EAST BAY DISCHARGERS AUTHORITY
COMMISSION MEETING MINUTES

June 20, 2019

1. Call to Order
Chair Handley called the meeting to order at 9:30 A.M. on Thursday, June 20, 2019, at the Oro Loma Sanitary District Boardroom, 2655 Grant Avenue, San Lorenzo, CA 94580

2. Pledge of Allegiance

3. Roll Call
PRESENT: Ralph Johnson, Castro Valley Sanitary District; Pauline Russo Cutter, City of San Leandro; Tom Handley, Union Sanitary District; Dan Walters, Oro Loma Sanitary; Al Mendall, City of Hayward (arrived after Consent Calendar at 9:37 a.m.)

ABSENT: None

OTHERS PRESENT: Jacqueline Zipkin East Bay Dischargers Authority
Eric Casher Legal Counsel
Howard Cin East Bay Dischargers Authority
Maria Buckley East Bay Dischargers Authority
Kalena Yambao East Bay Dischargers Authority
Alex Ameri City of Hayward
Paul Eldredge Union Sanitary District
Jason Warner Oro Loma Sanitary District
Justin Jenson City of San Leandro
Landon Lochrie Castro Valley Sanitary District

4. Public Form
No member of the public requested to address the Commission at the meeting.

CONSENT CALENDAR

5. Commission Meeting Minutes of May 16, 2019
6. List of Disbursements for May 2019
7. Treasurer’s Report for May 2019

Commissioner Walters moved to approve the Consent Calendar items. The motion was seconded by Commissioner Johnson and carried 4-0 (Cutter, Walters, Johnson, Handley; ayes).

REGULAR CALENDAR

8. General Manager’s Report
The General Manager updated the Commission regarding Juanita’s status and that she will be on disability, and is scheduled to return toward the end of August. The GM introduced Kalena Yambao who will be performing Juanita’s duties. The GM thanked
staff for their help and the Commission for their patience during this time. The GM talked about signing authority for the GM and the signing threshold history. She will continue to bring contracts to the Commission that are greater than $10,000. The threshold will eventually be included in EBDA’s purchasing policy, with detail removed from the JPA. The GM attended a ReNUWIt meeting, and explained the purpose of the organization. She also attended a HASPA Shoreline Master Plan stakeholders meeting. In addition, she attended the Steering Committee of CHARG, which is an organization of flood control agencies addressing sea level rise. The GM also signed a letter of support for Prop 1 funding for the Hayward Phase II Recycled Water project.

9. Report from the Managers Advisory Committee (MAC)
The MAC met with the General Manager on June 13, 2019 and reviewed the board package. The General Manager noted that the MAC will now meet on Thursdays the week prior to Commission in order to allow for more time. They discussed the PG&E Public Safety Power Shutoff Program. The JPA negotiation is making progress and drafting is on schedule.

10. Report from the Financial Management Committee
The Financial Management Committee met with the General Manager on June 19, 2019, and reviewed the May List of Disbursements, Treasurer’s Report, and three Resolutions.

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

11. Resolution Adopting the Authority’s Internal Controls and Fraud Prevention Policy
Commissioner Walters moved to adopt the resolution adopting the Authority’s Internal Controls and Fraud Prevention Policy. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

12. Resolution Approving Revisions to the Authority’s Reporting Policy
Commissioner Mendall moved to adopt the resolution approving revisions to the Authority’s Reporting Policy. The motion was seconded by Commissioner Cutter and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

13. Resolution Authorizing Amendment No. 8 to the Fee Contract by and Between East Bay Dischargers Authority and Meyers Nave, a Professional Law Corporation
The Committee recommends continuing with Meyers Nave and implementing a 3%
increase to the fee. Commissioner Walters moved to adopt the resolution authorizing amendment No. 8 to the fee contract by and between EBDA and Meyers Nave. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

14. Report from the Regulatory Affairs Committee
The Regulatory Affairs Committee met with the General Manager on June 18, 2019. The GM stated that the Committee reviewed permit compliance and noted that staff would discontinue inclusion of the DMR detailed report in the Commission packet, instead summarizing performance and noting any anomalies. A table has been added showing bacterial compliance. There was an NPDES inspection of MDF, which resulted in a good report. Howard Cin did a great job on the tour, and San Leandro Lab Supervisor Angie Berumen and Operator Kurt Raphael provided excellent support during the inspection. The Committee also reviewed BACWA regulatory summary highlights.

