECTION XVII – 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 under Section XI, Disciplinary Actions and Appeals, 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 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 his/her immediate supervisor, he/she 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 the first step, he/she 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 the second step, he/she 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 XVIII – 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 Assistant.

SECTION XIX – 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 investment 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, the General Manager and the Operations and Maintenance Manager (as an alternate director to BACWA) 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, 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.

**Computers and E-Mail**

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.

Electronic mail is to be used for business purposes only and is considered Authority property. Inappropriate or offensive messages are prohibited. Passwords are assigned in complete confidence. Do not give your password to anyone. Should you suspect that someone has learned your password, contact the General Manager immediately. 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.

**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 refrain from making or receiving personal calls except in emergencies or urgent personal matters. Voice mail is to be used for business purposes and is considered Authority property. Use of the Authority’s voice mail system for personal reasons shall be kept to a minimum.

The Authority may provide employees 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, 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.

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. Confidential information includes all letters or any other information concerning transactions with the public, payroll or personnel records of past or present employees, financial records of the Authority, all records pertaining to purchases from vendors or suppliers, correspondence and agreements with manufacturers or distributors and documents concerning operating procedures of the Authority.

Notwithstanding the confidentiality provision, requests for information are subject to the California Public Records Act, Government Code §§ 6250 - 6276.48, 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 prohibited on Authority property.

Personal Mail

All mail, which is delivered to the Authority, is presumed to be related to our business. Mail sent to you at the Authority will be opened by office personnel. If you do not wish to have your correspondence handled in this manner, please have it delivered to your home.

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

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 refrain from making or
receiving personal calls except in emergencies or urgent personal matters. Employees will be personally liable for unauthorized calls and will be subject to discipline, up to and including immediate termination.

Voice mail is to be used for business purposes and is considered Authority property. Use of the Authority’s voice mail system for personal reasons shall be kept to a minimum.

The Authority issues or pays for individual cellular phones to employees who are required to be in close contact with the Authority at all times. Employees who are issued a cellular phone understand the phones are issued for business use. Employees are expected to make every effort to not exceed the current contracted allowed minutes. For the safety of our employees and others it is imperative that you pull over and stop at a safe location to dial, receive or converse on the cell phone in any way.

Searches and Inspections

In order to protect the safety and property of all of our employees, the Authority reserves the right to inspect employees’ desks, cabinets, as well as motor vehicles and any other personal belongings brought onto Authority property. Employees are expected to cooperate in any search.

All files and records stored on Authority computers are the property of the Authority and may be inspected at any time. Authority computers are for business purposes only and should not be used for non-work related matters. Use of Authority computers for unauthorized purposes is prohibited. 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

As a means of protecting yourself 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." If you are asked questions about the Authority or its current or former employees, you are to refer that individual(s) to your supervisor. A decision will then be made as to whether that individual may conduct any interview and they will be introduced to you by your supervisor with a reason for the questioning. Similarly, if you are aware of an unauthorized interview occurring at the Authority, immediately notify the General Manager.

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. P7 DISCUSSION OF THE AUTHORITY’S EMPLOYEE BENEFITS

Recommendation
That the Committee review legal counsel advice on the Authority’s employee benefits and provide direction to staff.

Background
EBDA staff recently asked legal counsel with expertise in labor and tax law to review the Authority’s benefits offerings. In particular, staff wanted to make sure that the medical benefits are consistent with applicable laws. Per agreement with the Operations & Maintenance Manager, EBDA currently offers an option for employees to opt out of employer-provided medical benefits, and in-lieu of these benefits, receive cash in the amount of one half of the Kaiser family rate for that calendar year.

Discussion
EBDA’s legal counsel reviewed the Authority’s medical benefits, including the cash in lieu option, with respect to both the tax implications as well as the potential impacts to calculation of overtime rates under the Fair Labor Standards Act (FLSA). As outlined below, counsel concluded that EBDA’s plan is compliant and recommended additional documentation to further bolster the plan.

Tax Considerations
From a tax standpoint, an employer that offers cash in lieu of health benefits must do so pursuant to a cafeteria plan that complies with section 125 of the Internal Revenue Code (Code). The failure to have a Code section 125 compliant cafeteria plan that allows a choice between nontaxable health benefits and cash results in the employees who elect the nontaxable health benefits being in constructive receipt of the cash that they could have received in lieu of the health benefits.

To meet the requirements of section 125, a cafeteria plan must offer participants the option to choose among at least one taxable benefit, such as cash, and one qualified benefit, such as health insurance. Since EBDA currently offers both cash and paid medical insurance options, the Authority’s plan is compliant. As noted later in this report, staff recommends formalizing the cafeteria plan to more clearly document consistency with section 125.

