EAST BAY DISCHARGERS AUTHORITY
COMMISSION MEETING
MINUTES
November 23, 2009

1. Call to Order
Chair Dowling called the meeting to order at 9:00 A.M. on Monday, November 23, 2009, at
the Oro Loma Sanitary District Boardroom, 2655 Grant Avenue, San Lorenzo, CA 94580.

2. Roll Call
PRESENT: Anjali Lathi, Union Sanitary District; Ron Dias, Oro Loma Sanitary District;
Harry Francis, Castro Valley Sanitary District; Tony Santos, City of San
Leandro; Kevin Dowling, City of Hayward

ABSENT: None

OTHERS
PRESENT: Michael Connor East Bay Dischargers Authority
Charles Kilian Legal Counsel
Linda Adams East Bay Dischargers Authority
Alex Ameri City of Hayward
Jason Warner Oro Loma Sanitary District
Dean Wilson City of San Leandro
Rich Currie Union Sanitary District

3. Public Forum
There were no members of the public in attendance at the meeting.

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

5. Report From the Financial Management Committee
6. List of Disbursements for October 2009
7. Treasurer’s Report for October 2009
8. 1st Quarter Expense Summary, Fiscal Year 2009/2010

A motion by Commissioner Santos, seconded by Commissioner Francis, to approve the
Consent Calendar was approved by a vote of 5 – 0.

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

9. General Manager’s Report
There were no items of significance to report outside of items on the agenda.

10. Report From the Managers Advisory Committee
The MAC met with the General Manager on November 18, 2009 and discussed the
performance of the system during the October 13 storm with detailed input from LAVWMA attendees, Dan Gallagher and Levi Fuller. The LAVWMA system was implementing some newly negotiated permit requirements for storm management. The MAC discussed how to better coordinate LAVWMA’s new practices with EBDA. In addition, the MAC discussed the upcoming flow management study and was introduced to the new BACWA Executive Director, Amy Chastain.

11. Report From the Regulatory Affairs Committee
The Regulatory Affairs Committee, Commissioner Santos and Vice Chair Dias, met with the General Manager on November 16, 2009 and discussed the newly released Regional Monitoring Program’s annual report, Pulse of the Estuary.

It was noted by Vice Chair Dias that airborne mercury levels are greater than levels in the bay resulting from wastewater discharge.

A motion by Commissioner Francis, seconded by Commissioner Lathi, to accept the Regulatory Affairs Committee report was unanimously approved by a vote of 5 – 0.

12. Report From the Operations & Maintenance Committee
The Operations and Maintenance Committee met with the General Manager on November 17, 2009 and discussed the proposed EBDA System Flow Management Study and budget modification.

A motion by Vice Chair Dias, seconded by Commissioner Lathi, to accept the Operations and Maintenance Committee report was unanimously approved by a vote of 5 – 0.

13. Resolution Approving a Personal Service Agreement with Carollo Engineers for Development of an EBDA System Flow Master Plan
Commissioner Santos asked if the need for a study justified the cost, or if the plan could be integrated with systems already in place by the member agencies.

Vice Chair Dias mentioned that no such study had been done since EBDA’s inception in the 1970’s and that current data is needed.

The General Manager added that the flow equalization issues EBDA experienced in the recent storm revealed the need to have a system wide evaluation. The plan would consider the current regulatory climate and provide plant operators with standard operating procedures to handle unusual wet weather events.

Resolution No. 09-16 was introduced by Commissioner Francis and seconded by Vice Chair Dias with the condition that the resolution approving a budget modification is also approved. The Resolution approving a Personal Service Agreement with Carollo Engineers for Development of an EBDA System Flow Master Plan was adopted by a roll call vote of 5 – 0 as follows:

AYES: Commissioners Lathi, Dias, Francis, Santos and Chair Dowling
NOES: None
ABSTAIN: None
ABSENT: None
Vice Chair Dias stated that the JPA specifically addresses the funding process for special studies. He said that LAVWMA should be required to participate in the project cost. The General Manager responded that LAVWMA has agreed to participate in the cost.

Resolution No. 09-17, introduced by Vice Chair Dias and seconded by Commissioner Lathi, approving FY 2009/2010 Budget Modification No. 2 to fund the Planning and Special Studies Fund, Special Projects No. 13-55, System Flow Management Plan, was unanimously approved by a roll call vote of 5 – 0 as follows:

AYES: Commissioners Lathi, Dias, Francis, Santos and Chair Dowling
NOES: None
ABSTAIN: None
ABSENT: None

15. Report From the Personnel Committee
The Personnel Committee met with the General Manager on November 16, 2009 and discussed a resolution to revise the Personnel Policy. In closed session, the Committee discussed renewal of the General Manager’s contract as well as the process for the upcoming selection of General Counsel.

A motion by Commissioner Francis, seconded by Commissioner Lathi, to accept the Personnel Committee report was unanimously approved by a vote of 5 – 0.

16. Resolution Approving Revisions to the Personnel Policy
Vice Chair Dias requested that a report on EBDA’s retiree health and disability benefit policies be presented to the Personnel Committee at its next meeting.

Resolution No. 09-15, introduced by Commissioner Francis and seconded by Vice Chair Dias, approving revisions to the Personnel Policy to eliminate the provision for administrative leave, was unanimously approved by a roll call vote of 5 – 0 as follows:

AYES: Commissioners Lathi, Dias, Francis, Santos and Chair Dowling
NOES: None
ABSTAIN: None
ABSENT: None

17. Items From the Commission
Vice Chair Dias handed out a copy of a newspaper article of general interest and reported on Oro Loma Sanitary District’s successful performance in the recent storms.
18. **Closed Session**
The Commission adjourned to closed session pursuant to California Government Code Section 54957.6 to consider General Manager’s contract negotiations; and pursuant to California Government Code Section 54957(b)(1) to consider legal counsel contract services.

19. **Reconvene to Open Session**
Chair Dowling reported the actions taken in Closed Session:

- Tentatively approve the General Manager’s employment agreement upon further review and clarification by the Personnel Committee on the disability insurance and retiree medical benefit provisions.
- Proceed with scheduling applicant interviews with the Personnel Committee for replacement of General Counsel.

20. **Adjournment**
With no further business, Chair Dowling adjourned the meeting at 10:10 a.m.

Michael S. Connor
General Manager/Secretary