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

Pacific EcoRisk is the lab that performs the Authority’s toxicity testing for NPDES compliance. A contract will be utilized instead of a PO. Increases will be no more than 3% for the 3-year contract period. Commissioner Walters moved to adopt the resolution authorizing the GM to enter into a Professional Services Agreement with Pacific EcoRisk for the three years. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

This item was pulled from the agenda since the bid came in under $10,000.

17. Report from the Operations and Maintenance Committee (O&M)
The Operations and Maintenance Committee met on June 17, 2019 and discussed the status of EBDA facilities. The Operations and Maintenance Manager provided an update on the HEPS MCC project and the HEPS Effluent Pump #1 VFD failure. He also provided an update on Cyber Security. He let the Commission know that the PG&E billing has been resolved. The Commission received an update on the Transport System Reliability Plan, the Disaster Cost Recovery Plan (a draft report is forthcoming), the Electrical
Evaluation, the Asset Management Plan, and the AQPI Project. The Committee recommended approval of the four resolutions.

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

18. Resolution Designating Authorized Representatives for FEMA and State OES Disaster Assistance.
Commissioner Mendall moved to adopt the resolution designating authorized representatives for FEMA and State OES disaster assistance to have in place prior to a catastrophic event. The motion was seconded by Commissioner Cutter and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

The Commission reviewed the project list. The General Manager explained that EBDA’s contingency fund is for small unplanned projects and equipment that is considered “run to fail.” Commissioner Walters moved to adopt the resolution approving the Renewal and Replacement Fund Project List for Fiscal year 2019/20. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

20. Resolution Authorizing the General Manager to Issue a Purchase Order to Univar USA for Sodium Bisulfite 25% Solution in FY 2019/2020 in the amount of $250,000.
The General Manager explained that the Authority receives favorable pricing through the Bay Area Chemical Consortium. Commissioner Mendall moved to adopt the resolution authorizing the GM to issue a PO to Univar for sodium bisulfite for FY 2019/20 for $250,000. The motion was seconded by Commissioner Cutter and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

Commissioner Cutter moved to adopt the resolution authorizing the GM to enter into a Professional Services Agreement with Calcon Systems $450,000 for the three fiscal years. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

22. Report from the Personnel Committee
The Personnel Committee met on June 19, 2019. The General Manager discussed staffing updates and will discuss strategies at upcoming meetings. The Committee also discussed leave donation options and will incorporate it into the Personnel Policy for Commission consideration. Staff will get more information and sample language, bringing a draft to the next meeting. A decision point will be calculation by dollars or hours. The Committee also discussed Brown Act and ethics training, which would normally be done through the home agency. Currently AB 1234 and Sexual Harassment training are required. Tracking of training by agency staff is recommended, and the GM mentioned that EBDA staff will follow up with Member Agencies to collect records of the training.

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

23. Resolution Approving the 2019/20 Compensation Plan
The only change to the Plan is incorporating the 4.5% COLA increase to salaries. Other changes were approved earlier in the year. Commissioner Cutter introduced the resolution approving the 2019/20 Compensation Plan. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0. Chair Handley reminded the Commission that they would revisit the COLA next year.

Ayes: Commissioners Mendall, Cutter, Walters, Johnson, and Chair Handley
Noes: None
Absent: None
Abstain: None

24. Resolution of Appreciation for Thomas Handley
Commissioner Walters introduced the Resolution of Appreciation for Chair Handley, which was read by Commissioner Cutter. The motion was seconded by Commissioner Johnson and carried 4-0-0-1.

Ayes: Commissioners Mendall, Cutter, Walters, and Johnson
Noes: None
Absent: None
Abstain Chair Handley

25. Preliminary Committee Appointments for FY19-20
There was a handout including a table. The Commissioners will use their agency
alternates for meetings that they miss, with the expectation that alternates will brief the primary Commissioners, and vice versa, on missed meetings for continuity. Next month, staff will bring a Resolution with final Committee appointments. Commissioner Cutter will work on naming Chairs of the committees. New Committee assignments will begin in August. The GM thanked Commissioner Cutter for putting the schedule together.

26. **Items from the Commission and Staff**
Commissioner Cutter suggested that when the Commissioners are presenting items for the “greater good” at their respective agencies, that they could support one another by attending meetings. Commissioner Walters thanked the GM and Commissioner Cutter for coming to the OLSD meeting. Commissioner Walters will be out of town for the July meetings.

27. **Adjournment**
With no further business, Chairman Handley adjourned the meeting at 10:55 a.m.

[Signature]
Jacqueline Zipkin
General Manager