Labor Considerations
The Fair Labor Standards Act (FLSA) requires employers to include all remuneration paid to, or on behalf of, an employee in the employee’s regular rate of pay for the purposes of overtime pay. However, FLSA section 7(e)(4) provides an exception to this general rule for employer contributions irrevocably made to a trustee or third person pursuant to a “bona fide” employee benefit plan. An issue under this exception is whether a plan is "bona fide" if the employees have a choice to receive cash in lieu of the plan's benefits. In FLSA Opinion Letter 2003-4, the Department of Labor (DOL) stated that the employer contributions that could be received in cash would be excluded...
from each employee’s regular rate of pay (and thus the plan would be bona fide) if each of the following criteria is satisfied:

1. The employer's contributions that are paid to employees in cash are “incidental” when looking at the plan as a whole (i.e., not on an employee-by-employee basis). In a recent Ninth Circuit decision (Flores v. City of San Gabriel), the court did not define “incidental” as a particular % of the employer’s overall contributions, however it did find that the plan in question could not be considered bona fide because 40% or more of the employer's contributions were paid to the employees in cash and, as a result, the cash payments were not an "incidental" part of its cafeteria plan. Because the court did not offer a specific definition of incidental, EBDA’s legal counsel has advised that cash in lieu payments are generally considered "incidental" if the employer's contributions received in cash are not more than 20% of the total employer's contributions under the plan because that has been the DOL’s historical position.

2. The cash is paid under circumstances that are consistent with the plan's overall primary purpose of providing benefits (e.g., the cash is available only upon waiver of major medical coverage based on proof of other coverage, the entire employer contribution is not available, and the employee is required to purchase dental, vision and life insurance). In another case (Madison v. Resources for Human Development, Inc.), the court found that the employer credits that were available under the cafeteria plan in cash had to be included in each employee's regular rate of pay, even though the employee did not elect to receive the cash. The court indicated that a cafeteria plan might be able to provide a cash option that was consistent with the benefit plan contribution exception by adding conditions to the availability of the cash option (e.g., proof of other coverage).

If an employer's contributions towards one or more employee benefit plans are not within the FLSA's bona fide plan exception and the DOL’s FLSA regulations thereunder, such contributions are included in the regular rate of pay for overtime purposes for those employees who are eligible for overtime.

Currently, EBDA’s contributions in cash are 17% (one of three employees taking half of the benefit in cash, or one-sixth of the total outlay), and therefore, the contribution could reasonably be seen as incidental. Thus, since EBDA has a cafeteria plan, and proof of alternative coverage is required to receive the cash as part of that plan, EBDA’s plan is considered bona fide and EBDA’s contributions towards employee benefits do not need to be factored into overtime rates.

Because EBDA has so few employees, however, the decision of just one additional employee to take the cash option would cause EBDA’s cash contribution to no longer be incidental and the plan to no longer be bona fide. The conservative approach then is to add the benefit to the overtime rate for non-exempt employees in case the plan were to lose its bona fide status. Currently only one of EBDA’s three employees – the Administrative Assistant – is non-exempt, and this position does not require overtime. Therefore, adding benefits to the overtime rate would not have a substantive impact on EBDA and would essentially be a paperwork exercise. It should be noted that the FLSA’s bona fide plan exception is an overtime rule only — it is not a tax
rule. Therefore, the determination of whether amounts are or are not included in an employee's regular rate of pay is not relevant to how the employee is taxed with respect to those benefits. If an employee benefit is not taxable under the Internal Revenue Code, the FLSA determination does not alter the tax treatment and the benefit remains not taxable.

Recommendation
Staff recommends that EBDA contract with a vendor that specializes in setting up and administering cafeteria plans to formalize the Authority’s current benefit options consistent with section 125 of the Internal Revenue Code. If the Personnel Committee concurs with this recommendation, staff will bring a contract with a vendor to the Commission for consideration at a future date. The updated cafeteria plan would ultimately be integrated into the Authority’s Compensation Plan for Commission consideration.

Staff further recommends that the appropriate benefits be incorporated into the Administrative Assistant’s overtime pay rate and will work with legal counsel to determine an approach to implementing that change following adoption of the new Compensation Plan.
ITEM NO. 16 COMMITTEE ALTERNATE ASSIGNMENTS

Recommendation
That the Commission approve, by motion, the Committee Alternate assignments for FY 2018/2019, commencing October 2018.

Discussion
On August 16, 2018, the Commission adopted Resolution 18-33 establishing policy for Committee Alternates.

Chair Handley has considered the Commissioner's individual preferences and made alternate appointments to Committees. The table below shows all Committee assignments for FY 2018/2019. Per the adopted policy, should the alternate be unavailable, the Commission Chair will serve as the alternate for that meeting.

<table>
<thead>
<tr>
<th>COMMITTEE</th>
<th>Day, Time</th>
<th>CHAIR</th>
<th>MEMBER</th>
<th>ALTERNATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad Hoc</td>
<td>Monday, 9:00a</td>
<td>Peixoto</td>
<td>Johnson</td>
<td>Becker</td>
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<tr>
<td>Financial Management</td>
<td>Wednesday, 10:00a</td>
<td>Johnson</td>
<td>Peixoto</td>
<td>Cutter</td>
</tr>
<tr>
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<td>Handley</td>
<td>Johnson</td>
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<tr>
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<td>Regulatory Affairs</td>
<td>Tuesday, 9:00a</td>
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<td>Handley</td>
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</table>

ITEM NO. 17  ITEMS FROM THE COMMISSION AND STAFF
The Commission and staff may comment on items of general interest.

ITEM NO. 18  ADJOURNMENT